

Public Document Pack



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

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Tuesday 16 February 2021

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in a **Virtual Meeting - online** at **1.00 pm** on **Wednesday 24 February 2021**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

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 Nigel Patrick
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Rob Walker

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
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

To receive any apologies for absence, or details of substitutions to Committee membership.

2: Minutes of the Previous Meeting

1 - 12

To approve the Minutes of the meeting of the Committee held on 27 January 2021.

3: Declaration of Interests and Lobbying

13 - 14

Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

5: Public Question Time

Due to 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 10.00am on Tuesday 23rd February 2021.

In accordance with:

- Council Procedure Rule 11 (3), questions regarding the merits of applications (or other matters) currently before the Council for determination of which the Council is under a duty to act quasi judicially shall not be answered.
-

- Council Procedure Rule 11 (5), the period for the asking and answering of public questions shall not exceed 15 minutes.
 - Council Procedure Rule 51(10) any person may submit up to a maximum of 4 written questions.
-

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

15 - 16

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 22nd February 2021**.

To pre-register, please email governance.planning@kirklees.gov.uk or phone Sheila Dykes, Richard Dunne or Andrea Woodside on 01484 221000 (Extension 73896 / 74995 / 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: Planning Application - Application No. 2020/92067** 17 - 42
- Erection of 30 dwellings - Former Stile Common Infant & Nursery School, Plane Street, Newsome, Huddersfield.
- Contact: Nick Hirst
- Ward(s) affected: Newsome
-
- 9: Planning Application - Application No: 2018/92647** 43 - 78
- Hybrid Planning Application for mixed use development - retail/office and 239 residential units (Use Classes C3/A1/A3/B1a). Full Planning permission for the partial demolition of the former Kirklees College, erection of a food retail store with residential above and erection of two mixed use (retail/residential) buildings, alterations to convert grade II* listed building to offices and creation of vehicular access from Portland Street, New North Road and Trinity Street. Outline application for erection of four buildings mixed use (residential/office) (Listed Building within a Conservation Area) - Former Kirklees College, New North Road, Huddersfield.
- Contact: David Wordsworth
- Ward(s) affected: Newsome
-
- 10: Planning Application - Application No. 2019/91467** 79 - 146
- Erection of 67 dwellings with associated access and parking - Land south of Granny Lane, Mirfield.
- Contact: Kate Mansell
- Ward(s) affected: Mirfield
-
- 11: Planning Application - Application No: 2019/91105** 147 - 166
- Outline application for erection of residential development, including means of access to the site north of Old Bank Road, Mirfield (63 dwellings) - Land off Old Bank Road, Mirfield.
- Contact: Adam Walker
- Ward(s) affected: Mirfield
-

12: Planning Application - Application No. 2020/91813 167 -
174

Discharge of Conditions 14 (affordable housing), 15 (public open space) and 16 (education) of previous permission 2018/91119 for outline application for erection of residential development - Rear of 11 Holme Avenue, Dalton, Huddersfield.

Contact: Adam Walker

Ward(s) affected: Almondbury

13: Pre-Application - 2020/20447 175 -
188

Pre-application for industrial development- Land off Lindley Moor Road, Lindley, Huddersfield.

Contact: Adam Walker

Ward(s) affected: Lindley

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 27th January 2021

Present: Councillor Steve Hall (Chair)
Councillor Nigel Patrick
Councillor Donna Bellamy
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Rob Walker

Observers: Councillor Martyn Bolt
Councillor Eric Firth
Councillor Aleks Lukic
Councillor Bernard McGuin
Councillor Alison Munro
Councillor Cathy Scott

1 Membership of the Committee

All members of the Committee were present.

2 Minutes of the Previous Meeting

It was noted that Cllr Patrick made a request that the Committee should receive a comprehensive update report on planning complaints relating to the development Mirfield 25, Leeds Road, Mirfield.

The minutes of the meeting held on 16 December 2020 were approved as a correct record.

3 Declaration of Interests and Lobbying

All members of the Committee declared that they had been lobbied on application 2019/91467.

Cllrs Bellamy and Walker declared that they had been lobbied on application 2020/90710.

Cllrs Sokhal, A Pinnock, Pattison, Walker and S Hall declared that they had been lobbied on application 2019/93658.

Cllrs Pattison and Walker declared that they had been lobbied on application 2020/91813.

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4 **Admission of the Public**

All items on the agenda were taken in public

5 **Public Question Time**

No questions were asked.

6 **Deputations/Petitions**

No deputations or petitions were received.

7 **Planning Applications**

The Committee considered the following schedule of Planning Applications.

8 **Planning Application - Application No: 2019/91467**

The Committee gave consideration to Planning Application 2019/91467 Erection of 67 dwellings with associated access and parking land south of, Granny Lane, Mirfield.

RESOLVED –

That consideration of the application be deferred for the following reasons outlined in the Planning Update:

The report to Strategic Committee in December 2019 in relation to this application advised that the proposed dwellings would meet the minimum unit size figures set out in the Government's nationally Described Space Standards (March 2015, updated 2016) (NDSS).

Whilst the NDSS are not adopted planning policy in Kirklees, they do provide useful guidance, which applicants are encouraged to meet and exceed. However, following a re-assessment of the scheme against these standards, it has subsequently emerged that the previously reported compliance was not correct and not all of the house types meet the NDSS.

For that reason, it is recommended that this application be deferred from this Committee. This will allow the applicant the opportunity to re-consider the development with specific regard to NDSS. Any material changes to the plans would also be likely to require further public consultation.

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

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

Against: 0 votes

9 Planning Application - Application No: 2019/92787

The committee gave consideration to Planning Application 2019/92787 Erection of 260 dwellings with open space, landscaping and associated infrastructure Land at Owl Lane, Chidswell, Dewsbury.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Claire Thistleton, Mark Eastwood MP (objectors), Paul Butler and Mark Jones (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the committee received representations from councillors Aleks Lukic and Eric Firth (ward members).

RESOLVED -

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

1. complete the list of conditions including those contained within the considered report and the Planning Update including:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Submission of a Construction (Environmental) Management Plan.
4. Submission of details of temporary drainage measures.
5. Submission of details of temporary waste collection and storage (should development be phased, and/or dwellings become occupied prior to completion of the development).
6. Provision of site entrance and visibility splays prior to works commencing.
7. Archaeological trial trenching prior to commencement.
8. Submission of interim and final details of spine road / Chidswell Lane junction.
9. Submission of details relating to internal adoptable roads, cycling provision and crossings.
10. Cycle parking provision to be provided within the site.
11. Provision of Electric Vehicle charging points (one charging point per dwelling with dedicated parking).
12. Provision of waste storage and collection.
13. Coal Mining Legacy – development to be in accordance with the content and conclusions of the Geo-environmental Investigation Report.
14. Submission of trash screen details and related drainage information.
15. Submission of an Intrusive Site Investigation Report (Phase II Report).
16. Submission of Remediation Strategy.
17. Implementation of Remediation Strategy.
18. Submission of Validation Report.
19. Submission of a noise report specifying measures to be taken to protect future occupants of the development from noise
20. Submission of air quality assessment and details of mitigation measures.
21. Submission of details of crime prevention measures.
22. Submission of details of external materials.
23. Submission of details of boundary treatments.
24. Submission of details of external lighting.

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25. Submission of full landscaping scheme, including soft landscaping in front of units 103 to 114.
26. Submission of full details of open space and play space.
27. Biodiversity enhancement and net gain.
28. Submission and implementation of an Ecological Design Strategy / Landscape and Ecological Management Plan.
29. Removal of permitted development rights
30. Conditions relating to separate systems of drainage, surface water discharge, overland flow routing, and construction-phase drainage.
31. The completion of a roundabout at the junction with Owl Lane before the occupation of dwellings directly accessed from the spine road.
32. The involvement of residents in the Construction Management Plan.

2. Secure the signing of a Section 106 Agreement to cover the following matters:

- 1) Affordable housing – 52 affordable housing units (73% (38 units) Discounted Market Sale, 27% (14 units) affordable rent) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £310,105 to address shortfalls in specific open space typologies.
- 3) Education – Contribution of £1,004,496.
- 4) Highway improvements – Contribution of £200,000 towards Shaw Cross junction improvements, and provision or funding of cycle lane linking the site to Challenge Way.
- 5) Chidswell Lane / spine road junction – Funding of future works to junction when development at site MXS7 is brought forward. No ransom scenario to be created. Northern section of Chidswell Lane to be stopped up and provided with a turning head. Signed restrictions on right and left turns to be provided. Contribution towards monitoring of effectiveness of signed restrictions, and later works if necessary.
- 6) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including implementation of a Travel Plan and £10,000 towards Travel Plan monitoring.
- 7) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, of infrastructure (including surface water drainage until formally adopted by the statutory undertaker) and of watercourse along southern boundary.
- 8) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
- 9) Air quality – Contribution (amount to be confirmed) up to the estimated damage cost to be spent on air quality improvement projects within the locality.

3. Pursuant to (2) above, in circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of 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 and, if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

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

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

Against: Councillors: Bellamy and Patrick (2 votes).

10 **Planning Application - Application No: 2019/93658**

The Committee gave consideration to Planning Application 2019/93658 Erection of 124 dwellings, landscaping and associated infrastructure Land at, Whitechapel Road, Cleckheaton.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Paul Butler and Mark Jones (on behalf of the applicant).

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

RESOLVED –

That consideration of the application be deferred for the following reasons:

1. Further information be provided to understand the noise impact and the proposed detailed mitigation measures.
2. Further information be provided to understand the air quality impact and the proposed detailed mitigation measures.
3. That further details be provided in relation to the proposed relationship with the motorway including the existing and proposed landforms and any mitigation features, including landscaping.
4. That steps be taken to include community involvement in the development of a construction management plan.
5. That steps be taken to look at the retention of on-site trees and for the submission of further information on the proposed tree mitigation strategy
6. To allow officers and the applicant an opportunity to review the scheme with the aim of reducing the numbers of dwelling numbers to reflect the numbers and the heritage zones as outlined in the Local Plan.

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

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

Against: (0 votes).

11 **Planning Application - Application No: 2020/92800**

The Committee gave consideration to Planning Application 2020/92800 Demolition of existing warehouse and workshop unit and the erection of 3 units with reconfigured access, boundary treatment, landscaping and associated works Land at, Pennine View/Pheasant Drive, Birstall, Batley.

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Under the provisions of Council Procedure Rule 37 the Committee received a representation from Thomas O’Kane (on behalf of the applicant).

RESOLVED –

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

1. Complete the list of conditions, including those contained within the considered report and the Planning Update including:

1. Standard 3 years for implementation
2. Development to be carried out in accordance with approved plans
3. The approval of facing and roofing materials
4. Restriction of permitted employment uses
5. Implementation of agreed Air Quality Mitigation Measures
6. Implementation of agreed Dust Mitigation Scheme
7. Submission of a Phase 2 Intrusive Site Investigation Report
8. Submission of Remediation Strategy
9. Implementation of the Remediation Strategy
10. Submission of Validation Report
11. Noise from fixed plant & equipment shall not exceed background sound levels
12. Installation of the approved electric vehicle charging points (10 parking spaces)
13. Submission of an external artificial lighting scheme
14. Work to be carried out in accordance with the council’s set construction site working times
15. Implementation and future maintenance of the approved landscaping scheme
16. Separate systems of drainage for foul and surface water on and off site
17. Submission of an oil, petrol and grit interceptor/separator design
18. Submission of the measures to protect the public sewerage infrastructure
19. Accordance with the approved Biodiversity Management Plan
20. Remediation works and any further remediation works/or mitigation measures to address land instability arising from coal mining legacy
21. Submission of a document confirming the completion of the remedial works and any further remediation works/or mitigation necessary to address the risks posed by past coal mining activity
22. The proposed car parks and vehicle servicing areas shall be laid out surfaced, marked out into bays and drained in accordance with details that have previously been approved
23. Implementation of the closure of the existing access point and construction of the proposed new access points
24. Details of storage and access for collection of wastes from the premises
25. Submission of a construction management plan
26. Submission and implementation of a full travel plan
27. Drainage related conditions (comments awaiting from LLFA)
28. Submission of details regarding the proposed Surface Water Attenuation Tanks, including the necessary maintenance and management details.
29. Submission of details of temporary surface water drainage for the construction phase.

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2. Secure a Unilateral Undertaking Section 106 agreement to cover the following matters:

1) Public Right of Way – Off-site contribution of £36,000 towards the improvement of the local Public Right of Way network.

3. Pursuant to (2) above, in circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of 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 and, 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: Bellamy, Patrick, Pattison, A Pinnock, Sokhal, Walker and S Hall (7 votes)

Against: (0 votes).

12 **Planning Application - Application No: 2020/90710**

The Committee gave consideration to Planning Application 2020/90710 Partial demolition, partial re-build, erection of extensions and alterations to mill to form 63 apartments and erection of 64 dwellings (Within a Conservation Area) Westwood Mill, Lowestwood Lane, Linthwaite, Huddersfield.

Under the provisions of Council Procedure Rule 37 the committee received representations from George Spencer (objector), Mike Wilson (applicant) and Malcolm Sizer (Planning Agent).

RESOLVED –

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

1. Complete the list of conditions, including those contained within the considered report including:
 1. Time limit (3 years)
 2. Development in accordance with the approved plans
 3. Detailed scheme for the mill conversion works (scope of repair and refurbishment)
 4. Approval of samples of materials
 5. Detailed hard and soft landscaping scheme (soft landscaping to address biodiversity net gain and provide suitable replacement tree planting)
 6. Noise assessment and noise mitigation
 7. Detailed highway design (including internal road layout, highway retaining structures, proposed footway to site frontage)
 8. Construction method statement to mitigate the impacts of construction

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9. Provision of all of the proposed flood mitigation measures
 10. Flood evacuation plan
 11. Scheme for detailed drainage design
 12. Temporary drainage during construction
 13. Scheme to deliver a biodiversity net gain
 14. Risk assessment and method statement to protect the canal retaining embankment
 15. Suite of contaminated land conditions (Phase II site investigation, remediation and validation)
 16. Scheme for the provision of electric vehicle recharging points
 17. Submission of evidence/confirmation that the measures set out in the arboricultural method statement have been complied with
 18. Details of provision of heritage interpretation board or similar feature to aid public understanding of the importance of the mill site
 19. Garden waste bins to be provided for properties within block K that back onto the settling pond
2. Obtain confirmation from the Environment Agency that the amendment to the site layout, as referred to within the considered report, does not materially alter compensatory flood storage.
 3. Secure the signing of a Section 106 Agreement to cover the following matters:
 1. Arrangements for the future maintenance and management of the areas of public open space, mill pond, settling pond and other areas of land that do not fall within private curtilage.
 2. Arrangements for the future maintenance and management of drainage infrastructure within the site.
 3. Phasing of the development, including the restoration of the listed building within the first phase.
 4. Overage clause in relation to the cost of the conversion of the listed building.
 5. £17,000 contribution towards off-site highway improvements.
 6. £73,000 towards education provision.
 7. On-site open space inspection fee (£1,000).
 8. Secure the dedication of the proposed public right of way through the site.
 4. Pursuant to (3) above, In circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of 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 and, 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: Pattison, A Pinnock, Walker and S Hall (4 votes).

Against: Councillors: Bellamy, Patrick and Sokhal (3 votes).

13 Planning Application - Application No: 2020/91813

The Committee gave consideration to Planning Application 2020/91813 Discharge of conditions 14(affordable housing), 15 (public open space) and 16 (education) of previous permission 2018/91119 for outline application for erection of residential development rear of, 11, Holme Avenue, Dalton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Steven Riddles (objector) and Kirsty O'Donnell (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the Committee received representations from Councillors Bernard McGuin and Alison Munro (ward members).

RESOLVED –

That consideration of the application be deferred to provide an opportunity for officers and the applicant to re-assess the viability of the scheme in order to provide a level of contribution towards affordable housing.

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

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

Against: (0 votes).

14 Planning Application - Application No: 2020/90450

The Committee gave consideration to Planning Application 2020/90450 Erection of restaurant with drivethru, car parking, landscaping, play frame, customer order displays and associated works. land at, Owl Lane, John Ormsby V C Way, Shaw Cross, Dewsbury.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Claire Thistleton and Patrick Dooley (objectors), Phil Isherwood (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the Committee received representations from Councillors Cathy Scott, Eric Firth and Aleks Lukic (ward members).

RESOLVED –

That the application be refused (contrary to the officers recommendation to approve).

The Committee considered that the development would have an adverse impact in a number of areas that included: residential amenity due to noise disturbance; the potential to attract anti-social behaviour; the impact on highway safety and traffic

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management due to the additional volume of vehicles associated with drive-thru restaurants; and the potential negative impact on public health due to the restaurants close proximity to local schools.

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

1. A vote for deferral.

For: Councillors: Pattison, A Pinnock and Walker and (3 votes)

Against: Councillors: Bellamy, Patrick Sokhal and S Hall (4 votes)

2. A vote to refuse

For: Councillors: Bellamy, Patrick Sokhal, Walker and S Hall (5 votes)

Against: (0 votes).

Abstained: Councillors: Pattison and A Pinnock

15 **Planning Application - Application No: 2020/92384**

The Committee gave consideration to Planning Application 2020/92384 Erection of extension and alterations to Unit 4 for food and non-food retail with associated external works to reconfigure car park and servicing arrangements Unit 4, The Rishworth Centre, Railway Street, Dewsbury.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Nick Pleasant (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36(3) the Committee received representations from councillors Aleks Lukic and Martyn Bolt.

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 to commence within 3 years
2. Undertaken in accordance with the plans/specifications
3. Details/samples of materials to be provided
4. Landscaping scheme/Biodiversity Enhancement and Management Plan to be submitted (visual amenity and ecology)
5. Provision of the pedestrian crossing
6. Submission of a Travel Plan
7. Marking out of the car park/servicing prior to first opening
8. Construction Access schedule to be submitted and approved in writing
9. Noise levels condition
10. Lighting scheme to be submitted

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11. Trees – work to be completed in accordance with submitted details
12. Drainage – development to be undertaken in accordance with the submitted drainage strategy
13. Contaminated/unstable land – suite of conditions relating to the submission for ground investigation reports/remediation/validation as necessary
14. Scheme of security measures in the interest of crime prevention
15. Scheme detailing vehicle charging points to be provided
16. Works carried out in accordance with the recommendations of the ecology report

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

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

Against: (0 votes).

16 Report to Note: Supplementary Update - Mirfield 25, Leeds Road, Mirfield - Planning Compliance & Conditions Monitoring

The report was noted.

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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.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 24-Feb-2021

Subject: Planning Application 2020/92067 Erection of 30 dwellings former, Stile Common Infant & Nursery School, Plane Street, Newsome, Huddersfield, HD4 6DF

APPLICANT

C Wright

DATE VALID

02-Jul-2020

TARGET DATE

01-Oct-2020

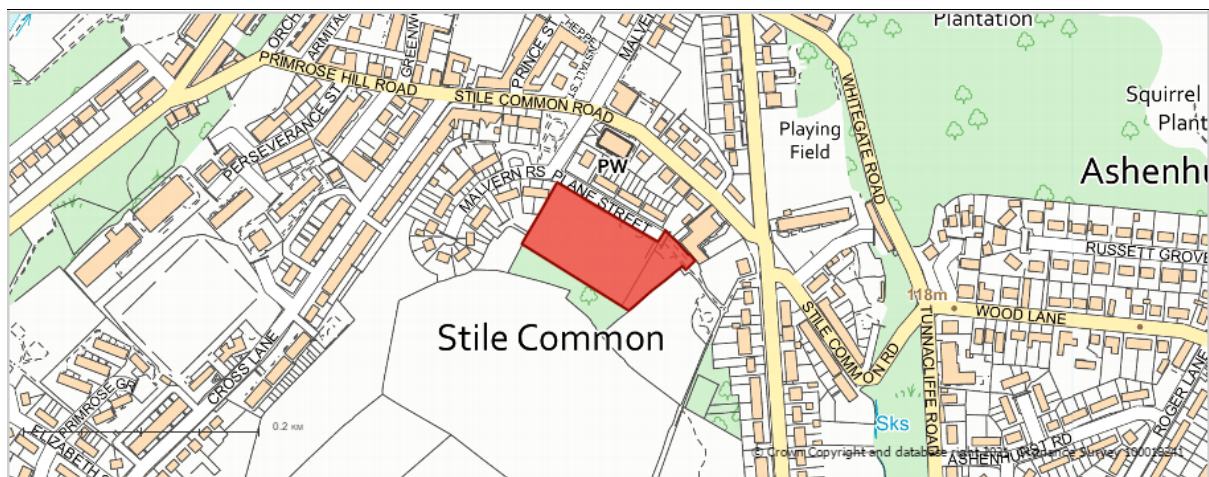
EXTENSION EXPIRY DATE

03-Mar-2021

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Newsome 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 and to secure a S106 agreement to cover the following matters:

1. Affordable Housing – 30 units (all) for affordable rent, with stipulation that 100% of units are to be retained as affordable housing in perpetuity;
2. Open Space – Off-site contribution of £42,667 to address shortfalls in specific open space typologies;
3. Ecology – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain;
4. Management – The establishment of management and maintenance arrangements 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).

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 This application seeks full planning permission for the erection of 30 dwellings. All of the units would be affordable, with the applicant being a Registered Provider. The site is owned by the Council (the Council is not the applicant) and it is part of the Small Affordable Housing Sites programme, where the Council is working with Registered Providers to build affordable housing.
- 1.2 Under the Delegation Agreement the application triggers a Planning Sub-Committee (Huddersfield Area) decision (site area over 0.5ha, but less than 61 units). However, to benefit from Homes England funding, the applicant requires a decision prior to March 2021. The Planning Sub-Committee (Huddersfield Area) dates fall unfavourably for the time limit imposed by Homes England. It has therefore been agreed between the Chairs of the Planning Sub-Committee and Strategic Planning Committee that the application be referred to the latter, as is permitted by the Delegation Agreement.

2.0 SITE AND SURROUNDINGS

- 2.1 The site has an area of 0.79ha and is located circa 800m south of Huddersfield Town Centre. It is predominantly brownfield land, which previously accommodated Stile Common Infants and Nursery School. The school was closed in 2009 and was demolished in 2011. What remains is a surfaced area, which has naturalised since the demolition. The east of the site does, however, include woodland outside of the former school's grounds. Within the site, land levels initially slope gently upwards from south to north, before becoming much steeper towards the woodland to the south.
- 2.2 Plane Street runs along the site's north boundary. On the opposite side of the road are rows of terraced dwellings of a traditional appearance, which face towards the site. Beyond these houses, at the end of the road, Plane Street currently changes from an adopted road into an unadopted surface, before becoming a pedestrian only path.
- 2.3 The site has a stone retaining wall along the pavement of Plane Street, varying between 2-3m in height with iron railing above. There are two closed off pedestrian gates into the site from Plane Street, but no vehicle access. The former School's vehicular access was via an unadopted private track from Malvern Rise to the west, which is shared by several dwellings. To the south of the site, outside of the red-line, is mature woodland which then gives way into open fields, with woodland and a park to the east.
- 2.4 The site is part of housing allocation HS44 (with the rest of the allocation being the woodland to the south). The site is within Flood Zone 1 and is within a Development High Risk Area as defined by the Coal Authority. The site is neither within a Conservation Area nor near to any Listed Buildings. It does, however, fall within the area of the Castle Hill Setting Study.

3.0 PROPOSAL

- 3.1 The application seeks full permission for the erection of 30 dwellings. This would comprise 9 x 2-bed dwellings and 21 x 3-bed units.
- 3.2 All 30 units are to be retained as affordable rent, with the applicant (Unity Housing Association Ltd) being a Registered Provider who would retain and manage the units. Approximately 630sqm of Public Open Space would also be provided on site, adjacent to the new access point.
- 3.3 A single access point is proposed from Plane Street. The unadopted part of Plane Street would be made to an adoptable standard, with the site's access taken from this elongated part of Plane Street. An estate road would run centrally through the site (east to west), with all dwellings facing onto it, sited to the north and south of the road.
- 3.4 Dwellings on the north of the road would be terraced, with one semi-detached pair. They would all be two storeys. The south dwellings would be semi-detached with one terrace of three. The south dwellings would be split level, presenting three storeys to the front and two to the rear.

3.5 All dwellings would be faced in artificial (reconstituted) stone, specified as Marshall's Cromwell Pitched Face (weathered colour) stone with concrete roof tiles. Roofs are to be double pitched, with side facing gables, although some units have feature gables as detailing.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

2014/92925: Outline application for erection of residential development – Withdrawn

Note: The boundary for 2014/92925 is larger than that of the current proposal, incorporating more land to the west and south.

4.2 Surrounding Area

56, Stile Common Road

2020/93859: Erection of single storey extensions and dormer windows to front and rear to form first floor accommodation. Detached two storey garage/store to rear with access from Plane Street – Pending Consideration

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 The site is one of several that form part of the Council's Small Affordable Housing Sites (SAHS) Programme, which will be delivered by Registered Providers to develop 100% affordable housing. Accent Development Consortium is the Preferred Partner selected to deliver the programme, and Accent Housing Association submitted a pre-application enquiry in July 2019. As part of the SAHS Programme, discussions continued between officers and the applicant on a wide variety of material planning considerations, but specifically including layout, design and highways.

5.2 The applicant undertook a community consultation exercise on the 28th of January 2020, at the Primrose Hill Liberal Club. Approximately 20 local residents attended, with the issues raised including objections on access and traffic, drainage, coal legacy, overlooking and ecology.

5.3 During the course of the application, officers raised various concerns, with the applicant providing the following additional information or amendments to address the issues raised:

- A revised surface water drainage and flood routing strategy;
- Revised front and rear elevations to add more design interest into the scheme, with supporting cross sections and streetscene elevations;
- A Heritage Impact Assessment considering the impact upon Castle Hill;
- Revised and extended Ecological Impact Assessment;
- Supplemental indicative design details of the highway;
- Omitting the southern woodland from the red-line, which is to remain in Council ownership, due to access issues.

5.4 After considering risks and the impending deadline for Homes England funding, the applicant, Accent Housing Association chose to withdraw from the scheme. However, another Registered Provider engaged with the SAHS Programme. Unity Housing Association has agreed to progress the application with the aim of delivering the affordable homes. Formal agreements were put in place for Unity Housing Association to become 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).

Kirklees Local Plan (2019) and Supplementary Planning Guidance / Documents

6.2 The application site is part of land allocated for residential development in the Local Plan (site allocation ref: HS44). The site allocation HS44 has an indicative housing capacity of 32 dwellings. The site is adjacent to Urban Green Space (ref. UG149).

6.3 Site allocation HS44 identifies the following constraints relevant to the site:

- Site is in an area that affects the setting of Castle Hill
- Part/all of site within a Development High Risk Coal Area

6.4 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **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
- **LP38** – Minerals safeguarding
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP63** – New open space

- 6.5 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council
- Kirklees Local Plan Supplementary Planning Document – Highways Design Guide (2019)
 - West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
 - Waste Management Design Guide for New Developments (2020)
- 6.6 A draft Housebuilder Design Guide SPD, Open Space SPD and Biodiversity Net Gain Technical Advice Note were published by the council in 2020. These have undergone public consultation but have not been adopted.

National Planning Guidance

- 6.7 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and 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.
- **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 effective use of land
 - **Chapter 12** – Achieving well-designed places
 - **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
 - **Chapter 15** – Conserving and enhancing the natural environment
 - **Chapter 16** – Conserving and enhancing the historic environment

- 6.8 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

Climate change

- 6.9 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

- 6.10 On the 12th of 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE

Public representation

- 7.1 The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council’s adopted Statement of Community Involvement.
- 7.2 Following the amendment to the scheme’s description, the application was readvertised via neighbour notification letter. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation.
- 7.3 The final public representation period for the application expired on the 13th January 2021. Ten representations were received in total, eight within the original publicity period and two in the second. The following is a summary of the comments made:
- The proposal would harm the amenity of local residents, through overbearing, overshadowing, overlooking, noise, and increased traffic.
 - The site is structurally unstable, and there is a legacy of coal mining in the area. Insufficient site investigation has been undertaken on this matter as the site had active coal workings in the area. There has been subsidence in the area. Developing the site would create issues for existing residents and neighbouring properties.
 - The drainage plan is not adequate.
 - The proposed dwellings are out of keeping with the area. Queries on how boundary treatments would be designed and the impact upon the open land to the south.
 - Concerns over the demand upon local services, including schools and health services.
 - Parking in the area is an issue, with on-street parking attributed to the university and those going to town. Increased traffic movement would further harm highway safety.
 - Queries over the extent of the applicant’s local community engagement, with comments that the event was inadequate. Conflicting consultation dates were published on the Council’s website and notification letter.

- The surrounding area's drainage network is poor quality and not fit for additional dwellings.
- Concerns over impacts to local ecology and trees.
- Access onto the site from Plane Street would not be appropriate and would become very congested
- objection to the use of Malvern Rise's access to the site. Use of Malvern Rise's has already damaged walls.
- Construction traffic would impact upon local residents.

7.4 Responses to the above comments are set out later in this report.

7.5 Later amendments and submissions of information were minor in scope and did not necessitate further public re-consultation

7.6 Ward Members have been consulted on the application. Councillor Andrew Cooper requested answers to a local resident's questions. These were provided with no further comments received.

7.7 Councillor James Homewood raised questions relating to ecology and the impact upon local deer. This was considered by, and responded to, by the Council's Ecology officer. There is no specific legislation protecting deer of habitats inhabited by deer. Notwithstanding this, a full assessment of the proposal's ecological impact is detailed further in the below report. Please see paragraphs 10.68 – 10.69.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Lead Local Flood Authority: Objected to the initial proposal. Provided guidance and feedback on the submission, which led to an amendment to the scheme. Based on the latest submitted details, the LLFA have no objection subject to conditions.

K.C. Highways Development Management: Requested further details and clarification on the proposed access road. These were provided, and K.C. Highways have confirmed no objection subject to conditions.

The Coal Authority: The CA have reviewed the submitted Coal Mining Risk Assessment. They agree with the report's finding that further investigation is required, however they are satisfied that this may be addressed via a suitably worded condition. Subject to their requested conditions being imposed, no objection.

Yorkshire Water: No objection subject to condition.

8.2 Non-statutory

K.C. Conservation and Design: The submitted Heritage Impact Assessment adequately considers the proposal's impact upon Castle Hill. Conservation and Design conclude they have no objections on heritage or design grounds, with no conditions considered necessary.

K.C. Crime Prevention: Provided advice and feedback on the design, which was incorporated where able.

K.C. Ecology: Have worked proactively with the applicant and their ecological consultant to address issues initially raised. Based on amended details, concluded no objection subject to condition and securing an ecological net gain via either on-site works or off-site contribution.

K.C. Education: Confirmed that no financial contribution, either primary or secondary, is required.

K.C. Environmental Health: No objection subject to conditions, including the provision of charging points, contaminated land investigations and a Construction Environmental Management Plan.

K.C. Landscape: 2888sqm of Public Open Space is needed for the proposal. The provision of 630sqm of on-site Public Open Space (437.4sqm of Amenity Green Space and 192.6sqm of Natural and Semi-Natural Green Space) is welcomed, with provision, management, and maintenance needing to be secured via S106. An off-site contribution of £42,667 is required to off-set the shortfall, also to be secured via S106.

K.C. Strategic Housing: Welcome the proposed 100% affordable housing contribution, to be secured via S106, while noting the Ward has a need for 1 and 2 bed units, and a significant need for 3 and 3+bed dwellings.

K.C. Trees: No objection subject to conditioning the provision of an Arboricultural Method Statement.

9.0 MAIN ISSUES

- Principle of development
- Urban design
- Residential amenity
- Highways
- Drainage
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

- 10.2 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021). As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 The site falls within a housing allocation, reference HS44, within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. Therefore, residential development is welcomed within the site. However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land.
- 10.4 LP7 requires development to achieve a net density of at least 35 dwellings per ha, where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. Within the Local Plan HS44 is expected to deliver 32 dwellings. The application proposes 30 dwellings. However, the application's red-line boundary does not cover all of HS44, excluding 0.11ha of the allocation. The excluded land is the woodland within the south of the allocation.
- 10.5 The excluded land falls under the same ownership as the application site. The development of the whole allocation, including the woodland, was explored by the applicant as part of a pre-application enquiry. The difficult topography made establishing an appropriate layout impractical, while the loss of trees and ecological impacts were undesirable. The proposal, if implemented, would prevent access to HS44's remaining 0.11ha, preventing its future development. Nonetheless, given the constraints on this portion of the site and having reasonably considered and discounted options of developing the woodland, officers are satisfied that the development of the woodland is not appropriate in this case and its exclusion would not be contrary to the Local Plan's master planning principles. Excluding the woodland's 0.11ha, the proposal has a density of 38 dwellings per hectare and is considered to comply with the aims and objectives of LP7.
- 10.6 Looking beyond density, LP11 of the Local Plan requires consideration of housing mixture. LP11 requires a proposal's housing mix to reflect the proportions of households that require housing, achieving a mix of house size (2, 3, 4+ bed) and form (detached, semi, terrace, bungalow). The starting point for considering the mixture of housing types needed across the district is the Kirklees Strategic Housing Market Assessment (SHMA). The proposal seeks only 2-bed (9 total) and 3-bed (21 total) units. When questioned on their proposed housing mix the applicant has provided a statement detailing their reasoning. Newsome Ward has a high percentage of student accommodation, which has reduced the availabilities of 2-bed and 3-bed dwellings for local

families. There is a deficiency of these unit types in the Ward, particularly affordable units. Kirklees Council Strategic Housing Team, who have worked with the applicant, support the mixture proposed. Officers accept this justification and considered the housing mixture appropriate for the area.

- 10.7 The site is a housing allocation in the Local Plan, with the proposal considered to represent an effective and efficient use of the allocation, in accordance with relevant planning policy. The proposal would aid in the delivery of the Council's housing targets and the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's local impacts, considered below.

Sustainability and climate change

- 10.8 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.9 The site is within the urban envelope, within a location considered sustainable for residential development. It is accessible, lying within an existing established settlement and close to various local amenities and facilities. Notably the site is within close proximity of Huddersfield Town Centre. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.10 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change.
- 10.11 The applicant has provided a brief statement on how they intend to address Climate Change further:

Unity adopt a fabric first approach which fully adhere to the current Part L Building Regulations. These require high levels of insulation to floors, walls, roofs and all doors and windows. We aim to achieve the Code for Sustainable Homes level 3 certification. This is a voluntary standard but demonstrates our commitment to building sustainable homes and striving towards higher environmental standards throughout the build and during occupation. The proposals include consideration for flood risk and sustainable drainage with detailed proposals submitted to deal with onsite storm water storage as well as minimising water usage in the dwellings. As part of the application we are also providing electric car charging points and looking at ways to increase the net ecological gains on the site. The design of the blocks has taken the local topography into consideration, minimising the impact of the development by introducing split level properties. The new homes are all designed to meet the Nationally Described Space Standards, Lifetime Homes and Secured by Design criteria.

- 10.12 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Urban Design

- 10.13 Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; *'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.
- 10.14 The wider area is prominently residential. These properties do not have a uniform appearance although the houses closest to the site, on Plane Street, are characterised by their traditional hipped roof form and ground floor bay windows. The site also adjoins an area of open space to the south. Careful design is therefore needed to reflect the established townscape and approach to the open environment, and the site does have the constraint of difficult topography. It also falls within the 'Castle Hill Setting Study' boundary. However, as an overgrown brownfield site, it is presently considered to detract from the character of the area.
- 10.15 The layout proposed, featuring a central road with two opposing rows of dwellings, is acceptable and reflects the layout of the nearby residential streets. Retaining the woodland to the south forms an effective buffer from the adjacent open land. Parking is predominantly sited to the front of dwellings, with the density and layout preventing side parking. At pre-application stage a high level of parking was proposed which removed all soft landscaping and green space from the front of dwellings. This led to a visual 'sea of tarmac' which was not welcomed. A reduced level of parking, below that recommended by the Highway Design Guide SPD's recommended amount, was agreed to allow for the introduction of soft landscaping. This had to be balanced against the need to ensure an appropriate level of parking. The layout as now proposed is considered to be acceptable. The highway implications of this are considered later within this report. The moderately sized Public Open Space on the access would contribute to an open character and setting when entering the site.
- 10.16 The site's existing ground level is higher than the neighbouring streets, with a prominent retaining wall on Plane Street extending to a height of between 2 – 3m. Levels within the site continue to increase from south to north. This retaining wall is to be kept, bar a small section being reduced in height to enable sightlines by the proposed access. Excavations within the site would create a level area for the road and dwelling frontages, with the dwellings to the south of the access road being split level to act as a further retaining feature. As a result, the proposal does include split level dwellings that would have three-storey front elevations, which are not common in the area. Consequently, the scale is considered an appropriate response to the site's topography and the two-storey north dwellings would effectively limit most views of the larger dwellings from outside of the site.

- 10.17 With regard to their appearance, the proposed dwellings would have a typical modern vernacular. A mixture of semi-detached and terraced units is proposed, which is appropriate for the area. However, as only three house types across 30 units are proposed, repetition was raised with the applicant. Feature gables were introduced to address this. Other design enhancements included improvement to window layout and sizing to make them larger and more proportionate. On the rear elevation of the north dwellings fronting onto Plane Street, bay windows to the rear of several of these dwellings was introduced to ensure an active frontage onto Plane Street, and to replicate the bay windows prominent on the properties along the road.
- 10.18 The dwellings would be faced in artificial stone. Materials in the area are varied, with artificial stone, natural stone, render, timber, and brick being evident. The applicant has specifically proposed Marshalls' Cromwell Pitched Face (weathered colour), which is considered to provide a good standard of artificial stone and is appropriate for the area. It is noted that the site is neither within a Conservation Area nor immediately adjacent to a Listed Building. While it is within the Castle Hill Study Area (considered further below), the separation distance would limit the material's impact upon the heritage asset. Roofing is to be concrete tiles. While stone slates are evident on older buildings, grey concrete tiles are common in the area and are not opposed in this development.
- 10.19 External works include the retention of the existing retaining wall along Plane Street, with a length of 7.6m to the east of the vehicular access lowered to 1m for sightlines. The gate voids would be infilled although the posts would be retained to show their original location. The plans also show a 1.5m high timber fence atop the retaining wall, to secure residents privacy. While not opposed in principle, officers consider that the fence be set behind the wall, not atop it, and the iron railing being retained as a visually preferable arrangement. This amendment would be secured by condition. Rear gardens would be subdivided by timber fencing at 1.8m, which is not opposed, although complete details of boundary treatment are to be secured via condition. A full and detailed landscape strategy, to include tree replanting, with maintenance arrangements would also be secured via condition.
- 10.20 The proposed works would notably change the character and appearance of the site and wider area. However, as existing, the site is considered detrimental to the visual amenity of the built environment. The proposed development is considered to be sufficiently well designed and it would result in an attractive continuation of the residential environment. Through the retention of the woodland, there would also be no harm upon the setting of the open land to the south. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the KLP, and Chapter 12 of the NPPF.

Impact upon the historic environment

- 10.21 LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework outline considerations for development affecting the historic environment. The site is neither within a Conservation Area nor immediately adjacent to Listed Buildings. However, it is within the Castle Hill Study Area. The hill is a Scheduled Ancient Monument (Historic England ref: 1009846) and Victoria Tower is Grade II Listed. Section 66(1) of the Planning (Listed

Buildings and Conservation Areas) Act 1990 places a statutory duty upon the Council to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The Local Plan allocation for HS44 also requires applications on the site to be supported by a Heritage Impact Assessment (HIA).

- 10.22 The submitted HIA has been reviewed by K.C. Conservation and Design, who state the following:

Conservation and Design concur with the findings of the report which states that “the development will, in part, introduce a new visual element within the setting of Castle Hill and Victoria Tower this will not impact upon the identified significance [of] these assets. The development will be seen as part of the existing urban areas of Huddersfield and will not impact upon the composition of views towards or from Castle Hill. As such, impact upon the setting to the heritage assets is considered to be neutral.”

The proposed development will therefore accord with Policy LP35 of the Local Plan, which requires that development proposals preserve the setting of Castle Hill.

The retention of the former school wall and railings into the development is welcome, this will assist in integrating the development into the existing streetscene.

Conservation and Design have no concerns on heritage or design grounds.

- 10.23 Officers concur with the above assessment and are satisfied that the proposal. It is therefore considered that the proposal would have no perceivable effect on Castle Hill or its setting, which would be preserved. It would therefore comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Residential Amenity

- 10.24 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.25 The rear elevations of plots 01 – 12 would face the front elevations of 1 – 15 Plane Street. There would be a change in level between these existing and proposed dwellings of between 3.5m and 4.7m but there would be a separation distance of 27.5 metres. This is significantly more than a typically accepted separation distance of 21 metres between main habitable room windows.
- 10.26 Different land levels between facing properties are not atypical in hillside settlements. Indeed, properties on the nearby Malvern Rise have an existing arrangement similar to that proposed, with the southern dwellings being on a similar high ground level compared to those on the street's north, with a comparable separation distance to that proposed. For these reasons, the separation distance is considered sufficient in this instance to negate concerns of overlooking, overbearing and overshadowing.

- 10.27 Plot 15 would adjoin the side boundary of 1 Malvern Rise. As originally proposed, plot 15 was set back notably compared to no.1. This led to a close angle of view, with plot 15 being too close and prominently visible from no. 1's rear windows and garden spaces. The scheme was subsequently revised so that plot 15 would be staggered from its attached neighbours, so that it would be set more in line with 1 Malvern Rise. Following this amendment officers are satisfied that plot 15 would not have an overbearing upon no. 1's occupiers.
- 10.28 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the number and locations of new vehicular and pedestrian entrances that new residents would use to access the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not incompatible with existing surrounding uses.
- 10.29 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions 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. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.30 Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.
- 10.31 The sizes (in sqm) of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's draft Housebuilder Design Guide SPD. In the current proposals, all dwellings would be NDSS-compliant, as set out within the table below table:

House Type	Number of units	Proposed (GIA sqm)	NDSS (GIA sqm, lowest number of occupants)
2-bed 2-storey	9	79	70
3-bed 2-storey	6	93	84
3-bed split 2 / 3 storey	15	99	90

- 10.32 Garden sizes are considered commensurate to the scale of their host dwellings. All of the proposed houses would also benefit from being dual aspect, and would have satisfactory outlook, privacy and natural light. This is taking into considering the separation distance between units within the site and the proximity of plots 16 – 30 to the south woodland, with separation distances being adequate in each case.

- 10.33 Public Open Space of 630sqm would be provided on site and would contribute to the amenity of future and neighbouring residents. However, this falls below the required on-site contribution, calculated in accordance with Local Plan policy LP63 and the methodology set out in the draft Open Space SPD, nor would a dedicated Local Area of Play (LAP) be provided on site. Newsome Ward is acknowledged to be deficient in recreation grounds. To offset this shortfall a contribution of £42,667 would be provided, to be spent in the local area. It is recommended that this contribution be secured in the required Section 106 agreement, along with provisions to secure details of the management and maintenance of open spaces.
- 10.34 To summarise, the proposed development is not considered detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan.

Highways

- 10.35 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.36 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.37 The unadopted portion of Plane Street is to be made to an adoptable standard and would connect into the new road to serve the development, which would likewise be to an adoptable standard. Adequate sightlines have been demonstrated although part of the site's wall onto Plane Street would need to be reduced in height to no greater than 1m. The provision of the sightlines via condition is proposed.
- 10.38 The submitted road layout details and Stage 1 Road Safety Audit have been reviewed by K.C. Highways, who considered there to be no prohibitive reason preventing a scheme for adoption being brought forward at S38 stage. Full technical details of both the Plane Street works and new access road, to an adoptable standard, are to be sought via condition.
- 10.39 For a 30-unit residential development, the applicant's Transport Assessment predicts 21 two-way vehicle movements in the AM and PM peak periods respectively (8 arrivals and 13 departures in the AM Peak, reversed for the PM). This is deemed to be a reasonably low level of traffic, which would not have a detrimental impact upon the capacity of the local network. Reviewing

collision record, the Transport Assessment has identified no personal injury collisions in the vicinity of the site or on the highway network surrounding the site in the latest five-year period. The TA concludes that *'the local highway network is operating safely and there are no patterns or trends that indicate any other specific highway safety problems along the local highway network'*. This is accepted by K.C. Highways DM.

10.40 Considering parking layouts and provision, all two-bed units (nine units in total) would be served by one parking space each. The three-bed units would have two parking spaces. Four visitor parking spaces would be provided within the site. A total of 51 dedicated resident's off-road parking spaces would be therefore be provided, with 4 visitor parking spaces and space on-road to accommodate additional vehicles.

10.41 The Local Plan does not have set parking standards, with LP22 (Parking) stating:

The provision of parking would be based on the following principles:

e. car parking provision in new developments would be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development;

f. new developments would incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the site including a mix of on and off-street parking in accordance with current guidance;

10.42 Notwithstanding the above, the Kirklees Highways Design Guide SPD has recommended minimum parking standards 'as an initial point of reference'. The three-bed units having two parking spaces complies with this, however, the two-bed units would be expected to have two parking spaces each. This would be 18 in total but only 9 are proposed, resulting in a deficit of 9 below the desired minimum. The SPD also recommends visitor parking at one per four dwellings so that 8 would be preferred, resulting in a deficit of 4 as part of this proposal. However, as per LP22, the SPD states that lesser provision may be considered when evidence is provided. The SPD references the NPPF:

Government's policy on parking is set out in the National Planning Policy Framework. The NPPF states that when setting local parking standards for residential and non-residential development, policies should take into account:

- the accessibility of the development*
- the type, mix and use of development*
- the availability of and opportunities for public transport*
- local car ownership levels*

10.43 In this regard, the site is noted to be 800m from the edge of Huddersfield Town Centre (southern ring road), with the whole of the town centre being within 2km. 2km is considered the 'preferred maximum' for journeys on foot. Local amenities include top up shops, with primary schools, high schools, and supermarkets within a 2km distance. Bus stops are located on Stile Common Road to the north of the site and Newsome Road to the east of the site. These are all accessible within a 300m walking distance of the site and therefore, it can be reasonably assumed that residents of the development would walk to these stops to utilise the frequent bus services.

10.44 On the point of local car ownership levels, the submitted Transport Assessment states:

'local car ownership levels are approximately 0.8 cars/vans per dwelling (for MSOA Kirklees 042, based on 2011 census data). Therefore, this would equate to a demand for approximately 23 off-street parking spaces for the development. It can therefore be concluded that the level of parking to be provided is more than sufficient to cope with the expected operational requirements of the development'

Highways Development Management also note that most parking in the area is upon the highway, with few dwellings having dedicated off-road parking. The proposed layout can reasonably accommodate a level of on-road parking, as is typical for the area.

10.45 Furthermore, the application is also supported by a Travel Plan which sets out a series of measures that would encourage changes in the travel patterns of residents and their visitors to the development from the use of the single occupied private vehicle to more sustainable forms of transport. This includes the provision of secure cycling parking for residents within their rear gardens. Following the adoption of the Kirklees Highway Design Guide, Highways Development Management (HDM) no longer seeks to monitor Travel Plans on residential sites less than 50 units, such as this site. However, the implementation of the Travel Plan's recommendations by the applicant would be welcomed and a condition is proposed with specific regard to the provision of cycle parking in accordance with the Travel Plan.

10.46 Considering the above, it is therefore concluded that the level of parking proposed is, on balance, acceptable. While some additional parking could be forced into the frontages to the dwellings, this would have notable impacts upon the attractiveness of the street, the harm of which would outweigh the benefit of additional parking within the planning balance.

10.47 A late request for a financial contribution of £25,345 for metro cards and bus stop improvements (digital displays) was received from West Yorkshire Combined Authority Metro. Given that the site is within walking distance to numerous amenities, including Huddersfield Town Centre, and that the proposal is for 100% affordable housing, such a request is not considered to pass the following tests for planning contributions, not least in terms of not being '*necessary to make the development acceptable in planning terms*' and '*fairly and reasonably related in scale and kind to the development*'. It will therefore not be sought in this instance.

- 10.48 Given the scale and nature of the development officers would seek a Construction Management Plan via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works. K.C. Highways DM have also advised that a 'highway condition survey' be undertaken, via condition. This would include a review of the state of the local highway network before development commences and a post completion review, with a scheme of remediation works to address any damage attributed to construction traffic. This request is considered reasonable and a condition is proposed by planning officers.
- 10.49 In summary, officers are satisfied that, subject to the referenced conditions, the development would not cause harm to the safe and efficient operation of the Highway, in accordance with the aims and objectives of Policies LP21 and LP22 of the Kirklees Local Plan and the aims and objectives of Chapter 9 of the National Planning Policy Framework.

Waste collection

- 10.50 A turning head would be provided within the site, which has been demonstrated to be able to accommodate a refuse vehicle.
- 10.51 All units are shown to have a dedicated storage space for up to three bins in an accessible location, which is welcomed. For most units, their bin-store would be located to the front, due to having gardens accessible by stairs or because of being mid-terraced, with screening proposed to limit the visual impact. However, specific details of the screen, such as height or material, are not given. The submission of these details and the provision of the waste storage areas is to be secured via condition.
- 10.52 Dedicated bin collection points are not provided. This was considered but led to a notable reduction in greenery to frontages on a site with a lot of hard surfacing to the front of dwellings. Each dwelling has a front path onto the highway where bins could be placed on collection day; weighing the visual impact of bin presentation points against the practical value, officers are satisfied that bins may be presented on the paths, off the public highway, on collection day, with minor inconvenience for occupiers without bins blocking either the road or pavement.
- 10.53 The proposed development is considered to have acceptable refuse storage and collection arrangements, which can be managed without harming the safe and efficient operation of the highway, in accordance with LP21(f).

Flood Risk and Drainage

- 10.54 Assessing flood risk first, the site is within flood zone 1, which is land having a less than 1 in 1,000 annual probability of river or sea flooding (low risk). Furthermore, the site is less than 1ha in size, with no other known nearby sources of flooding. Therefore, a site-specific Flood Risk Assessment is not required. Surface water flood routing has been considered by the Lead Local Flood Authority (LLFA) and is concluded to be acceptable. Accordingly, there are no flood risk concerns.

- 10.55 Regarding drainage, foul drainage would be via the main sewer. This has not been opposed by Yorkshire Water and is considered acceptable. Surface water, sustainable drainage systems of infiltration techniques are considered to be unsuitable on this site, which the LLFA concur with. The applicant has followed the hierarchy of drainage before reaching the proposed discharge into public combined sewer. Technical details, including discharge rate and attenuation size, are supported by the LLFA. Nonetheless, to enable flexibility through the development process, the LLFA advise that the submission of full technical details be secured via condition.
- 10.56 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.
- 10.57 Considering the above, subject to the proposed condition and securing management and maintenance arrangements via the S106, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the LP and Chapter 14 of the NPPF.

Other Matters

Air Quality

- 10.58 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.
- 10.59 Notwithstanding the above, in accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24(d) and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of electric vehicle charging points, one per dwelling, on new development that includes car parking. The purpose of this is to promote modes of transport with low impact on air quality.
- 10.60 Subject to a condition requiring this provision, the proposal is considered to comply with LP24(d) and LP51 of the Local Plan.

Contamination and Coal Legacy

- 10.61 The site is within a High Coal Risk Area. A Coal Mining Risk Assessment (CMRA) was submitted with the application and sent onto the Coal Authority (CA) for assessment. Based on a review of appropriate sources of coal mining and geological information, Section 6.4 of the report concludes that possible 'ancient' shallow mine workings pose a potential risk to the proposed development. Accordingly, it goes on to make appropriate recommendations for the carrying out of intrusive ground investigations, in the form of boreholes, in order to investigate the nature of any shallow workings present beneath the site.

- 10.62 The CA concur with the CMRA's findings and recommendations. Therefore, they advise that a set of intrusive site investigations be undertaken, reported and appropriate remediation details be provided via a condition prior to works commencing on site. Subject to these conditions the CA does not object to the proposal.
- 10.63 Regarding potential site contamination, the application is supported by site investigation reports. This has been reviewed by K.C. Environmental Health, who support the findings. Site remediation and validation are recommended within the reports. Officers and K.C. Environmental Health consider that conditions regarding remediation and validation can be included on a subsequent grant of planning permission and this would be a satisfactory way of dealing with this issue
- 10.64 Subject to the above, the proposal is considered to comply with policy LP53 of the LP and Chapter 15 of the NPPF.

Crime Prevention

- 10.65 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to home security, rear access security and boundary treatments. All of the comments made are advisory and have been referred to the applicant, with many incorporated into the proposal during the amendments. It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with LP24(e)

Ecology and Trees

- 10.66 There are no trees benefiting from Tree Preservation Orders within the site or on neighbouring land. Nonetheless LP33 establishes a principle against the loss of trees of significant amenity value. The proposal would necessitate the removal of numerous trees, including young growth within the former school's curtilage, and a portion of the neighbouring east woodland. However, none of these trees are considered to be of significant amenity value, being poor quality and not enhancing the character of the area. Their loss could be adequately mitigated against through appropriate re-planting, to be secured within a detailed landscape scheme via condition.
- 10.67 The woodland to the south of the site is considered to be of greater value, which factored into its removal from the proposal's developable area. The proposed dwellings are considered a sufficient distance away not to impact upon the health and future growth of the trees. However, to ensure no negative impacts during the construction period, K.C. Trees have requested that an Arboricultural Method Statement be secured via condition. Subject to this, the proposal is considered to comply with LP33 of the Local Plan.
- 10.68 The application is supported by an Ecological Impact Assessment (EclA). It identifies that the site is well removed from formal designated sites and does not form part of the Local Plan's Wildlife Habitat Network. In terms of value, the south woodland was identifying to be of high ecological value, which factored into its removal from the proposal. Of the land remaining within the application's red line, the former school site is considered of little to no value, with the east woodland being of moderate value. Considering the small size

of this woodland, the impact assessment and the mitigation suggested within the EclA, K.C. Ecology are satisfied that the overall impacts are not significant. This is subject to a Lighting Plan and Ecological Design Strategy being secured via condition, to ensure appropriate mitigation is introduced to the site.

- 10.69 In addition, a net biodiversity gain needs to be demonstrated in accordance with Local Plan policy LP30 and chapter 15 of the NPPF. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric. The applicant has undertaken the metric calculations and concluded, post on-site interventions, a net loss of 3.45 ecological units on site. With a desired 10% net gain, this level of ecological unit loss would necessitate an off-site contribution of £88,481, to be spent on enhancements in the local area by the Council. This figure has been reported to the applicant, with final agreement yet to take place. Discussions are ongoing on this matter, with further information to be provided within the update. The agreed figure is to be secured within the S106 agreement.
- 10.70 Pending this resolution and subject to the given conditions, officers are satisfied that the proposal complies with the aims and objectives of LP30 of the Kirklees Local Plan.

Mineral extraction

- 10.71 The application site falls within an area designed as a Mineral Safeguarded Area (Sandstone and/or Clay and Shale) in the Local Plan. This allocation indicates that there is the potential for these mineral resources to be underlying the site. The applicant has indicated that it would not be feasible to work these minerals due to the scale of the site, its urban setting, and the proximity of existing dwellings to the north and west.
- 10.72 Officers concur that local constraints would be such that mineral extraction in this location would not be viable. It would not be possible to allow adequate standoff areas to provide an amenity buffer between the existing residential properties surrounding this site and allow a sufficient area to work the mineral resources.
- 10.73 It is therefore considered that the proposal complies with the aims and objectives of LP53 regarding mineral safeguarding issues.

Planning obligations

- 10.74 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

Affordable Housing

- 10.75 LP11 of the Local Plan and the Council's Interim Affordable Housing Policy requires major developments (10+ dwellings) to contribute 20% of total units as affordable housing. For this site, a 20% contribution would be 6 units.

- 10.76 The applicant is a Housing Association and intends for all 30 units to be operated as affordable rent properties. Affordable rent is recognised as a form of affordable housing; thus, the scheme would provide 100% affordable rent.
- 10.77 In terms of tenure, the Interim Affordable Housing Policy sets an expectation of affordable units to be split 55% affordable rent and 45% intermediate tenure. Intermediate tenure has been discussed with the applicant but would not fit in with their business model. As the 45% intermediate tenure expectation would only apply to the policy expectation of 20% of total units, this would equate to 3 intermediate tenure. Having 3 intermediate tenure units within 27 affordable rent properties would not be appropriate. Planning and strategic housing officers are satisfied that the benefits of 30 affordable rent units outweigh the harm of not including 3 intermediate tenure units in this instance.
- 10.78 A S106 is proposed, to include a clause, requiring that the dwellings be retained as affordable housing stock in perpetuity. The proposal is considered to comply with the aims and objectives of LP11 of the Local Plan and the Council's Interim Affordable Housing Policy.

Education

- 10.79 Applications proposing over 25 dwellings require consideration as to whether education contributions are required. The contribution is determined in accordance with the Council's policy and guidance note on providing for education needs generated by new housing. This confirms that The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. Contributions would only be sought where the new housing would generate a need which cannot be met by existing local facilities. This would be determined through examination of current and forecast school rolls of relevant primary and secondary schools, their accommodation capacities and consideration of the type of housing to be provided. This provides a consistent approach to securing the education contribution within the planning application process.
- 10.80 K.C. Education have considered local primary provision (Hillside Primary School) and secondary provision (Newsome High School) and concluded that no education contribution is required as there is sufficient capacity within these schools to accommodate the proposal.

Public Open Space

- 10.81 In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide or contribute towards new open space or the improvement of existing provision in the area. Based on the scale of the development 2888sqm of on-site Public Open Space is needed for the proposal, an off-site contribution of £56,540, or a mixture of the two.
- 10.82 The provision of 630sqm of on-site Public Open Space (437.4sqm of Amenity Green Space and 192.6sqm of Natural and Semi-Natural Green Space) is welcomed, with that proposed being an appropriate layout. The provision, management, and maintenance needing to be secured via S106. An off-site contribution of £42,667 is required to off-set the shortfall, also to be secured via S106. With these secured via S106, the proposal is deemed to comply with LP63.

Ecology

- 10.83 In accordance with LP30 of the Kirklees Local Plan, developments are expected to demonstrate a net gain to local ecology. This is measured via the biodiversity metric and should be delivered through on-site enhancements. When sufficient enhancements cannot be delivered on site, an off-site financial contribution may be sought.
- 10.84 As set out within paragraph 10.69, an off-site contribution is expected for this site, valued currently at £88,481 to provide 10% net gain. This figure is being negotiated with the applicant, with an update to be provided to members.

Management and maintenance

- 10.85 As a Registered Provider who would retain the housing stock as affordable rent units, the site would remain in the ownership of the applicant. Nonetheless, the heads of terms would include the provision of long-term maintenance and management of the surface water drainage features (until adopted) and the on-site Public Open Space.

Representations

- 10.86 Ten representations have been received to date. Most matters raised have been addressed within this report. The following are matters not previously directly addressed.
- Concerns over the demand upon local services, including schools and health services.

Response: There is no Policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges 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. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. With regard to schools, it is considered that primary and secondary provision is adequate with K.C. Education advising no financial contribution is needed.

- Queries over the extent of the applicant's local community engagement, with comments that the event was inadequate. Conflicting consultation dates were published on the Council's website and notification letter.

Response: The applicant undertook a community consultation exercise on the 28th of January 2020, at the Primrose Hill Liberal Club. Approximately 20 residents attended, with the issues raised including objections on access and traffic, drainage, coal legacy, overlooking and ecology. Given the scale of the development, this is considered proportionate.

- The surrounding area's drainage network is poor quality and not fit for additional dwellings.

Response: The management and maintenance of adopted sewers on public land is the responsibility of Yorkshire Water. Should the sewers not be in a state to accept new connections, a formal declaration can be made. Yorkshire Water have been involved in discussions regarding the application and raised no such issue.

- Objection to the use of Malvern Rise's access to the site. Use of Malvern Rise's has already damaged walls.

Response: Malvern Rise was formally used as an access to the school for deliveries. However, this was understood to be via a right of access and not ownership. Malvern Rise it is not part of the same land title as the application site and is not proposed to be used as part of this application. A new access is to be formed from Plane Street.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The proposal seeks residential development on part of a housing allocation HS44. The development does exclude part of HS44 and would prevent the future development of the remainder of the allocation. Nonetheless, for the reasons given in this report, officers are satisfied that the proposal represents an efficient and effective development, with an appropriate density considering the constraints of the allocation. Therefore, the principle of the proposed residential development is accepted.
- 11.3 Site constraints including topography, neighbouring residential properties, trees and ecology, and various other material planning considerations. Nonetheless, the proposed development adequately addresses each. The design and appearance of the proposed development is considered acceptable. There would be no harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology and protected trees, have been addressed through the proposal.
- 11.4 The proposal would not harm material planning considerations. Furthermore, it would provide an enhancement to local affordable housing, providing 30 affordable rent units, and open space, with circa 630sqm on-site and off-site contributions to enhance local facilities, in line with policy.
- 11.5 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, subject to conditions and planning obligations to be secured via a Section 106 agreement.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Securing use of proposed materials and the submission of roofing samples.
4. Notwithstanding submitted details, full boundary treatment plan to be submitted, to include fencing set behind retaining wall and railing retained.
5. Final site levels to be agreed.
6. Technical details of Plane Street and new Road.
7. Parking spaces proposed to be provided and retained.
8. Provision of bin-storage and details of screening.
9. Construction Management Plan (CMP).
10. Highway condition survey.
11. Sightline secured as per plan.
12. Submission of cycle storage details, and implementation.
13. Charging points, one per dwelling.
14. Contaminated Land (Remediation).
15. Contaminated Land (Validation).
16. Construction (Environmental) Management Plan (C(E)MP).
17. Temporary drainage strategy during construction period.
18. Submission of technical drainage strategy.
19. Ecological Design Strategy to be submitted, approved and implemented.
20. Ecological Lighting Strategy to be submitted, approved and implemented.
21. Landscaping scheme, to include replacement tree replanting.
22. Submission and implementation of Arboricultural Method Statement.

Background Papers

Application and history files accessible at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/92067>

Certificate of Ownership B signed. Notice served on:

- Kirklees Council.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 24-Feb-2021

Subject: Planning Application 2018/92647 Hybrid Planning Application for mixed use development - retail/office and 239 residential units (Use Classes C3/A1/A3/B1a). Full Planning permission for the partial demolition of the former Kirklees College, erection of a food retail store with residential above and erection of two mixed use (retail/residential) buildings, alterations to convert grade ii* listed building to offices and creation of vehicular access from Portland Street, New North Road and Trinity Street. Outline application for erection of four buildings mixed use (residential/office) (Listed Building within a Conservation Area) former Kirklees College, New North Road, Huddersfield, HD1 5NN

APPLICANT

Trinity One LLP

DATE VALID

15-Aug-2018

TARGET DATE

14-Nov-2018

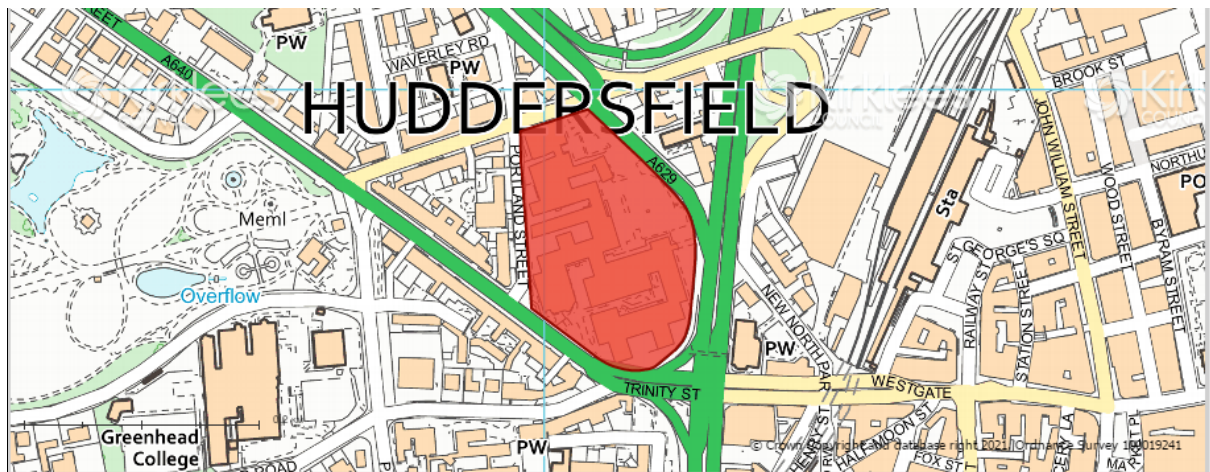
EXTENSION EXPIRY DATE

27-Feb-2021

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Newsome

Ward Councillors consulted: Yes (referred to in the report)

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. Arrangements for the future maintenance and management of drainage infrastructure within the site.
2. Phasing of the development, including urgent work to the listed building (Building 1,2 & 3) within the first phase.
3. Overage clause in relation to the costs of the conversion of the listed (Building 1,2 &3).

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 This is a Hybrid planning application for a Mixed-Use development of retail and office accommodation, incorporating 229 apartments at Castlegate, on the former Kirklees college site that is located to the North of Huddersfield Town Centre. This major application is brought to Strategic Planning Committee for determination given the size of the site and the quantum of development proposed, specifically due to the number of residential units and the amount of retail floorspace proposed.
- 1.2 Kirklees College vacated the site in 2013 and relocated to new purpose-built accommodation. The site has been marketed for redevelopment but during which time it has declined considerably and been subject to decay, having a negative impact in terms of visual degradation and image of Huddersfield when entering the town.
- 1.3 Members may recall that a pre-application submission, referenced 2017/20041, was presented to Strategic Committee on 5th October 2017 to engage with members on the potential redevelopment of this site and obtain their views on the scale, form, and uses proposed. Committee comments were generally supportive of redevelopment of the site and the regeneration benefits of redevelopment and did wish to see the scheme with scale

respecting the existing listed buildings and the Edgerton Road Conservation Area. It should be noted that the scheme at pre-application stage was significantly different due to the inclusion a building of 11 storeys in height which incorporated the retail food store at ground level and primarily residential units above, on the southern element of the site.

2.0 SITE AND SURROUNDINGS:

2.1 The site is located adjacent to the west of Huddersfield Town Centre ring road (Castlegate A62). The site is elliptical in shape, extending to approximately 2.46 hectares (6.09 acres), and is bounded on all sides by the extensive road networks comprising Fitzwilliam Street, Portland Street, New North Road and Trinity Street. The site comprises the former Kirklees College Campus and includes a range of buildings that were built as tower blocks in the 1970s. Also, within the centre of the site is the Grade II* listed former Huddersfield Infirmary Building, the Grade II Listed King Edward VII Statue and associated car parking space. The site is a Mixed Use allocated site within the Kirklees Local Plan under ref MXS4 for housing, retail and/or leisure beyond already permitted under Planning Permission 2015/93827 for the Erection of Food Retail Store on the southern part of the site.

2.2 The site has 3 distinct character zones as identified within the applicants Design & Access Statement (dated 31/07/2020):

1. Upper site– The 1933 infirmary extension and modern corner building.
2. Historic Core – The listed original infirmary building and statue of King Edward VII.
3. College Campus– 1970s medium rise Town- blocks

The wider context of the site can be summarised as mixed commercial uses in a predominantly residential area. The site is now within the town centre boundary as shown in the Local Plan which this site extends to the east, primarily residential to the south and north and Greenhead Park to the west which provides a green island of open space for leisure and recreation purposes.

2.3 The site is very accessible with Huddersfield Train Station situated within walking distance from the site (approximately 350m to the east), Huddersfield Bus Station being a comparable distance away to the south east, both of which are accessible via the existing subway crossing the A62. The A640 and A629 both head northwest to junctions 23 and 24 respectively of the M62.

2.4 The northern part of site is within the Edgerton Conservation Area.

2.5 From the site existing views are available to the surrounding hill lines. In particular, key views of Castle Hill to the south and Cowcliffe Ridge to the north, exist. The applicants state that the proposal has been informed by the 2016 Castle Hills Setting Study, in particular respecting the views of importance. Although officers accept that the layout has other key influences and that its relevance is diminished through distance.

3.0 PROPOSAL:

- 3.1 The proposal involves the erection of mixed-use development within 6 buildings, retention, repair and redevelopment of Grade II* listed building and retention of Grade II listed statue. Additionally, construction of associated access, surface and undercroft car parking and landscaping and demolition of all other existing buildings.
- 3.2 When the application was received in 13th August 2018 the proposal consisted of the following:
- Residential Dwellings – 187 14270.9 sqm
 - Use class A1 Retail and Shops -2823.9 sqm
 - Use class B1 Offices - 4139.3 sqm
 - Use class C1 (Hotel) - 102 bedrooms 3759.7 sqm
- 3.3 However, crucially the 2 existing wings that formed part of the principle listed building on site were proposed to be demolished which was not considered to be an appropriate design solution in heritage impact terms. Through negotiations and discussions with Council officers, Historic England and several variations of the development form, aimed at balancing viability and the impacts upon heritage assets, the applicants arrived at the current scheme.
- 3.4 The quantum of development now proposed consists of the following elements:
- Residential Dwellings - 229 (Use Class C1) 13690.1 sqm (Comprising 197 new build units & 32 from converted wings of listed building)
 - Use class B1 Offices – (Use Class B1a) 1001.9 sqm
 - Food Retail (Use Class A1) - 1997.9 sqm
- 3.5 The Hybrid application consists of a full application for the retail food store on the southern part of the site (building 6 on the masterplan) and the conversion of the principal listed building and its' wings in the central *historical core* (buildings 1,2 & 3 of the masterplan).
- 3.6 Outline permission is sought for the majority of the residential development on the Northern or Upper part of the site. Within this part, Access and Scale are the only matters sought for approval. Matters of Appearance, Layout and Landscaping, are to be applied for at reserved matters stage. The number of units proposed within the new residential blocks totals 197 apartments (32 units are proposed within the conversion of the wings of the principle listed building). As part of the outline application parameter plans that fix the height and therefore massing of the blocks have been included in the application.
- 3.7 The scale and form of the proposal is 4 and 5 storeys (above ground) for the residential apartments on the northern part of the site (Buildings 4 and 5 the illustrative masterplan) and just under 7m in height building on the southern part of the site that would contain (Building 6 on the illustrative masterplan) the retail provision for the overall development. A discount food retailer is proposed and the applicants have confirmed this is intended for the Lidl retail operator. The site layout on this part of the site is in general conformity with the previously approved layout in 2016 (2015/62/93827/W), facing west towards the main access to Trinity Street.

Listed Building Consent

- 3.8 Listed Building consent (2018/92687) is sought for the alterations of the grade ii* listed building and the demolition of other curtilage listed buildings (within a Conservation Area). These matters are assessed within the Heritage part of the report.
- 3.9 If members resolved to grant approval for the planning application officers would then grant the listed building application which, under the scheme of delegation, does not require committee authorisation.

Access

- 3.10 In terms of the full planning application part of the site:
- 3.11 Vehicular access is proposed off Portland Street via four access points. First to serve the retail development of the proposed food store (building 6 of Masterplan) for customer parking.
- 3.12 The second access is for servicing of the retail store only and provides a direct route to the rear of the retail store for delivery vehicles.
- 3.13 The third access is to serve the rear entrance and wings of the primary listed building (buildings 1 2& 3) and the rear of the Primary listed building. In this area a small amount of parking is proposed.
- 3.14 The fourth vehicular access is to serve the residential development to the north of the site that is in outline form and also the parking area in front of the listed building (building 1).
- 3.15 The existing vehicular access from the East on New North Road will be closed. Details of which are recommended to be secured by condition.

Demolition

- 3.16 The applicants propose to demolish all of the existing buildings on site other than the former Infirmary buildings and its wings (Buildings 1, 2 & 3 as shown on the Masterplan). When the application was submitted in 2018 the applicants proposed to demolish the wings of the listed building but this became a problematic part of the scheme. The applicant now proposes their retention. A demolition plan is included with the revised submission received in August 2020.
- 3.17 The Hybrid application has been supplemented by the following documents:
- Planning and Retail Statement;
 - Design and Access Statement;
 - Phase 1 Desk Top & Geo Environmental Assessment;
 - Flood Risk, Foul and Drainage Assessment;
 - Transport Assessment
 - Framework Travel Plan;
 - Ecological Assessment;
 - Bat survey
 - Heritage Assessment;

- Noise and Vibration Assessment;
- Arboricultural Assessment;
- Air Quality Impact Assessment; and
- Coal Mining Risk Assessment

3.18 An Environmental Impact Assessment (EIA) screening opinion request was submitted and a screening opinion processed when the pre-application submission was received. This scheme involved the high rise residential block above the food retail store and involved the demolition of the two wings of the listed buildings. The impacts of the proposal were significantly greater than the revised scheme now under consideration. The opinion concluded that the development is not EIA development.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 The following applications relate to this site:

2015/93827 - The southern part of the site Full planning permission for demolition of existing buildings a food retail unit (Use Class A1) and associated access and landscaping. Council records demonstrate that the attached conditions were not discharged therefore this permission has expired.

4.2 2018/92687 - Listed Building Consent accompanying this planning application.

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

5.1 2017/20041 - Pre-application submission advice was received in 2017. The scheme has been the subject of formal advice was provided in a pre-application submission.

5.2 The current application was received in 2018. The scheme involved the demolition of the two wings of the primary Grade II* Listed Building and the construction of an 11 storey block comprising retail at ground floor and residential units above. Historic England and heritage consultees objected to the demolition of the wings and had concerns with the scale of the building on the southern part of the site. Negotiations resulted in a revised scheme being submitted in August 2020.

5.3 Council officers requested that urgent works required to secure the primary listed buildings (buildings 1, 2 & 3) were secured in the 1st phase of development, alongside the demolition of the existing buildings at the site. Such works are considered to prevent the further decline in the condition of the primary listed building. The applicants have not formally responded but asserted verbally that there are no funds available within phase 1 to undertake urgent works to the listed buildings.

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).

Kirklees Local Plan (2019):

6.2 The application site is allocated for a mixed - use site, Land North of Trinity Street, Huddersfield (Site Ref: MX1906) in the Kirklees Local Plan. The allocation defines a Mixed use - housing, employment and retail (additional retail and/or leisure beyond that already permitted (under application 2015/93827 for Erection of food retail store) would be subject to policy LP13 of the KLP) and gives a gross and net site area of 2.44 Ha, Indicative Housing Capacity of 45 dwellings and an indicative employment area of 2103 sqm. It lists the following constraints:

- Air quality issues
- Potentially contaminated land
- Odour source near site
- Noise source near site
- Part/all of the site is within a High Risk Coal Referral Area
- Grade II* listed former Huddersfield Infirmary building is within the site
- Grade II listed statue within the site
- Part of the site is within a Conservation Area

6.3 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP4 – Providing infrastructure
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP9 – Supporting skilled and flexible communities and workforce
LP11 – Housing mix and affordable housing
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP23 – Core walking and cycling network
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP38 – Minerals safeguarding
LP47 – Healthy, active and safe lifestyles
LP49 – Educational and health care needs
LP67 - Mixed Use Allocations

Supplementary Planning Guidance / Documents:

6.4 Relevant guidance and documents:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highway Design Guide (2019)
- Waste Management Design Guide for New Developments (2020)
- Green Street Principles (2017)
- Kirklees Viability Guidance Note (2020)
- Huddersfield Blueprint (2019)

6.5 A draft Housebuilder Design Guide SPD, Open Space SPD and Biodiversity Net Gain Technical Advice Note were published by the Council in 2020. These have undergone public consultation but have not been adopted to date.

Climate change:

6.6 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.7 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.

National Planning Guidance (National Planning Policy Framework):

6.8 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 effective use of land
 Chapter 12 – Achieving well-designed places
 Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
 Chapter 15 – Conserving and enhancing the natural environment
 Chapter 16 – Conserving and enhancing the historic environment
 Chapter 17 – Facilitating the sustainable use of materials.

6.9 Since March 2014 Planning Practice Guidance for England has been published online.

6.10 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was validated on 15/08/18 and was advertised by site notices, press advert and 84 neighbour notification letters. As a result, 3 letters of representation were received. In August 2020, amended plans were received and therefore another round of publicity was undertaken. The amended plans were advertised by site notices, press advert and 84 neighbour notification letters. 3 interested parties and 2 letters of representation were received, one of which was from Huddersfield Civic Society which is included in the heritage section of the appraisal.

7.2 A summary of the comments received is provided below.

7.3 2018 Original scheme:

- Area is of significant importance to Huddersfield
- proposed new building elevations do not in any way respond to the 'Infirmery' the one listed building the developers are proposing to leave standing.
- the site does need to be developed but for such an important and visible area of Huddersfield an increased effort is required from this developer in respect of his proposed facade designs
- Huddersfield Civic Society accepts the uses but raises concern design
- profound impact the setting of the listed Infirmery building, which, as a Grade 2* building is considered of regional importance
- mass, articulation and fenestration, particularly those adjacent to the Infirmery, fail to reflect the architectural quality of the listed building and the town's distinctive architectural quality
- wing designed by prominent local architect, in 1874 and the wing containing the water tower are both distinctive and architecturally important features
- no approval for new buildings should be given until there is substantial and convincing evidence that these structures cannot be successfully re-used.
- level of metal cladding rather than the use of stone, particularly in relation to buildings along Portland Street and the adjacent Conservation area
- those buildings which are retained are converted and suitably restored as part of an agreed phased development and are not neglected should part(s) of the site be disposed of.

- In June 2016 the planning committee stipulated that “natural Yorkshirestone” should be used on the elevations of the permitted supermarket application.
- The current application for block 8 proposes extensive use of “sandstone faced rain-screen cladding”. The acceptability of this material is dependent upon its quality
- If it replicates the local stone used on the recent University Oastler building then that would be satisfactory; any other material may not complement the adjacent Grade II* listed building or Conservation area
- West elevations of buildings 2 and 3 have too much metal cladding but a greater proportion of sandstone should be used on the side facing Portland Street.
- Phasing of the development: Planning Authority should condition the simultaneous development of all 4 buildings.

7.4 2020 - Revised Scheme:

- How happy I am to hear this and sincerely hope this application is successful.
- After 5/6 years and numerous callouts of the emergency services – both Police and Fire
- Site is a complete eyesore for visitors to this historic town putting Huddersfield in a very poor light indeed.
- The property is being used by many of the homeless community as a public convenience – and this I see on a daily basis
- Huddersfield Civic Society- welcomes retention and conversion of those buildings marked Buildings 1,2 and 3 on the submitted plan
- Notes the applicant states, this drawing shows an indicative design only
- Should a detailed application on this part of the site be submitted it is essential that attention is paid to the relationship with buildings within the adjacent Conservation Area and particularly those along Portland Street
- strong objection to the elevational details of the proposed supermarket and related car parking and would appear to achieve even lower standards of design than existing college buildings
- contrary to objectives of the Council in promoting good design, on a site which leads to the Station Gateway, where a fundamental ambition within the Council's Blueprint is to enhance the heritage and commercial attractions of the town
- greater focus on materials, elevational detail, built form and landscaping, incorporating greenspace with tree planting.

- introduction of the proposed supermarket, into an existing application, to be wholly inappropriate given no such element was included in the original application.
- By accepting the changes as a revision the opportunity for members of the public to submit comments has been reduced from the time frame allowed

Ward Councillor comments

7.5 Ward Councillors were emailed on 12.01.2021. Any comments received will be reported in the agenda update.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM - No objections subject to conditions.

Lead Local Flood Authority (LLFA) - No objections subject to conditions.

Historic England – No objection; the principle of development is supported, ask that your authority is satisfied that this is the minimum amount of development necessary to make the proposal viable and that can only be delivered in this particular way (14 September 2020) Refer to Assessment for further detail.

8.2 Non-statutory:

KC Conservation & Design - No objections. The principle of redeveloping the site with extensive demolition is accepted if the restoration and conversion of the 1831 infirmary building and rear wings is carried out as part of the proposal. Advise conditions and phasing plan to be secured through S106 agreement.

West Yorkshire Archaeology Advisory Service (WYAAS): Parts of the hospital require archaeological and architectural recording prior to the change of use. In particular the entrance block which housed principal accommodation for senior staff and medical facilities.

KC Ecology - No objection provided the following pre-commencement conditions are included, or ideally this information could be provided prior to determination.

KC Trees - The applicants have attempted to retain existing trees on site. No objections subject to conditions.

Georgian Group - Object. Welcomes the repair and reuse of the original c1831 former infirmary building but object to the demolition of a number of the later nineteenth and early twentieth century former hospital buildings.

Huddersfield Civic Society - Object. Welcomes the Retention & Conversion of buildings 1, 2 & 3. Strong objection to the elevational details of the proposed supermarket and related car parking supermarket would appear to achieve even lower standards of design, as very prominent site. Severely question Council's commitment to its own Blueprint and its ability to positively promote high standards of architecture and design.

Yorkshire Water - No objections subject to conditions.

KC Strategic Housing - No objection. Based on a development of 239 residential units, 48 units are sought from this development. for 1 and 2 bed dwellings. The applicant proposes studio, 1, 2 and 3 bedroom apartments housing, therefore a mixture of these would be suitable for this development.

Vacant building credit: Government guidance and policy in planning practice guidance and the National Planning Policy Framework, notes the following on vacant building credit (VBC):

VBC is applicable resulting on the provision of no affordable housing units in this scheme.

KC Education - The scheme generates a total requirement of £291,469 towards primary school provision (Spring Grove J I & N School). No secondary education is required by this development.

KC Strategic Waste - No objections. No closed landfill sites within 500m of HD1 5NN, nor does our historic sieve maps.

* According to the Environment Agency search website, there are no Active landfills within a 500m radius.

KC Business Team - The business team recognises the significant investment brought into developing this Huddersfield Gateway site and in bringing a listed building back into use. Therefore support the application on the basis of the significant jobs to be created and would wish to also explore the opportunity for local plant, material and labour during the construction phase.

9.0 MAIN ISSUES

- Principle of development
- Heritage Issues and Restoration of the Listed Building
- Residential amenity & Unit Size
- Ecology and trees
- Planning obligations and financial viability
- Phasing of the development
- Housing issues
- Highway issues
- Drainage issues
- Climate Change
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

- 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.
- 10.3 The site is allocated as a mixed - use site, Land North of Trinity Street, Huddersfield (Site Ref: MX1906) in the Kirklees Local Plan which was adopted in February 2019. The allocation defines a Mixed use - housing, employment and retail (additional retail and/or leisure beyond that already permitted (under application 2015/93827 for erection of food retail store) would be subject to policy LP13 of the KLP) and gives a gross and net site area of 2.44 Ha, an indicative Housing Capacity of 45 dwellings and indicative employment area of 2103 sq m. It lists the following constraints:
- Air quality issues
 - Potentially contaminated land
 - Odour source near site
 - Noise source near site
 - Part/all of the site is within a High Risk Coal Referral Area
 - Grade II* listed former Huddersfield Infirmary building is within the site
 - Grade II listed statue within the site
 - Part of the site is within a Conservation Area
- 10.4 In planning policy terms, the site allocation within the Local Plan can be given full weight.
- 10.5 The southern section of the site benefits from an outline planning permission (Ref: 2015/93827) for the demolition of existing buildings and erection of a food retail unit (A1) with associated site works, parking, access and landscaping which was approved with conditions by the Council on the 27th June 2016. This consent granted 2,470 sq m (net sales area of 1424 sq m) of Use Class A1 retail floorspace within a single unit as shown on the accompanying plans.
- 10.6 The site is classed as a brownfield site within the Huddersfield Town Centre, however in terms of retail policy assessment the site is classed as edge of centre (outside of the primary shopping area). A retail assessment was submitted with the planning application and identifies the relevant planning policies. The application proposal comprises two main town centre uses which is the office within the primary listed building (Building 1 on masterplan) and the food retail store (Building 6 on masterplan). When the application was received in 2018, the UDP formed the development plan for Kirklees and the site was located outside of the Town Centre boundary. The applicants did undertake a Sequential Test and Impact Test in relation to the retail proposed as required for sites outside of Town Centres. The adoption of the Local Plan included this site as being within Huddersfield Town Centre where retail and office developments are acceptable in principle.
- 10.7 Given that permission has previously been granted for 2,470 sq m of retail floorspace on the site and notwithstanding detailed assessment of the scheme (currently 2,824 sq m A1 retail), the principle of development on the southern part of the site which proposes retail development is considered to be acceptable. With regards to the northern part of the site, incorporating the residential development in outline form (buildings 4 & 5 shown on the

masterplan) on the Upper site and the Historic core containing the listed buildings (buildings 1, 2 & 3 shown on the masterplan), consideration needs to be given to the material considerations of the benefits that would accrue in terms of regeneration of a key site and a significant level of investment and employment generation that would weigh against any identified harm to heritage assets from demolition and construction of the buildings of scale and massing required to accommodate 239 residential units.

- 10.8 It is recognised that in the applicants planning statement the applicants have justified the development in terms of its sustainability criteria and particularly the economic benefits of the scheme as required in the NPPF. *The retail food store element associated with the extant permission was identified as providing up to 50 jobs. Employment opportunities will also be generated during the construction phase and where appropriate, local labour would be given the opportunity to be involved.* Employment opportunities would also be provided by the office unit from the converted Listed Building (Building 1 on the masterplan).
- 10.9 It is also recognised that there are benefits from providing a significant number of residential units into the Town Centre. Policies LP13, LP15 and LP17 of the KLP support town centres as places where people live. Policy LP15 of the KLP refers to residential uses within Town Centres and gives criteria to assess proposals against. This scheme is compliant with the criteria in terms of the residential unit's proposed in the wings of the primary listed building and further assessment will be undertaken at reserved matters stage when details are submitted for the northern element of the scheme that is currently in outline form. Policy LP17 of the KLP which refers to the Huddersfield Town Centre, identifies the centre to be the principal focus for high quality comparison retail goods within the district, supported by a range of leisure, tourism, office (including high quality grade A office space), and other main town centres uses. The opportunity that will be secured by the restoration of the Grade 2* listed building for high quality office accommodation in a highly accessible location should be recognised.
- 10.10 The site is identified as one of two key development site opportunities to support capacity for growth within the town centre over the plan period.
- 10.11 The Kirklees Economic Strategy 2014-2020 set a priority to revitalise Huddersfield Town Centre with more cultural, leisure and independent retail attractions, with the aim of increasing pedestrian footfall and the vitality of the town centre. The development can assist in and will play a key role in achieving these aims. Taking into consideration the aforementioned local policies and the broad aims of revitalising town centres as a key focus for investment from national policy in the NPPF, the principal of development on the site is acceptable.

Quantum and density

- 10.12 To ensure efficient use of land, Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be 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. Kirklees has a finite

supply of land for the delivery of the 31,140 new homes required during the Local Plan period, and there is a need to ensure that allocated sites are efficiently used (having regard to all relevant planning considerations) to ensure the borough's housing delivery targets are met.

- 10.13 The number of apartment units proposed is 229 which is 197 on the northern part of the site and 32 within the wings of the primary listed building in the Historic Core. The indicative number of dwellings within the site allocation box of the Local Plan is 45 but this also includes an employment floorspace of 2,103 sq m. The density of the development as a whole is 93 dwellings per Ha. Officers acknowledge that the challenges of the site mean that the northern element that comes forward at reserved matters will be a high density format but this is a town centre where some scale can be accommodated if sensitively designed.

Heritage Issues and Restoration of the Listed Building

- 10.14 The former Huddersfield Royal Infirmary site occupies a prominent position on the edge of Huddersfield town centre, within the setting of a large number of listed buildings and affecting three conservation areas. The original infirmary (F1) is listed grade II* and, together with the grade II listed statue of Edward VII, provides an impressive centrepiece for a complex of structures which help to tell the story of the development of healthcare and the civic character of Huddersfield. These buildings are considered to form a priority site that is included in the national Heritage at Risk Register.
- 10.15 The three conservation areas are Greenhead Park, Town Centre and Springwood Conservation Areas. The setting of Greenhead Park Conservation Area comprises residential development to the north and west of the site. To the east sits the Huddersfield Town Centre Conservation Area and includes St Georges Square and the railway station. Springwood Conservation Areas
- 10.16 Several listed buildings are located at close proximity to the site and therefore the proposals have the potential to affect their setting.
- 10.17 When determining planning applications that impact on designated heritage assets local planning authorities have a statutory duty under sections 16(2), 66(1) and 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 10.18 Paragraph 192 of the NPPF states: "In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness."

- 10.19 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 10.20 Paragraph 195 of the NPPF states that: "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 10.21 Part 1 of Policy LP35 of the Kirklees Local Plan states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset and it mirrors paragraph 195 of the NPPF in terms of the assessment for proposals that would result in substantial harm or loss of a designated heritage asset.
- 10.22 The policy justification for LP35 identifies that "much of the distinctiveness of Kirklees' historic environment is steeped in the development of the textile industry."
- 10.23 A Heritage Statement has been prepared (by Woodhall Planning & Conservation support the application. The assessment identifies the heritage assets of the site and the potential impact upon the conservation areas and their setting. It appraises the historical significance of the blocks that are proposed to be demolished.

Re-use of Listed Buildings (Building 1,2&3 on Masterplan)

- 10.24 The revised proposal includes the conversion and restoration of the historic Grade II* listed infirmary building (building 1 on masterplan) along with the two rear wings to the west (buildings 2 and 3 on masterplan) into high quality residential and office accommodation.
- 10.25 KC Conservation & Design Team commented that *given their dilapidated and vulnerable condition and the length of time these have remained vacant, they support a sensitive proposal which restores these significant heritage assets and gives them a sustainable and viable use. If the proposed office use for Building 1 is unviable as indicated in the viability assessment, new uses could be explored later. The applicant proposes the demolition of later interventions including external structures and internal partitions which will reveal the historic structure and floorplans and as these will enhance the listed building, they are acceptable. Extensive restoration work is proposed, including the refurbishment of existing historic windows and internal woodwork,*

reinstatement of previously blocked up windows, restoration of the masonry and roof, restoration of internal plasterwork and the removal of later fittings and interventions. Again, this will enhance the listed building some alterations are proposed to enable the building to function safely and effectively in its proposed use. This will require the replacement of existing escape stairs, the provision of new entrances, and internal works which include the formation of new openings, some subdivision, and the provision of sanitary facilities. These works are acceptable subject to conditions.

- 10.26 Historic England have advised that that they have no objections to office or residential re-use of the Grade 2* listed building.
- 10.27 A separate application (2018/92687) for Listed Building Consent was submitted to accompany the planning application. This relates only to the works to the Listed Building (including the demolition of those buildings and structures classed as curtilage buildings). If the committee resolve to support the officer recommendation the listed building application will be approved under delegation at the same time.

Statue of King Edward VII (Grade II listed)

- 10.28 This statue stands in the car park to the east of the original infirmary building. It consists of a bronze statue of the King in Garter Regalia on a granite plinth with bronze plaques of Peace, Sympathy and Industry on three sides. The immediate setting of the statue of King Edward VII currently undermines the significance of this listed building. The surface parking, condition of surrounding buildings, and proximity of the large college buildings are all detrimental to its setting.
- 10.29 Officers sought amendments to the original scheme submitted that secured a reduced level of surface car parking to the front of the primary listed building (building 1) and enhanced the area surrounding the statue so that that the attractive setting of the front of the Listed building and the statue could be enhanced and better appreciated with less visual clutter from car parking.

Demolition

- 10.30 The former college buildings (Blocks A to E as shown on the demolition plan) consist of 1970s tower blocks and previously used as a college campus. These buildings are heavily vandalised, they have negative impact on the immediate vicinity, and wider area including the nearby conservation areas. They adversely impact upon the setting of the retained listed building and indeed, completely obscure any view of the former infirmary Building 1 from the south, southeast and southwest of the site. Officers consider that the demolition of this group will open up views through the site towards the primary listed building within the historical core.
- 10.31 The buildings on the northern part of the site, (namely Blocks, H, G, J & K on the demolition plan) would result in the loss of some of the later phases of the hospital complex. The applicants state that their demolition is justified in part as these buildings have been altered, are currently vacant, and as a result of vandalism and fire are in a poor condition. Due to their design and layout, these later blocks do not lend themselves to conversion for modern office or residential use.

- 10.32 Kirklees Council Conservation & Design officers did have concerns with the demolition of Building G. This building, which is listed as part of the infirmary complex, is considered to contribute to the significance and evolution of the site, with the two pavilions on the Portland Street elevation of this Art Deco building making a positive contribution to the character of the Greenhead Park / New North Road Conservation Area. The demolition of this building will cause less than substantial harm to the significance of the infirmary complex and character of the conservation area and this needs to be outweighed by the public benefits of the proposal.
- 10.33 The applicants Viability Appraisal (VA) was assessed on behalf of Kirklees Council by Avison Young (AY) who produced an independent VA that concluded that the proposed demolition and density of new development at the northern end of the site is necessary to fund basic works to the 1831 infirmary building and attached wings, and states without this level of work that the restoration of the listed building would be unviable.
- 10.34 It is necessary to ensure that that the full restoration is carried out rather than simply making the listed buildings wind and weather tight, and a phasing plan for the development of the site is required.

Northern Site (Buildings 4 & 5 on masterplan)

- 10.35 Although the submitted design of Buildings 4 and 5 show limited detail and this gives some uncertainty at this stage, it will provide the opportunity for detailed design discussions at reserved matters stage, when consideration must be given to the NPPF paragraph 130 and 192 – 196 as well as LP17, LP24 and LP35 of the Kirklees Local Plan. This will allow the regeneration of the site to proceed while safeguarding Buildings 1, 2 and 3.
- 10.36 KC Conservation & Design officers raised concern that the indicative scale and location of the new-build apartments would have a significant impact on the character of their context within the conservation area and requested that the applicants demonstrate that the indicative quantum of new build (197 apartments proposed) is the minimum necessary to make the overall development viable. However, this has been justified through the viability process and the evidence contained within the Viability Appraisal, consequently the quantum proposed, is considered to be the minimum amount of development

Historic England

- 10.37 Historic England have commented as follows:

The former Huddersfield Royal Infirmary site occupies a prominent position on the edge of Huddersfield town centre, affecting the setting of a number of listed buildings and three conservation areas. The regeneration of this strategic site represents a critical opportunity in the development of Huddersfield town centre, which would bring back into use a nationally important building alongside some of its ancillary structures which contribute to its significance and to the story of the development of the town.

As such, the principle of redeveloping this site is supported. Whilst the welcome some changes to the previous scheme, the loss of historic buildings – block G in particular - and the increased density of the proposed development on the north part of the site would be harmful to the character and appearance of conservation area and the setting of surrounding listed buildings, and consequently we have concerns on heritage grounds. Whilst we do not object to the proposal, we ask that your authority is satisfied that this is the minimum amount of development necessary to make the proposal viable and that can only be delivered in this particular way.

When making this judgement, we ask you to consider the ‘special regard’ which must be paid to the desirability of preserving listed buildings or their settings and preserving or enhancing the character or appearance of conservation areas. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 127, 130, 192-196 and 200 of the NPPF

Georgian Group

- 10.38 The response dated 03/09/2020) from the Georgian Group does recognise and welcome the repair and reuse of the original c1831 former infirmary building. Their response is summarised in the concluding paragraph and is therefore interpreted as an objection and states:

The proposed works to the former hospital complex would collectively cause a considerable degree of harm to its significance, and to the character and significance of the surrounding conservation area. Parts of the proposed work including the proposed total demolition of the later nineteenth and early twentieth century hospital ranges are of a particularly controversial nature and have not been adequately justified. We would therefore urge the applicant to withdraw this application until such time as they can address the issues highlighted within this letter. If the applicant is unwilling to do so, then consent should be refused.

Huddersfield Civic Society :

- 10.39 The Huddersfield Civic Society have stated that they welcome the retention and conversion of those buildings marked Buildings 1, 2 and 3 on the submitted plans. It also echoes those concerns, articulated in the Society's original comments, concerning the proposed residential block (Building 5) but notes the applicant states, 'this drawing shows an indicative design only. Detailed planning permission is not sought for this building'. Should a detailed application on this part of the site be submitted it is essential that attention is paid to the relationship with buildings within the adjacent Conservation Area and particularly those along Portland Street. It may be appropriate for a planning condition to this effect to be incorporated into any approval granted on this initial phase of the site development. However, the Society wishes to state its strong objection to the elevational details of the proposed supermarket and related car parking. This occupies one of the most prominent sites within Huddersfield, adjacent to Castlegate (ring road) and Trinity Street, the latter providing the main access to and from the M62 motorway.

Over the past few years there have been a number of high quality developments fronting the ring road, including those on the university campus and Huddersfield Sports Centre which have complemented buildings of architectural and historic value such as St Paul's Church and Queensgate Market. Those buildings on the former Kirklees College site, which were constructed in the 1960/70 period, have, generally, been considered to be of poor architectural quality, particularly in relation to the former Infirmary, adjacent Conservation Area and the prominence of the site. The proposed supermarket would appear to achieve even lower standards of design, particularly in relation to these features. It would, therefore, be a retrograde step for approval to be given to this element of the proposal, and contrary to objectives of the Council in promoting good design, on a site which leads to the Station Gateway, where a fundamental ambition within the Council's Blueprint is to enhance the heritage and commercial attractions of the town. Furthermore, this element of the application should, at the very least, undergo some major design revisions coupled with a far greater focus on materials, elevational detail, built form and landscaping, incorporating greenspace with tree planting. Finally, the Society view the introduction of the proposed supermarket, into an existing application, to be wholly inappropriate given no such element was included in the original application. There is little clarity regarding the 'revisions' and major conflicts between the (still undecided) Aug 2018 application on the council website and statements in latter documents. By accepting this change as a 'revision' to an existing application, the opportunity for members of the public to submit comments has been significantly curtailed from the time frame allowed in the event of a new application. As such, we strongly recommend this application be rejected and the applicant asked to resubmit a new application to ensure residents of Huddersfield are allowed the opportunity to express their views. As it stands any approval would be a retrograde step for the town and severely question the Council's commitment to its' own BluePrint and its ability to positively promote high standards of architecture and design.

Conclusion on Heritage

- 10.40 Paragraph 194 of the NPPF states that any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (as is the case here), this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.41 KC heritage officers have advised that the development will have the following impacts upon heritage assets.
- a) Direct impact on Grade II* listed building –‘less than substantial harm’ to the significance of this listed building
 - b) Impact on the setting of the listed buildings on the Site – enhancement of their setting
 - c) Impact on the setting of the listed buildings around the Site – enhancement of their setting

- d) Direct impact on Greenhead Park Conservation Area - 'less than substantial harm' to the significance of this designated area
- e) Impact on the setting of the surrounding conservation areas - enhancement of the setting of the designated areas

10.42 It is also noted that Heritage officers advise that the demolition of building G will cause less than substantial harm to the significance of the infirmary complex and character of the conservation area

The public benefits of the scheme include as follows:

- Restoration and reuse of a grade 2* listed building (buildings 1 ,2 &3) that is currently on the National Heritage at Risk Register
- Enhancement of the setting of the primary listed building and its wings
- Regeneration of a highly prominent derelict site within the Town Centre
- Secures a significant level of investment and employment opportunities
- Provision of 229 Dwellings in a sustainable location and within the Town Centre which when occupied assists with spend within the local economy and support retail units and town centre vitality and viability.

10.43 It is recognised that the site's physical deterioration has a significant negative impact on the character and appearance of the wider town centre, including the existing heritage assets in and close to the site. There have been and are a number of planning issues on this site to balance and this scheme is considered to present an appropriate solution with significant public benefits that outweigh the less than substantial harm previously identified. In doing so this scheme will enhance a significant part of the designated conservation area, and positively contribute to the strategic regeneration of this part of Huddersfield town centre. The proposal therefore complies with Paragraph 196 of the NPPF and policy LP35 Kirklees Local Plan.

Residential Amenity & Unit Sizes

10.44 Local Plan Policy LP24 advises that good design should be at the core of all proposals. It states that development should provide good design by ensuring, amongst other matters, that they provide a high standard of amenity for future and neighbouring occupiers and also, that they are adaptable and able to respond to change and offer flexibility to meet changing requirements of the resident / user. As a consequence, matters such as maintaining appropriate distances between buildings, outside garden areas and also the provision of adequate living space are material planning considerations.

10.45 The applicants submitted a Noise Impact Assessment and Air Quality Assessment with the application. In terms of noise impact the retail part of the development on the southern parcel will generate noise that has the potential to affect the residential amenity of residents both within the development on parcels to the north of the site in outline form and the units within the listed buildings and in proximity to the development. Considerations are given to the operation of the site once each of the sections have been completed and also during the construction phase.

- 10.46 Although residential development would increase activity and movements to and from the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not considered incompatible with existing surrounding uses.
- 10.47 A condition requiring the submission and approval of a Construction Management Plan (CMP) is proposed. The details submitted for a future discharge of condition would need to sufficiently address the potential amenity impacts of construction work at this site.
- 10.48 In terms of Air Quality, the site abuts the ring road and is adjacent to the Air Quality Management Area (AQMA). Considerations are given to both the living conditions of occupants of the proposed residential units and office use (within building 1 of the masterplan). Further details of the assessments undertaken will be reported in the update.

Unit sizes

- 10.49 The applicant proposes the following unit size and mix of apartments for the full application detailed for the conversion of the primary listed building (Buildings 1, 2 & 3):
- Studio
 - 1 bed
 - 2 bed
- 10.50 The detailed design of the units within the outline part of the site for buildings 4 and 5 will be submitted at Reserved Matters stage.
- 10.51 Overall, the mix is considered to be acceptable and would contribute towards creating a mixed and balanced community.
- 10.52 The sizes of the proposed residential units is also a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.
- 10.53 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's draft Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, as of April 2021, all permitted development residential conversions will be required to be NDSS-compliant.

10.54 The applicant has confirmed unit sizes within buildings 2 and 3. Assuming the lowest number of intended occupants, and assuming some of the studios would be provided with shower rooms instead of bathrooms, 30 of the 32 dwellings would be NDSS-compliant. This equates to 93.7% complying with NDSS. The proposed unit sizes are as follows (grey highlights the non-compliant units):

Building	Description	Number of units	Size (GIA) sqm	NDSS (GIA) sqm, lowest number of occupants
2	Studio	2	37.0	39 (37 with shower)
	Studio	1	37.6	39 (37 with shower)
	Studio	2	39.5	39 (37 with shower)
	1 bed apt	1	44.8	39 (37 with shower)
	1 bed apt	1	45.9	39 (37 with shower)
	1 bed apt	3	49.2	39 (37 with shower)
	2 bed apt	2	63.3	61
	2 bed apt	1	64.0	61
	2 bed apt	1	64.1	61
	2 bed apt	1	64.4	61
	2 bed apt	1	66.7	61
	2 bed apt	1	67.1	61
	2 bed apt	1	68.7	61
	2 bed apt	2	72.0	61
		Total	20	
3	1 bed apt	1	45.1	39 (37 with shower)
	1 bed apt	1	54.5	39 (37 with shower)
	2 bed apt	1	55.4	61
	2 bed apt	1	56.6	61
	2 bed apt	1	62.9	61
	2 bed apt	1	63.8	61
	2 bed apt	1	66.7	61
	2 bed apt	1	68.2	61
	2 bed apt	1	68.4	61
	2 bed apt	1	69.8	61
	2 bed apt	1	69.9	61
	2 bed apt	1	72.9	61
		Total	12	

10.55 The proposed unit sizes overall are considered acceptable, noting the policy position in relation to NDSS, as well as paragraph 018 of the “Housing: optional technical standards” section of the Government’s online Planning Practice Guidance (ref: 56-018-20150327).

Ecology and Trees

10.56 An updated bat survey and walkover of the site was undertaken and submitted for 2020 with the amended scheme received in 2020. This revealed minimal changes to the buildings and habitats on the site since the original surveys undertaken in 2017, and therefore with the application of mitigative measures, the risk to protected species is considered unlikely. The outline element of the scheme to the north only, surveys may require repeating on

the buildings to the north of the site (G-K) at reserved matters stage to ensure the status of bats has not changed on the site if the application is not submitted within 2 years from the date of the latest survey.

- 10.57 In accordance with Local Plan Policy LP30(ii) development is required to “minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist”. No objection provided the following pre-commencement conditions are included, or ideally this information could be provided prior to determination.

KC Trees

- 10.58 Arboricultural Report Surveys were undertaken and submitted to Kirklees Tree officers to assess. There are no objections to the proposals on the majority of the site. subject to conditions.
- 10.59 With regards to the retail store element of the scheme, amended plans have been received showing that two trees (T38 and T41 Horse Chestnut) to the south of the food store are now to be retained rather than removed. They are of good size and form and would contribute to the overall amenity value and species retained on the site.
- 10.60 The KC Arboricultural officer has advised that the applicants have attempted to retain as many trees as possible on a difficult site with many constraints. The location of T38 and T41 on an embankment to the front of the store and close to retaining structures makes it difficult to accurately assess at this moment whether they can still be retained, once detailed structural assessments are made but this process could be undertaken by making a Non-Material Amendment application (Section 96a type application to Kirklees Council). The applicants have agreed to attempt to retain them which is a preferred starting position. Details of the tree protection measures for the whole site will need to be secured as a condition in the form of an Arboricultural Method Statement to ensure compliance with policy LP33 of the KLP.

Planning obligations and financial viability

- 10.61 Under planning policies identified the scheme generates the following requirements:

Affordable housing:

- 10.62 Policy LP11 of the Kirklees Local Plan requires 20% of the dwellings on the site to be affordable. Based on a total of 229 units 46 dwellings would be required, however Vacant Building Credit is applicable and due to the extensive buildings on site the calculation has removed the requirement to provide affordable units.

Education:

- 10.63 Policy LP49 of the Kirklees Local Plan provides for educational needs arising from new development. The scheme generates a total requirement of £291,469 towards primary school provision (Spring Grove J I & N School). No secondary education is required by this development.

Open space:

- 10.64 Policy LP63 of the Kirklees Local Plan relates to the provision of open space on new developments. The proposal showing a shortfall in Open Space provision of £373,578. (Accepted that delivery will depend on viability of the scheme)

Highways:

- 10.65 An additional highway improvement scheme is also to be delivered in the direct vicinity of the proposed development to improve pedestrian and cycle links to the town centre, this will be conditioned and delivered by an agreed section 278. (Accepted that delivery will depend on viability of the scheme)
- 10.66 An upgrade to the existing lighting is requested as part of this development and will be conditioned accordingly. (Accepted that delivery will depend on viability of the scheme)

Financial Viability:

- 10.67 The applicant has submitted a financial viability appraisal which has been independently assessed on behalf of Kirklees Council, therefore for the purposes of the report is referred to as AY. Note Viability Appraisal (VA)
- 10.68 Without a reasonable profit there is no commercial justification to a developer investing money into a site. For the purpose of the assessment a target profit equal to 20% on cost (which equates to 16.67% if profit if measured in GDV) is considered to be a reasonable profit for the scheme proposed.
- 10.69 The key differences in the viability Appraisals are as follows:

Sales Values

The applicants VA assumes a sales value of £250 per sq ft on the new build residential element and £240 per sq ft on the residential conversion. Where as AY VA assumes sales values of £250 per sq ft across the whole scheme

Development Value

The Applicant has not included any cost or value associated with the office conversion of Building 1. This is because they believe the office conversion to be unviable. AY have included the office development to demonstrate to committee the non- viable conclusion of this element of the scheme. Also note comments on Sensitivity Testing.

Build Costs

The applicants assumed build cost of £140psf for the new build residential development and £145psf for the conversion elements but not included any costs other than making the building wind and watertight for the refurbished office conversion. AY have adopted £122.54psf for the new build element (external works) the scheme will need to be designed in a sensitive manor in view of the listed buildings on the site, £113.53psf for the residential conversion and £90.30 psf for the office conversion

Contingency

The Applicant have made an allowance of 2.5% on construction costs in their appraisal for a contingency. AY have assumed a contingency of 5% on construction costs normally applicable for brownfield/previously developed sites.

Project fees

The applicant has included project fees at 6.85% on build costs where as AY have applied 8%.

Land Value

Applicant included a land value of £2,350,000. AY have included a land cost of £1,100,000, However, it is understood that £250,000 of fire damage works, as well as c. £750,000 of demolition works were quantified at the time of purchase. Valuation colleagues were in contact with the applicants Viability Consultants a couple of years ago about the application site when valuing another Kirklees College site. It was explained that there was c. £1,000,000 worth of abnormalities associated with the site at the time. The price paid for the site should reflect these abnormal costs, therefore AY deducted the c. £1,000,000 from the £2,100,000 purchase price to get to £1,100,000 and then included the £1,000,000 abnormal costs in our appraisal.

- 10.70 The Applicant's VA did not include any cost or value related to the office conversion, since they believed this element of the scheme is fundamentally unviable. As a result, no funds have been allocated to undertake the conversion works other than to make the building wind and water-tight at a maximum cost of £500,000. Avison Young included the office element of the scheme in the appraisals to determine the overall viability of the scheme. AY appraisal and scenario 1 shows that the Applicant's VA is correct in that the office element of the scheme does not generate a value more than the costs. In the sensitivity analysis, when the office element has been removed it is then included the £500,000 works in the appraisal to ensure the cost is accounted for.
- 10.71 The aim of our assessment is to reflect industry benchmarks in development management viability. The council's VA ignored the nature of the applicant and disregarded all benefits or disbenefits that are unique to the Applicant. On this basis we have removed circa £2,250,000 of costs we believe are unique to the Applicant. Therefore, the Applicants viability is substantially worse than our assessment shows.
- 10.72 The Council's assessors agreed with the applicants on the following issues:
- Policies would require the scheme to provide S106 obligations for education (£291,469), Public Open Space (£50,000) and a sustainable travel contribution (£60,000) amounting to £401,469
- 10.73 The VA Assessment demonstrates that with the inclusion of the S.106 obligations, the scheme generates a residual profit of £3,719,842, equating to approximately 9.67% profit on cost.
- 10.74 It should be noted that the figure for POS contribution has been revised to £373,535. This does not have a bearing on the viability conclusions or officer recommendation.

Sensitivity Testing

10.75 As part of the viability assessment a number of scenario's are explored to test:

- 1) Considered the viability of the scheme on the basis that the office conversion is simply made wind and watertight at a cost of £500,000. Under this scenario the profit generated by the scheme increases to 10.56% on cost. Whilst the viability is improved the profit generated still falls short of the 20% on cost which is deemed to be a reasonable return for the developer.
- 2) Considered the S106 requirements and builds on sensitivity one and removes the S106 obligations in addition to reducing the costs of the office conversion to £500,000 which would simply put the building into a weather tight state. Under this scenario the profit increases to 12.21% on cost (which equates to 11.74% on GDV) which is well below the threshold of 15-20% on GDV advised within the NPPF. Even under this scenario the profit on costs still falls short of the 20% profit on costs which is a advisable target.
- 3) Officers requested that the VA considered the possibility of Building 1 (the main listed building) for residential conversion rather than an office use. However, based upon a crude calculation and without accounting for additional costs on top such as professional fees (8% of build costs), contingency (3% of build costs AY assumed 5% in the appraisal) and finance (varies), although the level of deficit was reduced it was still - £250,764 in deficit.

Conclusion on Viability:

10.76 The VA demonstrated the scheme (with no S106 contributions the development is viable but unable to generate a return (profit) which is commensurate with a reasonable return for a scheme of this nature (i.e. 20% on cost). Whilst removing the S106 obligations will in no way ensure a profit which commensurate with a scheme of this nature it may actually mean the applicant can broadly break even and deliver the scheme.

10.77 An overage clause can however be included within the S106 in the event that the conversion costs (buildings 1,2 &3) end up being significantly less than the applicant anticipates and in turn yields a substantial uplift in the level of developer profit. In this event these funds will go to provide the planning obligations that cannot be secured at this time.

Phasing

10.78 KC heritage officers have assessed the external condition of the primary listed building (buildings 1,2&3 as shown on the masterplan) and identified a number of urgent works that are required to secure the preservation of the principal heritage assets on the site.

10.79 Officers consider that a key public benefit of the scheme is the retention and re-use of the primary listed buildings on the site (as detailed in paragraph of the Heritage section of the report) and therefore it is essential that in granting permission for the wider site redevelopment that the retained heritage assets will be protected from further deterioration and brought back into sustainable use, with the construction plan that secures their redevelopment.

- 10.80 It is understood that the applicant's plan is to enable the sale of the retail foodstore element (southern) of the site and actively market the northern part of the site separately for residential/office use. The site enabling works, therefore, need to facilitate the separate but parallel construction programmes of the two sites, without compromising the ability to secure the listed buildings.
- 10.81 The current condition of the internal fabric of buildings 1, 2 & 3 is at this stage unquantified. The external condition has been assessed recently by officer site visit and the indicative condition is summarised below

Building 1

All visible lead missing from the roof, including ridge and hips, chimney flashings.

- External damp staining to the masonry suggesting parapet gutter lead also stripped.
- Portico roof leaking badly.
- Limited ventilation – needs to be addressed.
- Vegetation growth on roof.

Buildings 2 and 3

- Open and broken windows
- Lead stripped from roof
- Ground floor window boarding not seen but is it ventilated?
- Vegetation growth on roof and in gutters.
- Site security is poor enabling access across the buildings (hoardings pulled away and broken and accessible windows, heras fencing collapsed, rubbish used to access and climb walls).

Note: that due to the inter-connected nature of the interior access is available throughout.

Given the AY viability appraisal conclusions officers advise that the primary aim in terms of heritage is to secure the full restoration and conversion of the listed buildings, which is partially enabled by the development of the food retail plot and the new build apartments which would represent a significant public benefit.

Heritage officers have identified that Urgent Works are required and should be undertaken without further delay

Key urgent works will include:

- a) Establish secure site compound around whole site and security monitoring.
- b) Erect protective boarding around the sensitive fabric of the key buildings, such as the portico columns and the listed sculpture.
- c) Make the roof weathertight – temporary repairs such as bitumen felt in parapet gutter and over hips and ridge.
- d) Clear downpipes and gutters of debris and vegetation.
- e) Temporary repairs to missing slates – new slates or felt repairs.
- f) Adequately ventilate the building. Unsure if existing ground floor window boarding is ventilated or solid. Ventilation should also include basements to prevent dry rot.

g) If any windows are broken or open these should be repaired or boarded up (with through ventilation) to prevent access or pigeons. Due to access difficulties it's unknown whether propping is required internally.

h) Secure the building. Both externally and via other buildings on the site as they are all interconnected. Carry out ongoing security checks.

These works are necessary to arrest the deterioration of the building group, protect the listed building and reduce potential repair costs. Officer's recommend that these works are undertaken within phase 1 and that this phasing is agreed and secured as an obligation in the S106 agreement.

Phase 1- Site enabling & Urgent Works to buildings 1,2 &3.

Enabling works will involve site clearance and construction of development platform for retail element (Building 6). Once Buildings 1,2& 3 are weatherproof and watertight Surveys and inspections to determine the scope of repairs and establish a clear construction programme.

Phase 2- Preliminary construction works Buildings 1,2,3 & detailed design for the new-build residential and construction of retail plot.

Phase 3- Completion of development of buildings 1,2 & 3 and the new build apartments.

The S106 Legal Agreement will tie the completion and occupation of the listed buildings to relevant stages of the construction of the new build apartments on the northern part of the site (subject of the outline planning application) This will require imposition of suitable triggers to ensure that the development of Building 1,2, and 3 is secured and implemented as a single construction project.

Officers consider that the urgent works identified are unlikely to exceed sum of £500K included within the applicants own VA attributed to make the building wind and water-tight. Should the cost of the urgent works fall below £500k these funds can go towards the surveying and construction costs associated with later phases of the conversion of the primary listed building.

The applicants have not agreed to the phasing outlined above and have been invited to respond on the matter. Any response will be included within the planning update

Housing issues

- 10.82 Kirklees Strategic Housing Market Assessment (SHMA) identifies that there is significant need for affordable 3+ bedroom homes in Huddersfield South, along with a lesser need for 1-2 bed roomed properties. There is an additional housing need in the area, specifically for older people. Rates of home ownership are low compared to other areas within Kirklees

There is significant demand for affordable 3+ bedroom homes in the area, along with demand for 1 and 2 bed dwellings. The applicant proposes studio, 1, 2 therefore a mixture of these would be suitable for this development.

Under the National Planning Practice Guidance (NPPG) 'To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a

proportionate amount- equivalent to the existing gross floor-space of the existing buildings through Vacant Building Credit (VBC)

VBC is applicable to this scheme resulting in the removal of all the affordable housing requirements in this scheme.

The provision of 229 units would contribute towards the Council's housing delivery targets as set out in the Local Plan.

Highway issues

- 10.83 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe

The revised scheme (August 2020) comprises as follows:

Full Application (Buildings 1, 2, 3 & 6)

- A1 Shops – 1,998sqm Foodstore;
- B1 Business – 1,866sqm Office; and
- C3 Dwelling Houses – 32 Apartments.

Outline Application (Buildings 4 & 5)

- B1 Business – Up to 15,004 Offices; or
- C3 Dwelling Houses - Up to 197 Apartments.

Traffic Generation

The application is supported by a Framework Travel Plan and a revised Transport Assessment and Framework Travel Plan Dated July 2020 (Rev 2) prepared by Optima Intelligent Highway Solutions. The submitted Transport Statement assesses the traffic impact of a development of various scenarios in trip generation terms.

The development as a whole is expected to generate a total of 269 two- way vehicular movements in the AM peak and 309 two- way vehicular movements in PM peak respectively. Highways Development Management considers the trip rates utilised to be acceptable in this respect.

Site access.

Access/egress to the site is to be taken via four points the proposed food store via Trinity Street with egress for HGV's taken via Portland Street and the residential/office element will take access/egress via Portland Street.

Parking provision

The total parking provision for the development is 255 parking spaces, of which 127 are proposed for the A1 foodstore. This leaves 128 spaces for the remainder of the development, given the sites context and location (Town Centre), along with proposed cycle parking is considered acceptable in this respect. Whilst its acknowledged a framework Travel Plan has been submitted, a full Travel Plan will be required to ensure sustainable travel measures are provided, this will be dealt with via suitable condition. Parking figures taken from Transport Assessment.

An additional highway improvement scheme is also to be delivered in the direct vicinity of the proposed development to improve pedestrian and cycle links to the town centre, would be conditioned and delivered by an agreed section 278. (This would require a financial contribution and the scheme has been subject to Viability appraisal as reported in the viability section of the report).

Servicing/refuse

An indicative arrangement for the service vehicle to the food store has been provided, no further information is provided for the refuse storage and collection for the remainder of the development, this will be conditioned accordingly.

Safety audit

A stage 1 safety audit and designers response has previously been requested, as this has not been provided a suitable condition to cover the proposed highway works and access arrangements onto the highway is required.

Subway improvements

Concerns are raised regarding pedestrian safety in the existing underpass connecting the development to the town centre, an upgrade to the existing lighting is requested as part of this development and would be conditioned. (This would require a financial contribution and the scheme has been subject to Viability appraisal reported in the viability assessment).

Overall the proposal is considered acceptable subject to relevant conditions

Drainage issues

- 10.84 NPPF paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case. The site was larger than 1 Hectare and therefore a Flood Risk Assessment (FRA) and submitted that considered the risk of flooding

The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:

- 1 – into the ground (infiltration)
- 2 – to a surface water body
- 3 – to a surface water sewer, highway drain, or another drainage system
- 4 – to a combined sewer

Ground conditions at the site mean that soakaways are not considered a feasible drainage option for the disposal of surface water. The existing site drains to the public combined sewer system and Yorkshire Water has confirmed that the proposed development can discharge to the public sewer system at the 1 in 1 year rate less 30% subject to provision of detailed calculations and drainage connectivity survey. Flood risk to the proposed development from all sources is low, with the exception of localised surface water overland flows.

Yorkshire Water has confirmed that foul flows can connect to the existing combined sewer around the site.

The Lead Local Flood Authority (LLFA) support the development proposed. Conditions will require details to be submitted of scheme detailing finalised foul, surface water and land drainage, intrusive investigation into the possible enclosed watercourse inside the southern boundary, surface water discharge rates, interceptors and prevention methods of preventing contaminated drainage. The arrangements for the future maintenance and management of drainage infrastructure within the site are also required. The proposal accords with Local Plan policies LP27, LP28 and NPPF chapter 14 with regard to its potential impact on local flood risk and drainage.

Climate Change

- 10.85 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.

The proposal involves will recycling of a brownfield site and this regard represents an efficient use of land and resources. The site is at close proximity to key transport hubs and in terms of location the site is sustainable. The re-use of the listed buildings would secure a significant saving of embodied energy. The provision of electric vehicle charging points will be secured by condition which will help to mitigate the impact of this development on climate change. Suitable cycle storage facilities are also proposed and areas of landscaping will be enhanced with planting as well as the retention of existing trees where possible.

Representations

10.86 - Area is of significant importance to Huddersfield

- proposed new building elevations do not in any way respond to the 'Infirmery' the one listed building the developers are proposing to leave standing.

- the site does need to be developed but for such an important and visible area of Huddersfield an increased effort is required from this developer in respect of his proposed facade designs

Officer response: The site is adjacent to the ring road and is very prominent and is important that the sites redevelopment enhances the area and balances the site's potential whilst being an appropriate scale given the heritage assets upon and adjacent to the site. The outline part of the site to the North does not include details of appearance. The visual material submitted with the application is for indicative purposes only.

- profound impact the setting of the listed Infirmery building, which, as a Grade 2* building is considered of regional importance. Massing, articulation and fenestration, particularly those adjacent to the Infirmery, fail to reflect the architectural quality of the listed building and the town's distinctive architectural quality

- **Officer response** - Original comments from Huddersfield Civic Society have been updated with the revised scheme in Aug 2020. These are addressed in the Heritage section of the report

2020 - Revised Scheme:

- How happy I am to hear this and sincerely hope this application is successful.

- After 5/6 years and numerous callouts of the emergency services – both Police and Fire

- Site is a complete eyesore for visitors to this historic town putting Huddersfield in a very poor light indeed.

- The property is being used by many of the homeless community as a public convenience – and this I see on a daily basis

Officer response- The assessment of the scheme has recognised the impacts that the current condition of the derelict buildings is having upon the area and the social issues that are involved in developing this site.

- Huddersfield Civic Society- welcomes retention and conversion of those buildings marked Buildings 1,2 and 3 on the submitted plan

- Notes the applicant states, this drawing shows an indicative design only

- Should a detailed application on this part of the site be submitted it is essential that attention is paid to the relationship with buildings within the adjacent Conservation Area and particularly those along Portland Street
- strong objection to the elevational details of the proposed supermarket and related car parking and would appear to achieve even lower standards of design than existing college buildings
- contrary to objectives of the Council in promoting good design, on a site which leads to the Station Gateway, where a fundamental ambition within the Council's Blueprint is to enhance the heritage and commercial attractions of the town
- greater focus on materials, elevational detail, built form and landscaping, incorporating greenspace with tree planting.
- introduction of the proposed supermarket, into an existing application, to be wholly inappropriate given no such element was included in the original application.
- By accepting the changes as a revision the opportunity for members of the public to submit comments has been reduced from the time frame allowed

Officer response: The hybrid application is supported by a viability appraisal that demonstrates the very challenging nature of developing this site and preserving through adaptation and use its key heritage assets. It is considered that through the course of the application the scheme has evolved from one at significantly greater scale and impact to one that has achieved a favourable balance where the positive elements of the development outweigh the identified elements of harm.

11.0 CONCLUSION

- 11.1 There are a number of significant planning issues associated with this application, not least heritage assets and the viability of the site and development.
- 11.2 The Grade II* status of the primary listed building means that it is in the top 8.3% of listed buildings in England. The building is however in poor condition and very considerable weight is therefore attached to the proposed restoration and conversion of the former infirmary building and its wings, which is supported by Historic England. The re-use of these important heritage assets can only be realised with a substantial amount of new build development on the wider site which does involve the demolition of buildings of cultural importance. The site also contains a grade 2 statue and partly falls within a Conservation Area.
- 11.3 The conclusions of the viability of the scheme means that the scheme is unable to deliver education, POS or contributions towards local Highway improvements and also a reasonable return for the developer which may affect the deliverability of the development. The public benefits of the scheme include restoration of a grade 2* listed building, regeneration of highly prominent derelict site within the Town Centre and the significant level of investment with employment opportunities through the redevelopment of the site as a whole. These benefits are considered to outweigh the less than substantial harm identified to some of the heritage assets. Highway impacts

of the development are considered to be acceptable as are the impact on trees and ecology.

- 11.4 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.5 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 Planning and Development)

Full Permission

- 1) Time scale for implementation (three years)
- 2) Development to be carried out in accordance with approved plans
- 3) Detailed scheme for the conversion Listed Building works (scope of repair and refurbishment)
- 4) Approval of samples and details of materials for existing and proposed windows and doors and flooring etc
- 5) Details of fire escapes, replacement ironmongery, fixtures and fittings
- 6) Method statement for stone cleaning
- 7) Details of curtain walling system
- 8) A landscaping plan use of natural stone setts, flags and walling,
- 9) Retail store -samples to be submitted walling and roofing materials along with a sample panel of the external masonry, coursing and pointing.
- 10) Boundary treatments and landscaping scheme
- 11) Full Travel Plan required to be submitted
- 12) Details to be submitted of Highway works required to site frontage
- 13) Details to be submitted of Surfacing and draining of car parks
- 14) Method storage/collection of waste
- 15) Details to be submitted Subway lighting improvements
- 16) Stage 1 safety audit to be submitted
- 17) Details to be submitted Closure of existing access points onto highway.
- 18) Development e in accordance with the e Bat Survey Report
- 19) Ecological design strategy (EDS) to be submitted
- 20) Hours Open for Customers and Deliveries and Dispatches
- 21) Details of Noise from Fixed Plant & Equipment
- 22) Noise Management Plan - Condition
- 23) Construction Environmental Management Plan - Condition
- 24) Land contamination -conditions
- 25) Electric Vehicle Charging Points
- 26) Details of External lighting to be submitted
- 27) DR01 Drainage Details scheme details of foul, surface water and land drainage
- 28) DR02 Watercourse Management -intrusive investigation
- 29) Surface Water Attenuation scheme- restricting the rate of surface water
- 30) DR08 There shall be no discharge of foul- Fats Oils and Grease-
- 31) DR20 Interceptor Surface water vehicle parking and hard standing areas shall
- 32) Land Contamination conditions

Outline Permission

- 1) Details of the Reserved Matters.
- 2) Time limit for submission of Reserved Matters.
- 3) Time limit for commencement of development.
- 4) Submission of Reserved Matters (layout) broadly in accordance with the Parameters Plans to a maximum of 197 dwellings.
- 5) Full Travel Plan required to be submitted
- 6) Details to be submitted of Highway works required to site frontage
- 7) Details to be submitted of Surfacing and draining of car parks
- 8) Method storage/collection of waste
- 9) Details to be submitted Subway lighting improvements
- 10) Stage 1 safety audit to be submitted
- 11) Development to be in accordance with the e Bat Survey Report and
12th August 2020
- 12) Ecological design strategy (EDS) to be submitted
- 13) DR01 Drainage Details scheme details of foul, surface water and
land drainage
- 14) DR02 Watercourse Management -intrusive investigation
- 15) Surface Water Attenuation scheme- restricting the rate of surface water
- 16) DR08 There shall be no discharge of foul- Fats Oils and Grease-
- 17) DR20 Interceptor Surface water from vehicle parking and hard standing areas
shall be
- 18) Development in accordance with noise impact assessment mitigation measures
- 19) Land Contamination conditions

Background Papers:

Application and history files.

Website link to be inserted here

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

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 24-Feb-2021

Subject: Planning Application 2019/91467 Erection of 67 dwellings with associated access and parking land south of, Granny Lane, Mirfield

APPLICANT

Andrew Naylor, Miller
Homes Ltd

DATE VALID

02-May-2019

TARGET DATE

01-Aug-2019

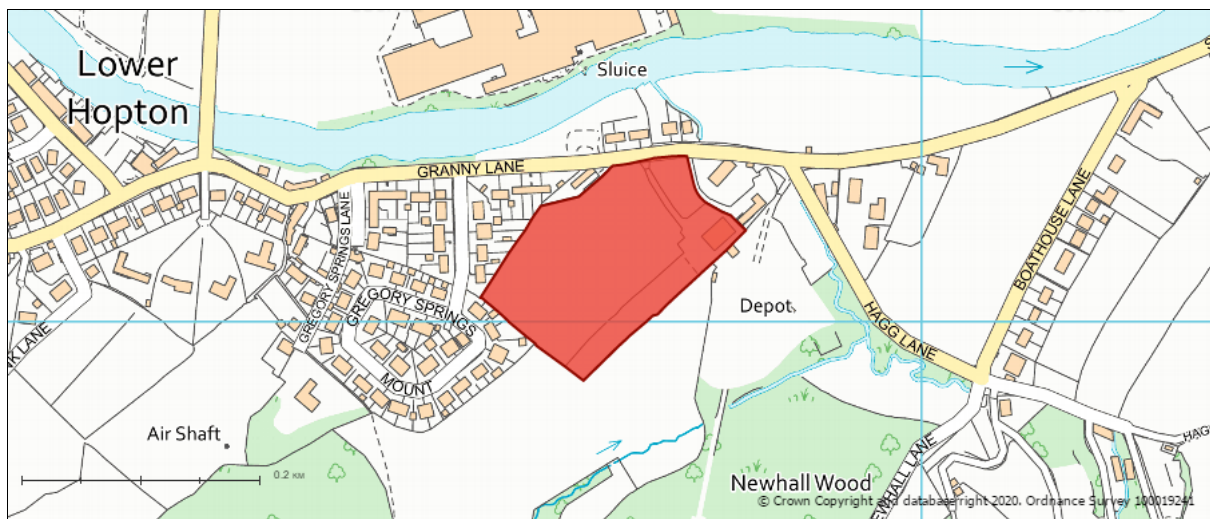
EXTENSION EXPIRY DATE

14-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: Mirfield

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 contained within this report and the sealing of the S106 Legal Agreement to secure the following:

- (i) The provision of 13 affordable houses of which 56% would be social affordable and 46% intermediate housing;
- (ii) A contribution of £58,808.00 to address the shortfall in open space requirements;
- (iii) An educational contribution of £157,992;
- (iv) Measures to a value of £52,533.50 to encourage sustainable modes of transport. This would include £10,000 for real time information display at bus stop 17564 and £10,000 to fund the Travel Plan (to include monitoring fees);
- (v) Arrangements to secure the long-term maintenance and management of the public open space;
- (vi) A £3000 financial contribution towards the future upgrade of a piped watercourse at the southern end of the site;
- (vii) A £5000 contribution for research and improvements to Valance Beck, which contributes to the flooding of Granny Lane in the vicinity of the access to the proposed development. These funds would contribute to items such as measures to stop debris flowing downstream reducing the risk of blockages;
- (viii) Arrangements to secure the long-term maintenance and management of the applicant's surface water drainage proposals across the site, to include the flood route at the south west corner of the site as well as a management company to specifically manage and maintain the ditching (the flow route) to the rear of Plots 32-36 in perpetuity

1.0 INTRODUCTION:

1.1 This is an application for full planning permission for a residential development of 67 dwellings.

1.2 It was deferred from the 27th January 2021 Strategic Planning Committee to facilitate a review and re-assessment of the scheme against the Government's Nationally Described Space Standards (NDSS), which is set out in the report below. Prior to that, it had been deferred from the Strategic Planning Committee on 14th October 2020 to allow Officers the opportunity to fully consider a video of surface water flooding that was sent to the Council by the Granny Lane Area Action Group (GLAAG) and Save Mirfield on Monday 12th October 2020.

- 1.3 The application was originally brought to the Strategic Planning Committee on 19th December 2019 on the grounds that it related to a residential development of more than 60 units. The decision of that Committee was to support the officer recommendation to 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 set out within the Committee Report, and to secure a Section 106 Agreement.
- 1.4 Following that Strategic Committee, additional representations and correspondence was submitted by local residents and also, from the Save Mirfield and Granny Lane Area Action Group (GLAAG). Furthermore, on 20 January 2020, the Council received notification that the Secretary of State (SoS) for Housing, Communities and Local Government had received a request to 'call-in' the application. The SoS responded by letter dated 29th January 2020 to confirm that the Secretary of State had decided not to call in the application. He was content that it should be determined by the Local Planning Authority on the basis that the application does not involve issues of more than local importance justifying the Secretary of State's intervention.
- 1.5 Additionally, as a consequence of specific questions raised by the residents' groups (Save Mirfield and GLAAG) and, following flooding events that occurred in West Yorkshire in the early part of 2020, the Council undertook some additional consultation on 20th April 2020 with the Environment Agency, Yorkshire Water and the Lead Local Flood Authority. Their responses are detailed in the report below.
- 1.6 A further consultation exercise was undertaken in December 2020 following the applicant's submission of a Drainage Technical Note to address concerns associated with overland flows on the south eastern boundary of the site, including a slightly modified site layout. This was sent to local residents, the Environment Agency, Yorkshire Water and the Lead Local Flood Authority. Again, the responses received are set out in this report.
- 1.7 In the meantime, Officers have continued to work with the applicant to complete the S106 Legal Agreement and to prepare a final list of conditions. The resolution of these matters was significantly delayed by the Covid pandemic in 2020 but it is now close to completion. However, taking into account all these circumstances, it is considered appropriate that the application be brought back to this Strategic Planning Committee for determination again in accordance with the recommendation above.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site extends to 2.2 hectares in size, situated approximately 1km to the south of Mirfield Town Centre. It lies to the south of Granny Lane and comprises two paddocks and agricultural buildings/stables. An existing vehicular access leads south from Granny Lane, providing access to these buildings and an area of hardstanding surrounding them. The largest paddock is broadly rectangular in shape, with residential development on the northern, eastern and western sides. A smaller, narrow paddock runs along the south/south eastern boundary, separated from the main paddock by a hedgerow.

- 2.2 The immediate area surrounding the application site is semi-rural in character with residential properties concentrated to the east and open land extending to the south. The River Calder lies to the north of the site on the opposite side of Granny Lane.
- 2.3 Sheep Ings Farm is located to the east of the site, close to Granny Lane. The farm comprises a farmhouse and attached barn, which are Grade II Listed.
- 2.4 The site is allocated for residential development in the Local Plan (site allocation HS66). Biodiversity Opportunity Zones (Flood Plains and Pennine foothills) also cover the site and the northern part is located within Flood Zones 2 and 3. The remainder of the site is within Flood Zone 1. The majority of the land is within a Development High Risk Area as defined by the Coal Authority and a small area at the northern boundary of the site lies within the inner, middle and outer consultation zones of a 'high pressure gas main', which is located in the immediate vicinity. The site is also within a minerals safeguarded area where potential sand and gravel and surface coal resources are located.

3.0 PROPOSAL:

- 3.1 This application seeks full planning permission for the construction of 67 dwellings, comprising the following:

11 x 2-bedroomed dwellings
27 x 3-bedroomed dwellings
25 x 4-bedroomed dwellings
4 x 5-bedroomed dwellings

- 3.2 A range of house types is proposed, comprising mainly semi-detached (26 units) and detached (38 units) styles but including a terrace of 3 town houses. The site would also deliver 13 affordable homes, which would represent 20% of the dwellings.
- 3.3 A single access point is proposed from Granny Lane, utilising an existing entrance into the site. This would be widened to meet adoptable highway standards and create a new priority 'T' junction. The existing stone wall at the entrance would be taken down and re-built at the rear of the visibility splay and a widened footpath provided. The internal estate road would be a loop road, providing access to houses both external and internal to the loop.
- 3.4 Red brick and a mixture of red brick and render is proposed for the elevations of the dwellings with a mix concrete roof tiles.
- 3.5 A local play area (LEAP) and public open space measuring approximately 2,350m² is proposed at the front of the site, either side of the entrance.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 There is no recent planning history relating to the site. However, the following historic planning applications are relevant to this proposal.

88/05073 – Outline application for residential development
Withdrawn

88/05310 – Outline application for 10 houses with garage and new access road Refused

98/90303 – Erection of farm store and building
Approved

2004/93159 - Demolition of Barn Store and Stables and erection of Workshop/Barns/Stables/Garage Building Ancillary to existing House at Sheep Ings Farm.

Refused: 26 August 2004

This application principally related to development outside of the application site, apart from a small area of overlap in the north-eastern corner. The application was refused because of the impact of the proposal on the setting of the adjacent Listed Building, the detrimental effect of its scale, design and appearance on the openness of the Green Belt and insufficient flood risk information.

- 4.2 The Council are investigating a current alleged material change of use of part of the site to a concrete processing plant. However, this land is not currently within the applicant's ownership and as such, it is not relevant to the consideration of this application.

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

- 5.1 The applicant sought pre-application advice with regard to the residential development of the site in 2018 in accordance with pre-app reference 2018/20301. Written pre-application advice was provided on 24/08/2018. This letter addressed key matters including policy considerations, design and layout, highway impacts, flood risk and drainage and residential amenity.

- 5.2 As set out in the applicant's Statement of Community Involvement (SCI), a community consultation exercise was undertaken in September 2018. The applicant delivered letters to the occupants of residential properties in the vicinity of the application site and the SCI confirmed the receipt of 15 responses. These raised issues including objection to loss of views, highways impact, possible flood risk and drainage issues and amenity considerations.

- 5.3 During the life of the application, the applicant has provided the following additional information:

- A revised Flood Risk Assessment and additional drainage information;
- Revised layout to accommodate surface water drainage arrangements, to include the recent inclusion of an exceedance corridor to the rear of plots 32-36.;
- Supplementary highways information in the form of a Technical Note;
- Revised landscape planting.
- A Drainage Technical Note to address drainage concerns associated with overland flows on the south eastern boundary of the site;
- A revision to the layout to accommodate Section 38 highway requirements to slightly widen the eastern bend of the estate road.

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 (Adopted 27 February 2019):

6.2 The site is allocated for residential development in the Local Plan (Reference HS66). It is identified as having a gross site area of 2.23 hectares and a net site area of 2.03 hectares, the latter being calculated by omitting the part of the site that lies within Flood Zone 3 and a heritage area of high significance adjacent to the adjoining Listed Building.

6.3 Based upon the net site area, the allocation sets out an indicative housing capacity of 70 dwellings. It also identifies the following constraints relevant to the site:

- Part of the site is within Flood Zones 2 & 3;
- The site is close to Listed Buildings;
- All of the site is within a high risk coal referral area;
- The site is affected by hazardous installations / pipelines.

6.4 In addition, site allocation HS66 identifies several other site specific considerations, which are outlined below:

- No residential development to take place in Flood Zone 3
- Adjacent to the Wildlife Habitat Network
- Links required to the core cycling network
- Proposals would identify an appropriate layout, scale, appearance and materials of the proposed residential development to minimise harm to the setting of the Listed Building, taking into account the evidence presented in the Council's Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the Planning application process.
- In order to safeguard the setting of the Grade II Listed Building known as Sheep Ings Farmhouse, no development shall take place on the field/area marked as high significance in council's HIA to the east of the track running south from Granny Lane across the site

6.5 Relevant Local Plan policies include the following:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage

- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP35 – Historic environment
- LP38 – Minerals safeguarding
- LP49 – Educational and health care needs
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space
- LP65 – Housing allocations

Supplementary Planning Guidance / Documents:

6.6 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Strategic Housing Market Assessment (2016)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Highway Design Guide (2019)

6.7 A draft Housebuilder Design Guide SPD, Open Space SPD and Biodiversity Net Gain Technical Advice Note were published by the Council in 2020. These have undergone public consultation, but have not been adopted.

National Planning Policy and Guidance:

6.8 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. Relevant paragraphs/chapters include:

- 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 effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of minerals

6.9 Other relevant guidance and documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), the application was originally advertised as a major development by means of four site notices, an advertisement in the local press (The Press – 24 May 2019) and by direct neighbour notification. This specified the statutory period of 21 days, expiring on 15th June 2019.
- 7.2 Although there is no statutory requirement under the DMPO to re-consult on planning applications, a further consultation on additional/amended details was undertaken by letter dated 4th December 2019 for a period of 10 days, expiring on 16th December 2019.
- 7.3 In the interests of fairness, following the submission of the Drainage Technical Note and modified layout to accommodate this and Section 38 highway requirements, another consultation exercise seeking the views of local residents was undertaken in December 2020. The letters were dated 22nd December and residents and interested parties were given until 14th January 2021 to respond, to account for the Christmas period.
- 7.4 A total of 97 representations were received from the occupants of neighbouring properties/members of the public to the first two rounds of consultation in May/June 2019 and December 2019. This included a representation objecting to the proposal from Save Mirfield with 792 signatories. A further 88 representations were received to third round of consultation, undertaken in December 2020/January 2021. This included an objection from GLAAG and Save Mirfield as well as a further objection letter from Save Mirfield supported by 849 of their members (listed separately).
- 7.5 Following the review of the scheme against the NDSS and a minor amendment to the floorplans of Plots 39-46 (within the site) and Plots 2-10 (western edge) a more focused consultation exercise was undertaken of those properties directly affected by the changes i.e. the existing properties close to or adjoining the affected part of the site at 34-42 Granny Lane and 3-15 Gregory Springs Road. GLAAG and Save Mirfield were also directly informed separately. At the time of writing this report, one further objection has been received.
- 7.6 The following is a summary of the points raised. It is not a complete replication of the responses, which can be viewed in full on the Council's website at <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91467>

Flood Risk and Drainage

- Storm Ciara was not a one-off event and the area witnesses repeated flooding events.
- The proposed drainage ditch will not resolve it by exacerbate it.
- The 'Water Meadow' should never have been allocated.

- The site regularly floods and acts as a flood plain which acts to store flood water and allow it to slowly discharge to existing water courses. Developing this site would therefore increase flood risk in the area.
- The revised plans will only serve to flood further properties in the vicinity.
- The removal of debris upstream in Valence Beck will ensure flows are directed to Hagg Lane. If this happens it will only serve to speed the flow towards Valence Beck on Hagg Lane.
- Valence Beck already overflows onto Hagg Lane as a result of heavy rain (and not even storm situations) and the road becomes impassable.
- It is morally and ethically wrong to consider placing more people in the same situation.
- It is assumed that Miller Homes propose diverting flood water into the stream that runs through Cuckoo Hill, which joins Valence Beck half way down Hagg Lane. The resident of Boathouse Lane finds this completely unacceptable. The two streams currently carry a large amount of water at times of heavy rainfall. Any addition to this would lead to increased flooding at the junction of Hagg Lane with Granny Lane.
- Diverting water onto Hagg Lane as proposed by Miller Homes will just make the flooding worse on that road endangering the houses that are already there. Flooding on Hagg Lane is well known due to the water coming down from the hills and diverting it from the proposed site is totally unacceptable.
- How will people access the development in a flood event? What about the Police, Nurses, Ambulances etc.
- 'This is still a ludicrous proposal for building on a field which is a natural soak away for the surrounding area which regularly floods'.
- Issues with flooding have progressively got worse, and with the ongoing effects of global warming the situation will not improve.
- Will their sales literature include a flood warning to potential buyers of these new houses?
- Miller Homes have come up with an unbelievable plan to divert flood water from their site.
- Valence Beck already overflows onto Hagg Lane as a result of heavy rain (and not even storm situations) and the road becomes impassable.
- It is morally and ethically wrong to consider placing more people in the same situation.
- The latest application includes a new proposal to divert flood waters - this just means that other properties/areas will be affected instead and is not fair on the residents who already live in this area.

- 'Leave the green fields alone. All they will do is divert the water to someone else'.
- The revised plans will only serve to flood further properties in the vicinity. Surely the council must have the interests of its existing (not potential) residents in mind when taking these decisions.
- 'Water meadow does not need any housing building due to flooding and extra flooding to Ship Inn due to excess water run-off and diverted water to Hagg Lane. Plus houses on Granny Lane will suffer from more flooding. The bungalows, also on Granny Lane, will get floods from the river and ex water meadow. We need to stop taking low lying land that helps to limit flooding';
- The Ship Inn has been flooded at least four times last year. Building on the water meadow will cause more problems for the Ship Inn and the access road from Granny Lane;
- It is contemptuous for any developer/consultant to ignore local educated knowledge. The amended details skirt around the issues of safety and flooding and do not give a substantive or adequate solution for either. The proposed diversion of surface water via a gully dug out at the rear of the development to be distributed onto Hagg Lane does not in any way alter the fact that surface water flooding will occur. All the amendment does is take it away from the new homes to worsen the flooding of existing homes.
- By moving and altering water course you are protecting new builds at the sacrifice of existing houses which goes against the Local Government duty of care to protect existing homes from flooding.
- Allowing this development will simply endanger lives not only of those who live there already, but those on the street to be built who will be cut off completely. Not to mention their gardens will be water logged for months on end;
- The field currently slows the water entering the river and is a natural flood defence if anything trees should be planted to stem this flow further.
- 'The mitigation and dismissal of the flooding that has happened frequently in this area is poor at best. The plan to move water elsewhere is not a viable solution and the use of the storm as though it was an "exceptional event" is absurd'.
- The site lies at the foot of a natural amphitheatre with regard of some 800-900 acres of woods and lands all channelled into Valence Beck and other becks running through Hopton Mills. In heavy weather, the pipe cannot cope with the volume of water and overflows onto Hagg Lane.

- The recently dug channel adjacent to the boundary fence diverts any water that collects through the boundary fence onto Gregory Springs pit site entrance and onto Hagg Lane. This surface water will be discharged onto the road and add to the existing problem.
- Lifting the houses and forming embankments will only move the problem for others to deal with.
- There is no scientific solution, no calculations of water volumes or how they will increase by the removal of trees and what the consequences are for areas downstream.
- This field has always flooded annually from water build up from the Liley Beck and other springs that feed into it. It also floods on the road leading to it and because the River Calder is only 50 yards away.
- The proposal will exacerbate the already untenable flooding situation in the surrounding area and it is totally unacceptable to build houses in this location.
- Once more this week, of the 21st Dec 2020, heavy rain caused flooding down Steanard Lane and the beck running down Hagg Lane was at its limit. To consider additional run off into Hagg Lane would be dangerous as well as ill considered. The water table throughout the whole autumn and early winter has remained very high.
- Granny Lane frequently becomes impassable, as the water tries to reach the River Calder. This will never change due to the geographical formation of the valley and hills. The water meadow, if anything, if left to be a flooding area, will help controlling the flooding and should be left to be what it is 'a water meadow'.
- When storm Ciara occurred. Hagg lane and Boathouse Lane were like rivers with flood water flooding into drives and gardens. So Millers proposals would only make this worse.
- The amount of water that runs from the hills cannot be stopped once the ground is saturated.
- This area should be a protected flood plain in light of the annual flooding history of this site.
- The land in question is a local flood plain that regularly floods. If houses are to be built on it, this will only make floods in the area worse both for the roads and other residents' houses in the vicinity.
- The latest amendment is factually incorrect. It is very simplistic to imply that all the flooding we suffer year after year is merely due to blocked ditches.
- Why were the matters contained in the latest Flood Technical assessment not considered at the outset? Why has it take a year and a half of extreme pressure and campaigning by the Granny Lane Action Group to have the flooding position considered more carefully? What was seen in the video taken during Storm Ciara is not a one off incident – it happens every time there is significant rainfall.

- There is suggestion in the report by RWO and the LLFA's report that the widening and maintaining of ditching to the rear of the plots affected will 'reduce the risk of the event witnessed in February 2020 re-occurring'. Note that the risk will be reduced and not removed.
- The river regularly floods and any occupants of this proposed development would be put at risk. It is part of the flood plain of the River Calder and has flooded 6 times in the last 5 years.
- It is believed that the applicant's intention is to direct sewerage and rainwater from the site into a holding tank underneath the green area by Granny Lane from where it would be pumped into the main sewer under Granny Lane; if the pump fails or if the increased rainfalls predicted overwhelm it then the tank will overflow onto Granny Lane and threaten the houses opposite with flooding.
- Concern that comments from Yorkshire Water are based on surface water being drained to an existing water course and this has now changed.
- Concern that the sewer which would be used to drain surface water may not have adequate capacity.
- The site entrance is located within Flood Zone 3 but the supporting Flood Risk Assessment indicates that it is located within Flood Zone 2.
- Concern that the proposed surface water drainage channel on the southern boundary of the site would lead to flooding of existing properties to the south as the site is not suitable for a SuDS system.
- Concern that the surface water drainage channel should not be maintained by a private management company as maintenance may not be carried out.
- How has the £3000 requested to contribute towards the potential upgrade of the off-site water course been calculated.
- A sequential test has not been applied with regard to flood risk in connection with this proposal as required by the National Planning Policy framework.
- The Exception test has not been applied with regard to the use of this site for housing within a flood risk area.
- The proposed surface water attenuation tank may not be adequate to deal with surface water drainage from the site therefore exacerbating flood risk.
- The proposed attenuation tank associated with the surface water drainage regime for the site could be damaged if emergency vehicles use the proposed emergency access.

- A technical appraisal prepared on behalf of an objectors group of the applicant's supporting Flood Risk Assessment was submitted identifying 32 objections relating to this proposal with regard to its potential impact on Flood Risk (this is addressed in Paragraph 10.70).

Highways and Transport

- The proposal would lead to extra traffic which would detrimentally affect highway safety as Granny Lane and Steanard Lane are not adequate to deal with existing levels of traffic. Objectors have commissioned a traffic assessment to support this view, a copy of which was passed to the Council's Highway Development Management Team for their consideration.
- The traffic using Steanard Lane remains at saturation point and the additional traffic generated by 67 new homes would overload the traffic infrastructure creating a dangerous impact on highway safety.
- What provision has been made for Traffic Calming measures if these houses are built? Are Traffic lights/ speed bumps going to be introduced for the increase in traffic exiting the proposed site?
- Existing footways on Granny Lane and Steanard Lane are inadequate and additional traffic would increase the risk of pedestrians being injured.
- Existing transport infrastructure in this area would not be able to cope with the additional people associated with this development.
- The entrance to this site is set back and will be dangerous as the speed that cars travel on that road is not controlled.
- Still no reference to road safety. These narrow lanes are a threat to pedestrians and traffic as it is without extra vehicles being introduced. The initial road safety assessment was poor and weak and ignored all local knowledge and experience of the narrow lanes.
- By widening the footpaths to the East of the site, this does nothing to aid road safety as the blind bend is still the same and the road remains the same width.
- The highway consultant acting on behalf of the GLAAG and Save Mirfield has written to confirm that in the absence of measures to mitigate their concerns, the objections to the proposed development on highway grounds detailed in their 'Objections Report' dated 16 September 2019 remain applicable. In addition, they consider the proposed emergency access on Granny Lane to be unsatisfactory.
- Granny Lane is narrow with a thin pavement. The access from Huddersfield road is also single lane across the bridge. The increase in cars needing granny lane will cause additional problems on Huddersfield road which is already problematic at rush hour.
- Insufficient car parking.

- It is also only accessible by one local road and the extra traffic would be excessive for the size of road.
- The associated increase in traffic volume will convert the whole area into an unpleasant place to live.
- The roads around this proposed estate are not big enough for another 160 cars doing 5+ extra daily journeys each on Granny lane and Steanard Lane.
- It is not obvious on these plans how narrow Granny lane is at the junction with the new estate, the increased traffic on this narrow lane is going to create safety issues for road users and pedestrians alike.

Wildlife/Environmental

- The proposal would have a detrimental effect on local wildlife.
- The proposal would result in the loss of existing hedges which provide a significant wildlife habitat.
- This development would result in the loss of Green belt.
- The loss of trees associated with this development is unacceptable.
- Trees and bushes have already been removed from the site without consent.

Heritage

- The development would have a detrimental impact on Sheep Ings farm which is a Grade II Listed Building;
- The field where development would take place is an archaeological site.

Local Amenity

- Allowing a further 67 dwellings in the area would lead to additional noise and air pollution.
- The development of the site would result in a loss of privacy for existing residents.
- There is no capacity at existing schools and doctor's surgeries to deal with this number of additional residents bearing in mind the number of other developments taking place in the area.
- The proposed location of the temporary compounds on site are unacceptable as they would lead to a loss of privacy for existing residents.

Miscellaneous

- Developing this land would affect existing house prices in the area.
- The addition of this number of properties doesn't have supporting infrastructure of school places, amenities, wider roads.
- The local school is over-subscribed.
- Concern about the devastation a housing development of this magnitude would wreak on the local environment, including the effect on streams, watercourses, footpaths (including litter and traffic), light pollution.
- When Dewsbury Riverside is built the woods will be hemmed in by new build housing estates.
- There are plenty of brownfield sites which should be developed before this site and this approach is encouraged by government. These include the Old Swan pub site or use the Kenmore site for housing rather than a supermarket.
- If these houses were to be built, which schools would the children be put into? At the present moment schools in the local area are already oversubscribed and underfunded.
- Which doctors will these residents attend? Mirfield Health Centre is not big enough and cannot cope with the local residents which are already registered.
- How will the construction vehicles get to the site and how will noise pollution be controlled? The low bridges between the site and Mirfield will make it difficult for lorries to reach the site.
- 'Building houses on greenbelt land which also acts as a flood plane is foolish and short-sighted'.
- There are lots of buildings that could be reused – we should think more about refurbishment than new build.
- Coal mining has historically taken place in this area and houses built on this site may therefore be susceptible to subsidence.
- The development of this site is over development designed to maximise the profits of the developer.
- Previous planning applications to build on this site have been refused.
- The proposed houses are not in keeping with those existing in the area.
- The floods over the years have damaged the walls and fencing dividing the road from the river on the opposite side to proposed development and this also would need replacing along Granny Lane and Steanard Lane to provide safety for road users including cyclists, horse riders and pedestrians.

- The proposal does not include any significant measures to mitigate impacts on climate change.
- Banners and posters placed at the site by objectors have been removed without their consent.
- Horses are being forced off the only off road riding areas - this will add to inaccessibility.
- Poor access for construction equipment and delivery lorries with only Hopton Lane giving headroom for taller vehicles and all routes being narrow minor roads with difficult bends.
- A concern that Officers had pre-determined the proposal before its report to the 19th December Committee because the recommendation indicated in the Committee Report was to delegate back to Officers to approve subject to the resolution of a Section 106 agreement and relevant Planning conditions, yet a further consultation period relating to amended information received did not expire until 16 December 2019.

7.7 The Save Mirfield and GLAAG residents' groups have provided the following response to the Drainage Technical Note and associated plans submitted in December 2020:

- The ill designed proposal does nothing to mitigate the flood risk. In fact this will serve to exacerbate the flooding on Hagg Lane and Granny Lane;
- Assume that this change to the discharge of flood water will be discussed with Yorkshire Water, the Environment Agency and Highways due to the proposed addition of an unpredictable and uncalculated volume flow of overland water directly onto the junction of 2 highways;
- The LLFA noted on a site visit that the homes across the road from the site should never have been built. Given that these are 90 years old suggests that the effect of climate change is all too evident. To say that they would never get planning permission now, whilst across the road there are 67 homes being considered on an ancient flood plain/water meadow, demonstrates that the effects of climate change on our community is of little consequence to the planning department.
- It is vital to carry out the Exception Test, which must demonstrate benefit to the community for the lifetime of the development (NPPF). Without this test how can the Council be fully confident that all homes within the vicinity, that is Granny Lane, Gregory Springs Road, Gregory Springs Mount, Gregory Springs Lane and Hagg Lane will benefit from the development in the long term?
- Taking into consideration the flood behind Gregory Springs Mount which enters gardens there, and for which there is some conflict as to the origin, land ownership and responsibility, coupled with the vague calculation of the proposed storage tank and hydro brake to

adequately compensate for the loss of the natural surface storage area, without the back up of 2 sewage, these factors remain a serious concern. The health and safety of all residents should be a priority.

- The LLFA has circulated information to Councillors about the poor state of the drainage systems on Hagg and Granny Lane. Since this is a known high risk flood area, surely such a survey should have been carried out prior to the original submission of the application to the Committee?
- It is known that the Council Officers have met the landowner and Miller Homes on site. It is considered that everything is being done to support Miller Homes. It is noted that it is not unusual practice to meet with interested parties but the LLFA showed some reluctance to meet other members of the community- not exactly an even-handed approach when he claims to be "independent".
- The photograph captioned 'Section of channel to rear of existing development' is of interest. This channel was hastily dug recently by the landowner and was not remedial work on an historical channel that has been used in the past as stated in the LLFA report dated January 4th. Perhaps the LLFA suggested it to the landowner as he did discuss this at the meeting.

Save Mirfield and GLAAG maintain all their objections on the same grounds as before:-. Emergency access, road safety, sustainability, transport links, heritage, the environment, biodiversity, local amenities and the general poor quality of the original application which, in their view, sought to mislead the Committee.

7.8 Additionally, Save Mirfield (SM) have provided an additional response and objection to the application. It refers back to their original objection dated 20 June 2019 but notes that this letter is supported by a further 57 people. SM advise that the points in their original letter and subsequent communications still stand. In response to the amended details, they note that SM 'continue to have no confidence in the developer's proposals as regards the issues around drainage'.

7.9 A letter has also been submitted by a firm of Solicitors on behalf of their clients, Granny Lane Area Action Group and Save Mirfield. For the most part, the letter reproduces paragraphs from the NPPF and National Planning Guidance on Planning and Flood Risk and highlights specific sections. A summary of the specific points the letter raises is set out below:

- It is understood that the landowner/applicant is proposing to dig out some blocked drainage further along the site and 'reinstate' a previous drainage route. Not only does this previous drainage route not exist to our clients' knowledge and so, a new route is proposed which has not been assessed as to its suitability and impact on the Site and surrounding area, but if used it will result in the drainage being discharged into the road at the junction of Granny Lane and Hagg Lane. No assessment has been undertaken of this proposed new route or of the ability of the junction of Granny Lane and Hagg Lane to cope with the resultant drainage discharge. Furthermore, at a meeting with

local residents on 2 October 2020, Mr Paul Farndale stated that no matter what was proposed, betterment could not be achieved for several local residents.

- To date, only an area wide desktop drainage assessment has been undertaken. In light of Mr Farndale’s comments at the meeting on 22 October 2020, the proposed new drainage route, the time that has elapsed and further evidence produced, it is our client’s view that a Sequential test should be undertaken and, if applicable, an Exception test should also be undertaken.

7.10 Mirfield Town Council was consulted on the original proposal and responded as follows:

“Cllr Bolt Proposed: MTC strongly opposes the development as it currently stands on the following grounds: impact on highways, sight lines, drainage & flooding, traffic, inadequate provision for infrastructure, over intensification of site, impact on Grade II listed building, coal workings, contaminated land, loss of green space & amenity, environmental impact and impact on local wildlife. The council requests, in addition, a full independent archaeological survey of the land. Cllr K Taylor Seconded Vote: All in favour”

7.11 Prior to the application being reported to the Planning Committee on 16th December 2019, comments were received from the Ward Councillors – Councillor Bolt and Cllr Lees-Hamilton. Whilst these relate to the timing of the previous Committee, they are set out below in full for completeness.

Cllr Bolt (December 2019)

“I note that you say the report on the Granny Lane Planning application was finalised last week. However I would point out that according to the Planning application on website, the public consultation doesn’t end until today. How can you have ensured that all matters raised in consultation have been considered and assessed?”

I once asked a question at committee and was told that all parties should have access to the same information on the agenda, in this case it may be that the applicant, a statutory consultee or residents may have made technical submissions which the others aren’t party to, and so this premise is not carried through. I am copying the MP for the Mirfield area into this as I know he has an interest in this matter and will be concerned at the process followed.

In the circumstances I suggest this matter is removed from this Thursday’s agenda and brought back when reports can be compiled in full for inclusion in the agenda”

Cllr Lees-Hamilton (December 2019)

“I am emailing in support of Martyn’s comments. It is not good enough to update the members of the Planning committee a few hours before the meeting, members should be allowed the time to correctly digest any new information regarding a Planning application. Just as importantly objectors and applicants should be given time to study new information that may come light and to have the appropriate time to prepare a response before committee. I too suggest this matter be removed from the agenda and brought

back at a more suitable date after all the results of the public consultation have been included into the report.”

7.12 Following the report to Planning Committee in December 2019, there has been on-going correspondence between the Council and the Granny Lane Area Action Group (GLAAG) and Save Mirfield. This has included an entitled 'letter before claim' in accordance with the Civil Procedures Rules (CPR) Protocol for a proposed claim for judicial review' dated 24th August 2020. The purpose of any pre-action protocol letter is to identify the issues in dispute and establish whether they can be narrowed or litigation can be avoided. However, until a decision on the application is taken, no claim for judicial review can be pursued. Nevertheless, taken together, their letters have raised a variety of issues, which can be broadly summarised as follows:

- The detailed report commissioned by GLAAG pursuant to the submitted FRA was not properly considered nor the significance of its findings conveyed to the Planning Committee;
- The significance of the implications arising from the position of the site access within Flood Zone 3 was not conveyed to the Committee;
- Queried why the applicant was not required to correct the FRA in relation to part of the site access being within Flood Zone 3 when they were told about it in October 2019 and details of the emergency access should be required as a consequence;
- Page 21 of the KRS report (A technical appraisal prepared by KRS on behalf of the objectors' group of the applicant's supporting FRA) states that there is no route available for access to the west of the site. This alone should, in their view, make the site untenable given that the entrance is in Flood Zone 3;
- The Council have advised that finished levels of the site entrance will be raised but consider that it would not be significant. The consultant for GLAAG and Save Mirfield has looked at the contours and approximated this to actually be 1:35 at this point. They query why the Environment Agency was not made aware of this as their condition was no elevation of ground levels in Flood Zone 3?
- Query over the proposed method of drainage and any potential shortfall;
- Consider that drainage should be approved prior to any decision making and not subject to a condition;
- A concern that Yorkshire Water cannot guarantee that if sewerage levels raise, foul effluent will not run back into the storage tank;
- Assuming that the storage tank will be underground, will the land above it need to be raised?
- The large amount of deforestation on Hagg Lane, alongside Valance and Liley Clough Becks raises questions about the currency and accuracy of the Flood Risk Assessment;
- Still maintain that the Sequential Test has not been passed and requested evidence to clarify why the Exception Test was not necessary;
- Do not believe that the emergency route has been assessed with regard to its suitability to accommodate emergency vehicles such as Fire Engines, Ambulances or Police vans, particularly as they would be driven over the roof of the attenuation tank;
- Ground levels at the main site access/egress have been raised. This was in contravention of the EA's original conditions;

- The emergency access road is just a few yards away from Flood Zone 3 and its proposed route takes it perilously close to Flood Zone 3. What calculations regarding this have been made to plan for climate change?
- The elevations of the roads and development worry the residents. The concern is that water flows downhill and the velocity of flow depends not only on the rainfall but also on the slope of hard surfaces. They believe the additional problem of the steeper gradient at the emergency access should be drawn to the attention of the LLFA, Highways and the Environment Agency.
- The Council have acted illegally in allowing a development contravening its Local Plan;
- The Council was negligent in allowing the development in non-developable areas;
- The Council failed to advise the applicant in its pre-application advice on specific limitations on the site imposed in the Local Plan;
- The Council allowed errors to persist (such as the applicant stating the entrance is in Flood Zone 2 when it is in Flood Zone 3) and took no action to correct them;
- The Council failed to protect the area deemed to be of high significance in the Council's own heritage impact assessment;
- The Council unilaterally closed the public consultation period and prepared its final advice to the planning committee four days early (pursuant to the original December 2019 Committee);
- The update report to the last Committee (December 2019) was dismissive of additional matters raised;
- The advice to the planning committee, and on which it made its deliberations on 19th December 2020, was biased in favour of the applicant and throughout the planning process, the Council went out of its way to assist the applicant;
- Planning conditions are proposed for matters such as the emergency access which is contrary to all accepted planning practice.

7.13 Responses to all of the above comments are either addressed within the Assessment below or at Paragraphs 10.85 to 10.91 of this report.

8.0 CONSULTATION RESPONSES:

Statutory:

Coal Authority - No objection based upon the findings of the supporting Ground Conditions Assessment.

KC Highways – No objection subject to planning conditions, which require the following:

- Areas to be used by vehicles and/or pedestrians to be satisfactorily surfaced and drained;
- The submission and approval of a scheme providing details of the adoptable estate roads;
- The submission and approval of a construction management plan;

- The submission and approval of a scheme providing details of all new retaining walls adjacent to the public highway;
- The submission and approval of a scheme detailing all new surface water attenuation measures.

In addition it is requested that any planning permission is subject to a section 106 agreement to secure measures to encourage sustainable modes of transport including travel Plan and arrangement fees. These financial contributions comprise:

- £33,533.50 for bus only Residential MCards.
- £10,000 for a real time information display at bus stop 17564
- £10,000 to fund the Travel Plan

KC Highways have also responded to the latest set of plans received on 21st December 2020. They comment that the newest layout supplied by the applicant amends the visitor parking arrangements and widens the carriageway on the north-eastern bend in front of plots 37, 66, and 67 to improve forward visibility. These changes are seen as a benefit to highway safety, and Highways DM do not wish to raise any objection to the scheme. It has also been advised that the contributions outlined above should comprise a sustainable travel fund. Whilst it should include for the provision of real time information at bus stop 17654, the remaining contribution can be spent on measures to promote travel by means other than the private car to be agreed prior to the first occupation of the site

KC Lead Local Flood Authority – Taking into account the latest documentation provided by the applicant, following the submission of the video of surface water flowing across the site provided by GLAAG and Save Mirfield on 14th October 2020, the LLFA still raise no objection to the proposal subject to the following planning conditions/obligation:

1. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, connection to public sewer at a maximum of 5l/s, balancing works for the 1 in 100 + 30% climate change critical event, Plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.
2. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:
 - (i) Phasing of the development and phasing of temporary drainage provision.

- (ii) Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

- 3. Development shall not commence until a scheme detailing the design, construction, operation, maintenance and management of emergency access roads and surface water flood route pathways to avoid curtilage flooding has been submitted and accepted in writing by the Local Planning authority. The scheme shall be installed and retained thereafter.
- 4. Development shall not commence until a detailed cross sectional design of the southern plots with rear gardens and across the border with adjacent land is required. This should include a clear indication of fences and hedgerows to be maintained, removed, or replaced, along with ditching dimensions and any bunding required. It should also include details of levels and gradients.

A financial contribution of £3,000 to contribute towards the future upgrade of a piped water course at the southern edge of the site. In addition, a contribution of £5000 is sought for research and improvements to Valance Beck, which contributes to flooding of Granny Lane in the vicinity of the access to the proposed development. This will be secured through the Section 106 agreement along with long-term maintenance and management arrangements of the applicant's surface water drainage proposals, to include a management company to specifically maintain the ditching (the flow route) to the rear of Plots 32-36 in perpetuity so that blockages to the route(s) are less likely to happen post development due to a stated maintenance programme that can be enforced.

The Environment Agency – In response to the original consultation, the EA objected to the application in October 2019 on the grounds that the FRA failed to demonstrate that there was no transfer of flood risk to others. Following the submission of an updated FRA in early November 2019, the EA subsequently confirmed that they had no objection subject to the following measures:

- (i) Finished floor levels shall be set no lower than 45.87 m above Ordnance Datum (AOD).
- (ii) No raising of ground levels in flood zone 3

The EA were re-consulted on the revised FRA (Version 7) on 21 April 2020 (post-Committee) and again confirmed that the development would meet the National Planning Policy Framework's requirements if a planning condition was included to secure the following:

- (i) Finished floor levels shall be set no lower than 45.87 m above Ordnance Datum (AOD).
- (ii) No raising of ground levels in the area of public open space (POS) located within the flood zone 3 extent shown in drawing SK1 (rev 1) in Appendix D of the FRA.

The EA were also consulted in December 2020 on the submission of the most recent information comprising the Drainage Technical Note to address drainage concerns associated with overland flows on the south eastern boundary of the site and the associated layout changes. The EA have advised by letter dated 5th January 2021 that they have reviewed the submitted document “Granny Lane – Technical Note 21.12.2020” produced by RWO Associates Ltd, and have the following comment to make:

‘This document is concerned with drainage matters relating to Valance Beck, which is an ordinary watercourse and therefore it is a matter for the Kirklees LLFA to comment on, not the Environment Agency. However, we advise that the recommendations for mitigation measures, including long term maintenance, are secured by a S106 agreement, or planning condition’. NB This would include the £8K secured through the S106 agreement.

Health and Safety Executive – No objection

Non-statutory:

KC Biodiversity Officer – No objection subject to planning conditions to secure proposed biodiversity enhancements and compensatory hedge planting. As part of the latest round of consultation, the Bio-diversity Officer confirms that they have no further comments to make.

KC Conservation and Design – No objection.

KC Education – £157,992 secondary education contribution required. No primary school contribution required.

KC Environmental Health – No objection subject to planning conditions which require:

- Further intrusive investigations and that any on site contamination is satisfactorily dealt with
- That a noise assessment is carried out to assess the potential impact of nearby noise generating uses on the occupants of the new dwellings
- The installation of electrical vehicle charging points
- The submission of a travel Plan which encourages the use of sustainable methods of transport
- The submission of a dust suppression scheme

KC Environmental Health reviewed the revisions submitted in December 2020 and advised that the outstanding conditions recommended in their previous response dated 15th May 2019 should remain unchanged and remediation relating to the whole site is still required.

KC Housing – No objection subject to an affordable housing tenure split of 54% social or affordable rent to 46% intermediate housing.

KC Landscape – No objection in principle. However, based on the number of dwellings, there is a shortfall of Public Open Space provision and a financial contribution of £58,808.00 is required in lieu of this shortfall. In addition, details of bin storage and collection must be agreed.

KC Trees – No objection. The Tree Officer has noted that as per the tree survey supporting the application, the Ash trees on/adjacent to the site are infected with 'Inonotus', a decay fungus. Therefore, they are in poor condition to a point that they will require removal in the near future and no new TPO can be served on them. If these trees did have to be removed ultimately a scheme for replacement trees would be sought.

WY Archaeology Advisory Service – Following the submission of a Trial Trench Evaluation for the site dated November 2019 and received 12 December 2019, WYAAS subsequently advised that there is sufficient archaeological at the site to warrant further targeted work. The trial trenching has established that a backfilled boundary ditch and several small pits and a post hole are present. Although undated, these are indicative of past human activity within the site. It is therefore proposed to require further archaeological work prior to development commencing via planning condition.

West Yorkshire Police Crime Prevention Design Advisor – No objection in principle, but has recommended that the development should include the following measures:

- 1800mm high walls or close boarded fences to the rear of plots and as dividing boundaries between rear gardens.
- The regular maintenance of trees and hedges to maximise natural surveillance
- Clearly defined front garden areas
- The installation of doors and windows to comply with approved document Q of the Building Regulations
- Vehicle parking should be within each the curtilage of dwellings or within the view of the car owner
- All garages should allow the parking of an average sized family vehicle
- Shed/cycle storage should be to solid silver standard
- Refuse bins should be stored within rear gardens

- Each dwellings should be fitted with an intruder alarm

West Yorkshire Fire Service – WY Fire Service were asked to review the application in June 2020 with specific regard to the proposed emergency access. They responded as follows:

The West Yorkshire Fire & Rescue Service's (WYFRS) comments on the emergency access to this proposed site are as follows:-

Minimum width of road between kerbs (m) 3.7. Minimum width of gateway (m) 3.1. Minimum carrying capacity (tonnes) 24. All access roads for WYFRS appliances should be kept clear of any obstructions. It may, however, be considered necessary to restrict unauthorised entry and either removable bollards or gate barriers are acceptable if they meet the following criteria:

They must be quickly and easily openable by WYFRS personnel. They must be only secured at one point by a padlock and chain which can be cut away by the WYFRS in an emergency.

Yorkshire Water – No objections providing separate systems for foul and surface water drainage are provided onsite and via existing sewer off site subject to the surface water discharge rate being restricted to less than five litres per second. YW confirmed in April 2020 that they had no further comments to make. They have confirmed again in January 2021 that they still have no additional comments to make.

9.0 MAIN ISSUES

- Land use, sustainability and principle of development
- Residential amenity and quality
- Affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Trees, landscaping and ecological considerations
- Ground conditions
- Heritage issues
- Other matters
- Representations
- Planning obligations

10.0 APPRAISAL

Land use, sustainability and the principle of development

10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

10.2 This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that

proposals that accord with the policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.

- 10.3 Policy LP2 of the Local Plan refers to place making and advises that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Furthermore, Policy LP3 advises, amongst other matters, that development proposals will be required to reflect the Spatial Development Strategy and development will be permitted where it supports the delivery of housing in a sustainable way, taking account of matters such as the delivery of the housing requirements set out in the Plan.
- 10.4 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. Currently, as set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021). As the Kirklees Local Plan was adopted within the last five years, the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF also clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should therefore be considered in the context of the presumption in favour of sustainable development, which is at the heart of the Framework.
- 10.5 The application site is identified as a housing allocation (HS66) within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. Based upon the net site area, it is given an indicative capacity of 70 dwellings. In this case, 67 dwellings are proposed, which would make a significant and welcomed contribution towards meeting the housing delivery targets of the Local Plan.
- 10.6 The site is Greenfield land. However, allocation of this and other Greenfield sites was based upon a rigorous borough-wide assessment of housing and other needs, as well as an analysis of available land and its suitability for housing through the Local Plan examination process. It was found to be an appropriate basis for the planning of the Borough by the Planning Inspector. Whilst the Local Plan strongly encourages the use of Brownfield land, some development on Greenfield land was demonstrated to be necessary in order to meet development needs. Furthermore, within the NPPF, the effective use of land by re-using brownfield land is encouraged but the development of Greenfield land is not precluded with the presumption in favour of sustainable development being the primary determinant.
- 10.7 The application site is in a sustainable location for residential development. It is relatively accessible and situated on the edge of an existing established settlement that is served by public transport and other facilities. Further reference to and assessment of the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations. In principle, however, the development of this site for residential use is consistent with Policies LP1, LP2 and LP3 of the

KLP. It is therefore acceptable in principle subject to an assessment against all other relevant policies within the Local Plan set out below.

Urban design and housing density

- 10.8 The proposed 67 residential units would be laid out around a loop access road, which would connect to Granny Lane on the northern edge of the site. Of these, 31 units are proposed adjacent to the internal boundary of the access loop, and 36 are proposed adjacent to its external boundary. The layout plan submitted in December 2020 includes a small modification to the road layout to slightly widen the bend of the road at the eastern end of the site in order to satisfy the requirements of the Council's S38 Team (adoptions). This has led to very minor amendments to the position and parking arrangements of Plots 35-37.
- 10.9 Nevertheless, the new residential units would still be laid out in an appropriate arrangement, where back gardens would back onto other back gardens, existing back gardens or open land to the east and south of the site. It is considered that this layout would provide clear definition and enclosure. Consequently, ambiguous outdoor spaces would not be created and the layout provides for good natural surveillance to all areas of public realm.
- 10.10 An area of publicly-accessible open space is proposed along the site's northern edge adjacent to Granny Lane. It would be accessible to existing residents to the west, as well as to new residents. It is therefore considered to be an appropriate location as it would serve to integrate the proposed development within its surroundings. It would also help limit the visual impact of the development when seen from Granny Lane. The open space in this location would provide the wider site with a suitable entrance, which is considered important given that existing views across the site from this point on Granny Lane are of open land. Furthermore, it would reduce the impact of the development on Sheep Ings Farm and its environs, which is immediately adjacent to the site to the east.
- 10.11 Car parking has been designed into the proposals, the majority of which is located within the curtilage of individual properties. Parking spaces that are not within domestic curtilages are overlooked from adjacent residential properties allowing an adequate level of surveillance.
- 10.12 To ensure the efficient use of land, Local Plan Policy LP7 states that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities would be 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.
- 10.13 The Local Plan Site Allocation identifies the gross site area for the allocation (HS66) as 2.23 hectares. However, the net site area is recorded as 2.02 hectares. This takes account of the fact that the part of the site within Flood Zone 3 and within the HIA (Heritage Impact Assessment) area of high significance has been removed from the developable area.

- 10.14 With 67 units proposed on a site of approximately 2.23 hectares, a density of approximately 30 units per hectare would be achieved. However, this density figure is based upon the gross (red line boundary) site area. As noted above, a proportion of the site has been sacrificed to ensure dwellings are located in areas where flood risk is reduced away from the site entrance. Excluding this section of the site results in a developable area of approximately 1.93 hectares. Using this site area, the provision of 67 dwellings would equate to the density of 35 units per hectare specified (and applicable “where appropriate”) in Local Plan Policy LP7. Officers therefore consider that the proposed density of development would ensure that the site is efficiently used.
- 10.15 The proposed mix of house types is considered acceptable. The development comprises 38 detached dwellings, 13 blocks of semi-detached dwellings (26 individual units) and a block of 3 town houses. These provide a range of 2, 3, 4 and 5 bedroomed properties. This is reflective of current housing in the vicinity of this site. Existing house types in the area exhibit a range of designs and it is considered that the proposed range of house types would assimilate well with those existing and are therefore considered acceptable in design terms.
- 10.16 The applicant proposes the use of red brick and a mixture of brick and render and grey concrete tiles across the site. Again, this reflects the variety of facing and roofing materials used in the vicinity. In light of the above assessment, it is considered that the relevant requirements of Chapter 12 of the NPPF, and Local Plan policies LP2, LP3, LP7, LP24 and LP35, would be complied with.

Residential amenity and quality, including internal space standards

- 10.17 Local Plan Policy LP24 advises that good design should be at the core of all proposals. It states that development should provide good design by ensuring, amongst other matters, that they provide a high standard of amenity for future and neighbouring occupiers and also, that they are adaptable and able to respond to change and offer flexibility to meet changing requirements of the resident / user. As a consequence, matters such as maintaining appropriate distances between buildings, outside garden areas and also the provision of adequate living space are material planning considerations.
- 10.18 With regard to space standards, the Government’s Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees at this time. However, they provide useful guidance, which applicants are encouraged to meet and exceed, as set out in the Council’s Draft Housebuilder Design Guide SPD. NDSS is the Government’s clearest statement on what constitutes adequately-sized units. Consequently, in the context of Policy LP24, it is relevant to consider whether the dwellings would be of a sufficient size for future occupiers.
- 10.19 The NDSS minimum gross internal floor areas (GIA) are based upon the number of bedrooms within the house overall at a defined level of occupancy. For this reason, each unit size standard is sub-divided into categories based upon the number of bed spaces (persons) and also, whether it would be a 1, 2 or 3 storey dwelling. However, the guidance also confirms that relating internal space to the number of bed spaces is a means of classification for assessment purposes only when designing new homes and seeking planning approval (if a local authority has adopted the space standard in its Local

Plan). It does not imply actual occupancy, or define the minimum for any room in a dwelling to be used for a specific purpose. In this instance, where there is presently no local plan policy, the minimum standard within the NDSS for a 3 bed, 4 bed and 5 bed unit has therefore been applied in this assessment.

10.20 The report to Planning Committee in 2019 also clarified that the NDSS are not adopted but they provide useful guidance. It did advise that the proposed dwellings would meet the minimum unit size figures set out in the NDSS. On review in January 2021, however, it has been clarified that three of the house types did not. The Stretton 3 bedroom house type was 7.9m² below standard whilst both of the affordable housing units (Yare and Glaven) were 9m² and 8m² below the minimum respectively. Consequently, at that time, the majority of units (69%) were compliant but 31% were not.

10.21 Following further discussions with the applicant in January 2021, the size of the affordable housing units have subsequently been reviewed. As a result, the Yare and Glaven house type have been replaced with new affordable housing types – Driffield and Harrison. These would both comply with the NDSS. A full breakdown of the proposed unit sizes is provided in the table below. The affordable units are shaded in grey.

House Type	Size of unit	No.	GIA	NDSS minimum	NDSS Compliant
Driffield	2 bed terrace/semi	12	70	70	✓
Harrison	3 bed semi	2	84.3	84	✓
Kipling	3 bed detached	2	97.2	84	✓
Malory	3 bed detached	4	99.2	84	✓
Stretton	3 bed semi	8	76.1	84	✗
Tolkein	3 bed semi	8	84.3	84	✓
Darwin	3 bed detached	1	85.6	84	✓
Darwin DA	3 bed detached	2	87.3	84	✓
Buchan	4 bed detached	3	117.4	97	✓
Buchan DA	4 bed detached	1	117.4	97	✓
Chadwick	4 bed detached	5	130.8	97	✓
Fenwick	4 bed detached	3	119.7	97	✓
Herbert	4 bed detached	4	134.7	97	✓
Mitford	4 bed detached	9	128.9	97	✓
Butterwick	5 bed detached	4	148.7	110	✓
Total		67			

10.22 The above shows that all but one of the house types are now compliant with the NDSS as assessed by the Council. This equates to a level of compliance of 88%. Only the Stretton 3-bedroom house type is below the standard by 7.9m². However, the floorplan for this unit still indicates that it could deliver adequate living accommodation. It includes a separate laundry/w.c at ground floor level and a family bathroom as well as a main bedroom with en-suite at first floor level. Taking into account that the NDSS is currently guidance, overall, the scheme would deliver a sufficient quality of living accommodation for future residents in accordance with LP24. All of the proposed houses would also benefit from dual aspect, and would be provided with satisfactory outlook, privacy and natural light.

- 10.23 Acceptable separation distances are proposed between the new dwellings and existing neighbouring properties on Gregory Springs Road, Gregory Springs and Granny Lane. Plots are oriented to ensure that direct views into habitable room windows are avoided. Levels on site are also similar to those surrounding the site and it is considered that the proposed separation distances would ensure that existing residents would not experience significant adverse effects in terms of reductions in natural light and privacy. The amendment to the affordable housing types noted above does result in the depth of these units being modestly increased by approximately 1 metre. This includes the units at Plots 2-6, which adjoin the existing properties on Granny Lane and Gregory Springs Road. The closest distance would be between Unit 2 and 42 Granny Lane at approximately 12 metres; however, this is at a very oblique angle to avoid any direct overlooking. Adequate distances would also be provided within the proposed development between new dwellings.
- 10.24 It should be noted that whilst outlook is a material consideration relevant to this application, private views currently enjoyed by existing residents of Gregory Springs Road, Gregory Springs and Granny Lane across the green fields of the application site cannot be protected by the Council in its determination of planning applications.
- 10.25 All of the proposed houses would be provided with acceptable private outdoor amenity space proportionate to the size of each dwelling and its number of residents. Within the revision to the scheme in December 2020, as a result of the need to create a 2-3m corridor to channel overland surface water flows on their natural route, Plots 32-36 would lose a small strip of garden. Nevertheless, these properties still benefit from external amenity space and they retain a broadly open outlook. Furthermore, an area of open space is also proposed on site next to the site's northern boundary, adjacent to Granny Lane. This would be 2350m² in size, and would include a Locally Equipped Area for Play (LEAP), which would be within 400m walking distance of all the homes it serves. It would be positioned to provide a buffer zone between it and the habitable room façade of adjacent dwellings. Further details of the LEAP would be required by condition.
- 10.26 In terms of noise, although residential development would increase activity and movements to and from the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.
- 10.27 A condition requiring the submission and approval of a Construction Management Plan (CMP) is proposed. The details submitted for a future discharge of condition would need to sufficiently address the potential amenity impacts of construction work at this site. Details of temporary drainage arrangements would also need to be included in the CMP.
- 10.28 For the reasons set out above, the proposal is considered to provide acceptable living conditions for future occupiers and sufficiently protect those of existing occupiers. It would therefore comply with the objectives of Policy LP24.

Affordable housing

- 10.29 Local Plan Policy LP11 requires 20% of units in market housing sites to be affordable. A 54% social or affordable rent / 46% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing should be appropriately designed and located around the proposed development.
- 10.30 In this case, 13 of the proposed 67 units would be affordable. In terms of unit numbers, this represents a 20% provision, which meets the requirements of Local Plan Policy LP11, and is welcomed.
- 10.31 This proposed unit size mix (11 x 2 bed and 2 x 3 bed) would assist in meeting known housing need as set out in the 2016 Strategic Housing Market Assessment.
- 10.32 In terms of the tenure of the affordable housing units, 7 would be social rented units and 6 would be intermediate dwellings. This would deliver a 54% social: 46% intermediate in accordance with the Council's requirements, which is secured within the Section 106 agreement.
- 10.33 The proposed locations of the affordable housing units are considered acceptable, as they would be distributed around the application site. Taking all these matters into account, the proposal is therefore compliant with Policy LP11.

Highway and transportation issues

- 10.34 The dwellings would be served by a single access off Granny Lane which would be 5.5m in width at the junction with a 2.0m footway on either side. The estate road then remains 5.5m wide apart from a small section measuring 6.0m. The 2.0m footways continue throughout the site barring the section of shared surface to the frontages of plots 21-36 and 51-66 where a 0.6m hard margin is provided. At the newly-formed junction, appropriate visibility splays of 2.4m x 50m and 2.4m x 46m have been demonstrated.
- 10.35 In terms of traffic generation, the Transport Assessment (TA) submitted with the application (based upon 67 dwellings) offers 2 assessments. One is based on 'TRICS' figures, which is a national database of transport survey records across a wide range of land use categories. Using the 'residential – houses privately owned' land use classification, the TA identifies a trip rate of 38 two-way movements in the AM peak (10 arrivals and 28 departures) and 35 in the PM peak (24 arrivals and 11 departures). The second assessment was requested by the Council using a higher threshold of 0.8 vehicle trips per dwelling per hour. This results in 53 two-way trips in the morning and evening peak (13 arrivals and 40 departures in the morning and the opposite in the evening).

- 10.36 Using this higher figure, the TA identifies that assessments were undertaken to demonstrate the 2024 predicted peak-hour operational characteristics of junctions in the vicinity of the site. This included the Huddersfield Road/Queen Street/Station Road junction, the Huddersfield Road/Steuard Lane junction and the Steuard Lane two-way bridge, as well as the operation of the proposed site access. The analysis concludes that the proposal would not result in material impacts to the safety or operation of any of the junctions assessed and the development related trips would not have a significant impact on the operation of the local highway network.
- 10.37 The TA also included an analysis of accidents that occurred on the highway network in the vicinity of the site in the 5 years prior to January 2018. This identified 11 'Personal Injury Accidents' in this period, of which 10 were classified as slight and 1 as serious, although none were in the immediate vicinity of the site. Using Crashmap data up to 2019, this shows one incident between the junction of Gregory Springs Lane and Hopton Lane involving 2 vehicles but documented as slight in severity. The number of accidents recorded is therefore considered to be low and there is no evidence to suggest that the proposed development would unduly affect the frequency of accidents in the future.
- 10.38 Initially Officers raised concerns regarding visibility at the junction of the site with Granny Lane, off-street car parking, forward visibility on part of the estate road and anomalies in the TA. This resulted in the submission of a Technical Note (TN), which addressed the issues raised in the original consultation response. The TN provided further justification for the achievable visibility splays at the junction with Granny Lane, the proposed visitor parking arrangements and demonstrated that the levels of resident parking would be suitable for the site and consistent with other Miller Homes developments. It also provided sufficient evidence that forward visibility at points of concern on the estate road could be adequately achieved. Furthermore, it amended anomalies in the TA with regard to existing buses and trains in the vicinity of the site.
- 10.39 In this regard, it is noted that the site is accessible by means other than the private car. Mirfield Railway Station is within approximately 800m walking distance of the proposed site access. This would be circa 0.5 miles and within a 10-minute walk. Mirfield Station provides connections to Leeds, Bradford, Huddersfield, Wakefield and Dewsbury, amongst other destinations. Mirfield is due to be upgraded as part of Network Rail's Transpennine Upgrade proposals and whilst this could lead to some disruption to services in the short-term, there would be long-term benefits to future residents.
- 10.40 The site is also accessible by bus. The nearest stops are on Calder Road, which are approximately 0.3 miles (approximately 480m) from the site entrance. Whilst this would be just beyond the 'desirable' 400 metre acceptable walking distance identified in the Institute of Highways and Transportations (IHT) 'Providing for Journeys on Foot' (2000) referred to by the Transport Consultant appointed by the local residents groups, it would be approximately a 7 minute walk on a relatively level route. The bus stops would also be comfortably within the 800m acceptable distance identified in the IHT document. These are served by the 262 service (hourly, Monday – Saturday), which extends to Huddersfield Town Centre.

- 10.41 The site is also in reasonably close proximity to Mirfield Town Centre, which provides a range of services and provisions. It lies approximately 1200m from the site. Whilst this is beyond the preferred maximum of 800m identified in the IHT report above, it is still less than a mile's walk on a mostly flat route. Moreover, the IHT document recognises that acceptable" walking distances will vary between individuals and circumstances. It will depend on various factors including an individual's fitness and physical ability, encumbrances, like a shopping, pushchair, the journey purpose and personal motivation. Nevertheless, overall, the site is within an existing residential area and it is considered to be sufficiently accessible by means other than the private car and an accessible location for development. Furthermore, as part of the S106 agreement, measures to a value of £52,533.50 would be secured to encourage sustainable modes of transport. This would include £10,000 for real time information display at bus stop 17564 (Calder Road/Granny Lane) as well as Travel Plan monitoring.
- 10.42 Following the previous Committee, concerns were raised by local residents' groups about the gradients of the site access. Following discussions with the Council's Highways Officers, it is understood that the junction approach gradient is likely to be 1:33. The Highways SPD allows a maximum gradient of 1:25, so 1:33 would be compliant with the SPD and the Council would have no issue with the adoption of the road at this gradient. Nevertheless, final details of site levels will be required prior to any development commencing by means of a planning condition.
- 10.43 For the reasons set out above, Officers therefore consider that subject to conditions and the planning obligations detailed in this report, the proposal would accord with Kirklees Local Plan Policies LP21 and LP22 with regard to its potential impact on the Local Highway network.

Flood risk and drainage issues

- 10.44 Guidance within the NPPF advises at Paragraph 163 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This approach is reinforced in Policy LP27 of the KLP, which confirms, amongst other matters, that proposals must be supported by an appropriate site specific Flood Risk Assessment (FRA) in line with National Planning Policy. This must take account of all sources of flooding set out in the Strategic Flood Risk Assessment and demonstrate that the proposal will be safe throughout the lifetime of the development (taking account of climate change). Policy LP27 also notes that proposals for development that require a Sequential Test in accordance with national guidance will need to demonstrate that development has been directed to areas with the lowest probability of flooding, following a sequential risk based approach.
- 10.45 Policy LP28 of the KLP relates to drainage and notes a presumption for Sustainable Drainage Systems (SuDs) and also, that development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available, or can be co-ordinated to meet the demand generated by the new development.

- 10.46 The application site lies within Flood Zones 1 (low probability), 2 (medium probability) and 3 (high probability) as defined on the Environment Agency's Flood Zone map. The majority of the site is within Flood Zone 1, which is land having a less than 1 in 1,000 annual probability of river or sea flooding. Approximately the northern third lies within Flood Zone 2 (land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding) whilst an area around the existing entrance on Granny Lane is within Flood Zone 3 (land having a 1 in 100 or greater annual probability of river flooding). Parts of the site are also identified to be at a relatively high risk of surface water flooding.
- 10.47 The applicant has prepared a site specific Flood Risk Assessment to support the application as required by LP27. This was subject to amendments in the course of the application with the last revision submitted on 11th December 2019. The findings of the FRA are detailed below.
- 10.48 A Sequential Test is not required for this application on the grounds that the site was allocated for housing through the Local Plan process, for which a strategic flood risk assessment was undertaken (Technical Paper: Flood Risk – November 2016). This technical appraisal comprised a consideration of the site's potential flood risk issues. Whilst including some land within Flood Zones 2 and 3, it was nonetheless considered suitable for residential development and included as an allocation. This allocation was subject to thorough examination and was deemed to be sound and lawful by the Planning Inspectorate. Paragraph 162 of the Framework confirms that 'where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again'.
- 10.49 With regard to the Exception Test, this is a method to demonstrate and to help ensure that flood risk to people and property will be managed satisfactorily, whilst allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The Exception Test was applied at the Local Plan stage within the Technical Paper noted above. In respect of the site allocation at Granny Lane (Site Reference H40 at that time), it noted that an Exception Test was not required because the developable area had been reduced to remove the area at a high risk of flooding so that there would be no new housing in Flood Zone 3a.
- 10.50 It is acknowledged that Paragraph 162 of the NPPF confirms that the Exception Test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account. Neither is considered to apply in this instance, because relevant aspects of the proposal (i.e. the use of the site for residential purposes) was considered at the plan making stage as set out above. There has also been no change to the flooding risk of the site as identified on the Environment Agency's Flood Map for Planning between the adoption of the Local Plan and the consideration of this application.

10.51 Furthermore, the requirement for an Exception Test is set out in Planning Practice Guidance: Flood Risk and Coastal Change. Table 2 of the PPG outlines the flood risk vulnerability classification of specific types of development. Table 3 of the PPG then sets out flood risk and vulnerability and flood zone compatibility and clarifies when the exception test should be applied. Buildings used for 'dwellinghouses' are classed as 'more vulnerable' in Table 2 whilst amenity open space is classed as 'water-compatible development'. For more vulnerable development, no exception test is required for development falling within Flood Zones 1 and 2. So even if the Exception Test had not been previously applied, because all the housing on this site lies within Flood Zones 1 and 2, no Exception Test would be required. No Exception Test is required either for water compatible development.

10.52 It is acknowledged that a small section of the access road at the point that it adjoins Granny Lane falls within Flood Zone 3. However, Table 3 of the PPG does not categorise residential estate roads, which are, in effect, engineering operations associated with the residential development of a site. In its scale, it is not the essential infrastructure of the type which is referred to in the Planning Practice Guidance, which includes mass evacuation routes and therefore implying a significance of scale. Again, the application of the Exception Test would not be applicable.

10.53 Nevertheless, the submitted FRA does address how flood risk to people and property would be managed satisfactorily. It confirms that the site is within Flood Zones 1, 2 and 3 and considers the implications of the proposed residential development in relation to flood risk and surface water management. It determines the existing flood risk and estimates the likely impact associated with this proposal. The conclusions of the FRA can be summarised as follows:

- Dwellings are proposed in Flood Zones 1 & 2 with a minimum FFL of 45.87m AOD. This is 0.6m above the 100-year + 30% Climate Change flood level, and this would ensure that the properties remain safe during the critical flood level.
- All other sources have been reviewed and deemed a low or manageable risk. The surface water drainage hierarchy has been reviewed and a discharge to infiltration is unsuitable.
- It is proposed to discharge surface water to the public combined sewer at a rate of 5.0 l/s as agreed with Yorkshire Water.

The revised FRA has been considered by the Environment Agency, Yorkshire Water and the LLFA on three occasions, all of whom accept its findings in their latest responses and raise no objection to it subject to the imposition of relevant and appropriate conditions.

10.54 With specific regard to the intersection of the access road with Flood Zone 3 where it adjoins Granny Lane, it is acknowledged that this could lead to a situation whereby emergency vehicles trying to gain access to the site are obstructed during a severe flood event. Consequently, it is considered that an emergency access could be achieved via the public open space to the west of the access road. This lies within Flood Zone 2 and is therefore less likely to flood. The principle of this route as an emergency access has been discussed

with West Yorkshire Fire and Rescue Service who raise no objection in principle subject to the access meeting minimum design specifications in terms of its width, carrying capacity and restrictions of unauthorised entry. The open space is of a sufficient size to accommodate the required width and details of the emergency access road, including its construction to ensure a specific tonne capacity and entry points will be secured via a planning condition as set out at Section 12 of this report.

10.55 In response to concerns from residents in relation to the effect of the gradient of the access road on flood risk, the LLFA have advised that roads will be drained into the attenuation tank and the flow control device will slow flows down to accepted rates during storms. This will be considered as part of the detailed design of the roads through the S38 highway adoption process.

10.56 Turning to surface water and drainage, initially, the applicant proposed to drain surface water from the developed site to an existing water course via an underground pumping station. However, the use of a pumping station was considered to be problematic by the LLFA as, in the event of the pump failing, it could exacerbate a flooding event. Following negotiations with Yorkshire Water, the applicant now proposes to drain surface water from the site directly to the existing public sewer located within Granny Lane via a gravity fed connection. This would be subject to limiting the discharge rate to 5l/s and would therefore require a satisfactory method of attenuation. Foul water would be drained via a separate system to the public sewer. Following confirmation from Yorkshire Water, The Environment Agency and the Local Lead Flood Authority, Officers consider that this would provide a suitable drainage regime for the site and detailed site drainage measures can be adequately dealt with via the planning conditions and obligations outlined in Section 12 of this report.

10.57 In addition, the applicant has undertaken a recent review of drainage concerns associated with overland flows. This followed the receipt in October 2020 of a video taken in February 2020 when Storm Ciara occurred. The video provided pictorial evidence of a flow running across the site, along the track towards Granny Lane during the storm event. Following on-site investigations, the applicant prepared a Technical Note dated 21.12.2020, which confirmed that the applicant had undertaken the following:

- A topographical survey extending to the southern fields.
- A site walkover on the southern boundary to review Valence Beck.
- A site meeting with Kirklees Council's LLFA officer.

10.58 The Technical Note identifies the following issues:

- Certain areas of Valence Beck have obstructions within the watercourse, mainly in the form of fallen trees, which are reducing the capacity and resulting in flows backing up the channel.
- Given the known downstream obstructions within the Beck, water escaping the channel at the identified location is expected, as witnessed in the February 2020, storm Ciara event.
- The topographical survey identifies the overland flow route, which is visible in-situ on to the rear of the site. The natural channel runs along a line north, then north east before ultimately draining towards Hagg Lane before ultimately discharging to Granny Lane.

- 10.59 The Technical Note then determines that there were three primary factors that contributed to the incident during Storm Ciara and the overland flow witnessed on the site:
- Blockages in Valance Beck;
 - The intensity of the storm;
 - The unmanaged channels to the rear of the site.
- 10.60 It is proposed that this risk would be mitigated through this proposal as follows:
- The onsite channel would be extended and enlarged and incorporated into managed land rather than plot ownership so that it can be maintained in perpetuity. Therefore, a 2m-3m wide corridor would be provided to channel flows on their natural route. It would be 300mm deep on the plot side.
 - Plot finished floor levels are above existing ground levels and rear gardens fall back towards the channel, further encouraging flows on this route.
 - A financial contribution will be provided via the S106 for clearance and maintenance works on Valance Beck, to reinstate the capacity of the watercourse.
- 10.61 The Technical Note concludes that ensuring the overland flow route is formally improved and maintained and obstructions removed within Valance Beck would reduce the risk of the event witnessed in February 2020 re-occurring. Nevertheless, in the event that they did, the management of this flow route to the rear of the site would ensure flows are directed to Hagg Lane and onto Granny Lane as they were designed to historically.
- 10.62 This additional information has been reviewed by the LLFA. The LLFA advises that the Technical Note (TN) reflects their observations on the latest and previous site visits. Storms in November 2019 saw a flood route along the back of the site and Stringers Place, which was observed by the LLFA and noted in conversation with residents.
- 10.63 For February 2020 (Storm Ciara), this route was partially blocked off causing significant ponding within the red line boundary of the application site, where water reached a natural weir point and cascaded along the access route to Granny Lane. In addition to the information within the TN, the LLFA observed that there is an old access way at the corner of the field to the rear of the development site and on the northern border of Kirklees owned land, which is boarded up. A gate is now installed at a higher level in this Kirklees land. It would also appear that a small strip between the Kirklees land and the site/Stringers Place is owned and/or is a right of way/access for the owners of the land to the rear of the site. The field arrangements shown on OS maps throughout the 20th century reflects this ownership.
- 10.64 In principle, the LLFA therefore welcome the reinstatement of ditch work and the future management of the overland flow paths to the west, rather than ponding on the application site and overflowing to the north. In English Common law, a landowner must accept floodwater through his/her land. The LLFA note that it would be prudent for the landowner to the south of the site to

continue the remedial work already carried out by the owners of the development site to improve the ditch present in their land but this is not within the control of this application. The LLFA did request a detailed cross sectional design of the southern plots with rear gardens, which was subsequently provided by the applicant. However, the LLFA would like additional cross-sections and this will form a condition of this approval.

- 10.65 Accordingly, the LLFA continue to raise no objection to the development subject to conditions to secure a detailed drainage scheme prior to works commencing and also, a Section 106 agreement to maintain the ditching (the flow route) through a management company so that blockages to the routes are less likely to happen post development due to a stated maintenance programme that can be enforced. This would be tied into the already agreed flood route at the south west corner of the site.
- 10.66 The information has also been reviewed once again by the Environment Agency and Yorkshire Water. This will be the fourth time the documentation for this proposal has been considered by these external agencies. The EA raise no objection, noting that the Technical Note is concerned with drainage matters relating to Valance Beck, which is an ordinary watercourse and therefore it is a matter for the Kirklees LLFA to comment on, not the Environment Agency. However, they advise that the recommendations for mitigation measures, including long term maintenance, should be secured by a S106 agreement, or planning condition. Yorkshire Water also confirm that they have no additional comments to make on the Technical Note.
- 10.67 For the reasons set out above, it is considered that this proposal therefore accords with Local Plan Policies LP27 and LP28 and Section 14 of the NPPF with regard to its potential impact on local flood risk and drainage, which is considered to be acceptable subject to conditions and the requirements set out in the planning obligation.

Trees, landscaping and ecological considerations

- 10.68 The application site is previously undeveloped (Greenfield) land and comprises two pastures used for grazing. Other than grass, the pastures are largely devoid of vegetation. However, they are bounded by established hedgerows to the east, which include some self-seeded trees. A mature tree is located at the northern edge of the site. No trees within or near to the site are protected by Tree Preservation Orders. Biodiversity Opportunity Zones (Flood Plains and Pennine foothills) covers much of it. However, as the site is grassed and used for grazing, its biodiversity interest is likely to be limited.
- 10.69 The applicant has provided an Arboricultural Impact Assessment, which indicates that two trees and two tree groups would need to be removed to accommodate the development. The proposals would see the retention of the existing mature ash at the northern edge of the site and the existing hedge along the site's eastern boundary, as well as some vegetation along the southern edge. It is, however, noted that the Ash trees on/adjacent to the site are infected with Inonotus, which is a decay fungus. They are in a poor condition to a point where they will require removal in the near future and no Tree Preservation Order can be served on them. A condition is therefore attached that would require replacement planting of any such tree if it is removed or dies within 5 years of the planting scheme being implemented.

- 10.70 The applicant has submitted an Ecological Impact Assessment (EclA) in support of the proposed development. This concludes that the application site is of low ecological value as it primarily comprises grassland and hard standing with limited species and biodiversity could be enhanced via landscape planting as part of the development.
- 10.71 Officers considered that whilst the submitted EclA generally addressed the potential impact of the development on local ecology, the loss of existing hedgerow needed further consideration. A revised landscaping scheme to indicate additional hedge planting to the south of the development and adjacent to the public open space was therefore submitted.
- 10.72 Consequently, Officers consider that, subject to additional hedge planting being carried out in order to offset the loss of established hedges on site and the implementation of mitigation measures detailed in the EclA to be secured by condition, this proposal accords with Kirklees Local Plan policies LP33 and LP30 with regard to its potential impact on the local biodiversity.

Ground conditions

- 10.73 Regarding potential site contamination, the findings of the applicant's contaminated land report are, in the main, accepted. However, recommendations made in the report indicate that further intrusive site investigations should be carried out in order that the site can be fully characterised. Officers consider that conditions regarding site contamination investigation and remediation can be included on a subsequent grant of planning permission and this would be a satisfactory way of dealing with this issue.
- 10.74 Much of the site falls within the high risk area with regard to coal mining legacy issues. The applicant has provided a supporting geo-environmental assessment based on intrusive site investigations. This assessment concludes that the site is not considered to be at risk of subsidence from shallow mine workings and therefore, no mitigation measures (e.g. consolidation by drilling & grouting) would be required. This document has been reviewed by the Coal Authority and its findings accepted.
- 10.75 The application site falls within an area designed as a Mineral Safeguarded Area (sand and gravel/surface coal resource) in the Local Plan. This allocation indicates that there is the potential for these mineral resources to be underlying the site. The applicant has indicated that it would not be feasible to work these minerals due to the proximity of the existing dwellings, which abut the site to the east, west and south.
- 10.76 Officers consider that, whilst it is likely that sand and gravel would be present at this site, local constraints would be such that mineral extraction in this location would not be viable. It would not be possible to allow adequate stand-off areas to provide an amenity buffer between the existing residential properties surrounding this site and allow a sufficient area to work the mineral resources. Consequently officers agree with the applicant's conclusions that it would not be feasible to extract mineral from this site.

10.77 It is therefore considered that this proposal accords with Kirklees Local Plan Policies LP38 and LP53 with regard to potential contaminated and unstable land and minerals safeguarding issues.

Heritage Issues

10.78 Whilst there are no known heritage assets within the application site itself, it is immediately adjacent to Sheep Ings Farm which is a Grade II listed building. The farm comprises a farm house and attached barn, part of which dates from the 17th century. The listing description highlights the physical attributes of the building including construction details and fenestration treatment.

10.79 Section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. It is therefore important that any development in the vicinity respects the character and setting of this building. This approach is consistent with the objectives of Policy LP35 of the KLP.

10.80 The importance of this heritage asset was identified as a site specific consideration when the application site was included in the Local Plan as a housing allocation. The 'Other Site Specific Considerations' section of the Site Allocation notes that 'proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development to minimise harm to the setting of the Listed Building, taking into account the evidence presented in the Council's Heritage Impact Assessment (HIA) or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process'.

10.81 The Council's HIA was undertaken during the Local Plan process in response to questions raised by Historic England at that time. Paragraph 5.3 of the HIA refers to the high significance area as 'field boundaries and associated land to north of the allocated site. It noted that 'this strip of land has significance as a historic field boundary and it also provides a buffer zone between the development and the remaining land'. The HIA suggests that the loss of the area of open land identified as High Significance in the HIA would result in substantial harm and should be retained as open land.

10.82 The applicant has submitted a supporting Heritage Statement, which considers the historical context of the farm and the likely impacts associated with this proposal. The assessment concludes that:

- The heritage significance of the grade II listed Sheep Ings Farmhouse and Attached Barn would be preserved.
- The heritage significance of the row of late nineteenth century cottages to the northwest of the site would also be preserved.
- The narrow field, although lacking any particular heritage significance, would be referenced slightly by the layout of the proposed development.
- The proposed development of the site complies with national planning policy (as outlined in the NPPF) and is in accord with the Planning (Listed Buildings and Conservation Areas) Act 1990 (section 66(1)).

- 10.83 Officers have reviewed this document and, bearing in mind a buffer would be created between the farm and the new dwellings, agree with the conclusions outlined above. In their consultation response to the application, the Council's Conservation Officer advises that the area of high significance is, in the main, retained as per the requirement of the HIA albeit that there is a settling tank and POS situated within it. It would, nonetheless, be open. The Conservation Officer notes that it is unclear that the whole of the high significance area as defined in the HIA is retained but, due to the lack of firm field boundaries on site, the actual boundary of the high significance area is difficult to assess. Nevertheless, it is determined that the premise of the high significance area is kept and there is no objection to the proposal from a heritage point of view. It is therefore considered that the proposal would preserve the setting of the listed building and would not harm its significance.
- 10.84 West Yorkshire Archaeology Advisory Service has indicated that due to previous finds in the vicinity, the site may contain unrecorded archaeological remains and has advised that an intrusive survey should be carried out to investigate this before this application is determined. However, officers consider that this matter can be satisfactorily dealt with via a planning condition which requires the completion of such a survey prior to any development commencing on site.
- 10.85 Subject to the inclusion of a condition requiring the completion of an archaeological survey, it is considered that this proposal accords with KLP Policy LP35 and Section 16 of the NPPF with regard to its impact on the historic environment.

Other Matters

- 10.86 Chapter 12 of the Local Plan relates to climate change and states that: "Effective spatial Planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use Planning principle. The NPPF emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Having regard to the West Yorkshire Low Emission Strategy, a condition is recommended requiring the provision of electric vehicle charging points. In addition, a Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies will also be secured via the Section 106 agreement. Encouraging the use of more sustainable methods of transport all contributes positively to the aims of climate change.
- 10.87 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to home security, rear access security and boundary treatments. All of the comments made are advisory and have been referred to the applicant. It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with LP24 (e).

Representations

10.88 The following is a summary response to the issues raised through the consultation process that have not been addressed within the report above:

10.86 Flood Risk and Drainage

-The site regularly floods and acts as a flood plain which acts to store flood water and allow it to slowly discharge to existing water courses. Developing this site would therefore increase flood risk in the area.

Reason: The site is not a flood plain in any planning context. It does not have any positive drainage nor any means to manage the discharge of water to existing water courses. The field getting wet during rain events occurs already, before and without the development. The question is whether the new development would suffer adversely from these events or can risk to it be adequately mitigated. The risk to existing houses is a separate matter outside the planning process unless the new development would make it worse. It is considered that the new development does not affect the sources of the current flooding.

- It is assumed that Miller Homes propose diverting flood water into the stream that runs through Cuckoo Hill, which joins Valance Beck half way down Hagg Lane. The resident of Boathouse Lane finds this completely unacceptable. The two streams currently carry a large amount of water at times of heavy rainfall. Any addition to this would lead to increased flooding at the junction of Hagg Lane with Granny Lane.

Reason: The proposed mitigation works associated with this proposal have been fully considered by the LLFA as set out in the report above.

- Water meadow does not need any housing building due to flooding and extra flooding to Ship Inn due to excess water run-off and diverted water to Hagg Lane. Plus houses on Granny Lane will suffer from more flooding. The bungalows, also on Granny Lane will get floods from river and ex water meadow. We need to stop taking low lying land that helps to limit flooding’;

Response: The site has been declared a ‘water meadow’ by local residents. This is not a formal designation. However, in planning terms, the site lies within Flood Zones 1, 2 and 3 and it has been assessed on this basis against both local and national planning policy.

- The Ship Inn has been flooded at least four times last year. Building on the water meadow will cause more problems for the Ship Inn and the access road from Granny Lane.

Response: The Ship Inn lies within Flood Zone 3 and it is therefore identified to be at a high risk of flooding. However, within this application, no houses would be constructed in Flood Zone 3; rather, they would be sited in either Flood Zones 1 or 2 and their finished floor levels would be designed to take account of that location.

- It is contemptuous for any developer/consultant to ignore local educated knowledge. The amended details skirt around the issues of safety and flooding and do not give a substantive or adequate solution for either. The proposed diversion of surface water via a gully dug out at the rear of the development to be distributed onto Hagg Lane does not in any way alter the

fact that surface water flooding will occur. All this amendment does is take it away from the new homes to worsen the flooding of existing homes.

Response: No evidence has been submitted to justify the assertion that this application will worsen flooding of existing homes. Rather, the proposed mitigation works associated with this proposal have been fully considered by the EA and the LLFA as set out in the report above.

- The field currently slows the water entering the river and is a natural flood defence if anything trees should be planted to stem this flow further.

Response: As set out above, the site is not a designated flood plain. It is an undeveloped field. This would change post development when a positive drainage system is introduced and off-site improvements made.

- 'The mitigation and dismissal of the flooding that has happened frequently in this area is poor at best. The plan to move water elsewhere is not a viable solution and the use of the storm as though it was an "exceptional event" is absurd'.

Response: As above, as a result of this development, a positive drainage system would be introduced on the field and off-site improvements made. The drainage solutions for the site have been carefully considered by the LLFA and deemed to be acceptable in principle for the reasons set out in the report.

- There is no scientific solution, no calculations of water volumes or how they will increase by the removal of trees and what the consequences are for areas down stream.

Response: It is unclear what is meant by a scientific solution. With regard to calculations, micro-drainage calculations would be required by condition for tank sizing and would be published on the Council's website as a result.

- The site regularly floods and acts as a flood plain which acts to store flood water and allow it to slowly discharge to existing water courses. Developing this site would therefore increase flood risk in the area.

Response: It is considered that the proposed surface water drainage regime at the site would be capable of dealing with surface water generated during flood conditions and would not result in local flood risk being increased.

- The river regularly floods and any occupants of these proposed development would be put at risk.

Response: The majority of the residential properties would be located in Flood Zone 1 with the remainder falling within Flood Zone 2. Consequently the risk of these properties flooding is reduced. The Environment Agency has requested that the floor level of all residential properties be sited above 45.87 A.O.D to mitigate any impact associated with flooding in the area and to take climate change into account.

- Concern that comments from Yorkshire Water are based on surface water being drained to an existing water course and this has now changed.

Response: Following amendments to surface water drainage proposals, Yorkshire Water have been re-consulted. YW confirm that subject to the planning conditions outlined in Section 12 of this report, the proposed arrangements are acceptable.

- Concern that the sewer which would be used to drain surface water may not have adequate capacity.

Response: Yorkshire Water have indicated that subject to flow rates being reduced to 5l/s, the existing sewer is adequate to drain the site.

- The site entrance is located within Flood Zone 3 but the supporting Flood risk Assessment indicates it is located within Flood Zone 2.

Response: This matter has been addressed in the Flood Risk and drainage section of this report.

- Concern that the proposed surface water drainage channel on the southern boundary of the site would lead to flooding of existing properties to the south as the site is not suitable for a SuDs system.

Response: The proposed surface water drainage channel is designed to direct any flood water that accumulates adjacent to this part of the site towards the site. The water can then be drained via the site's surface water drainage regime. Additionally, the S106 includes a £3000 financial contribution towards the future upgrade of a piped watercourse at the southern end of the site.

- Concern that the surface water drainage channel should not be maintained by a private management company as maintenance may not be carried out.

Response: The use of private management companies to maintain areas such as public open space and surface water drainage regimes is not unusual. It is proposed to secure this method of maintenance via the Section 106 agreement.

- How has the £3000 requested to contribute towards the potential upgrade of the off-site water course been calculated.

Response: This contribution has been requested by the Lead Local Flood Authority as a proportionate figure to potentially fund such works should they be needed in the future. This figure has now been increased to a total of £8K in total.

- A sequential test has not been applied with regard to flood risk in connection with this proposal as required by the National Planning Policy framework and the Exception test has not been applied with regard to the use of this site for housing within a flood risk area.

Response: These matters are addressed in the report above.

- The proposed surface water attenuation tank may not be adequate to deal with surface water drainage from the site therefore exacerbating flood risk.

Response: Following consultation with relevant consultees it is considered that the proposed surface water drainage regime is satisfactory for this development. It is proposed to require full technical details of the drainage scheme via planning condition prior to development commencing.

- The proposed attenuation tank associated with the surface water drainage regime for the site could be damaged if emergency vehicles use the proposed emergency access.

Response: The condition pursuant to the attenuation tank requires its design to take into account the emergency access above. These details will be secured by condition.

A technical appraisal prepared by KRS on behalf of an objectors group of the applicant's supporting Flood Risk Assessment was submitted identifying 32 objections relating to this proposal with regard to its potential impact on Flood Risk. A full copy of the document can be viewed on the Council's website (Comment section received 16 December 2019 id 785061) with the main issues summarised and addressed below. The report was sent to both the applicant and the LLFA for comment, with the main points summarised below:

- Do not believe an appropriate assessment of flood risk has been undertaken with regard to historic flood events (including those in December 2015 and November 2019).

Response: The FRA has been considered by both Council Officers and the Environment Agency, who are in agreement with its findings. Moreover, the LLFA also comment that the report includes a selection of various pictures of flooding, which confirm the LLFA's understanding of the situation at Granny Lane. The LLFA further note that Kirklees has a pool of information to draw on from its databases, for example, EA flooding outlines for December 2015, and flooding reports to the Council. They confirm that these have been taken into account in their discussions with the applicant even if they have not been presented within the FRA.

- Without incorporating all this data, do not believe that consultation was appropriately undertaken with the EA, Kirklees Council and local residents.

Response: The applicant has advised that all publicly available photos and videos demonstrate that the EA modelling is accurate. They have also commented that not all discussions/meetings with EA/LA were included within the EA and only relevant information was incorporated, as is the normal case for such documents. Once again, the FRA has been found acceptable by both Council Officers and the Environment Agency.

- The omission of the above local data from the FRA does not adequately equip Kirklees Council (or any of their consultees) to give appropriate considerations to local flood risks as required by NPPF. No evidence that the LLFA have been consulted to inform and assist the FRA.

Response: It is the Environment Agency who, as statutory consultees, comment on aspects of main river flooding rather than the LLFA and the EA have no objection to the FRA subject to conditions. Furthermore, the LLFA have confirmed that Kirklees has a pool of information to draw on from its databases, for example, EA flooding outlines for December 2015, and flooding reports to the Council. The LLFA confirm that these have been taken into account.

- The FRA demonstrates the presence of watercourses within the vicinity of the site which may pose a fluvial flood risk to the site. The FRA does not undertake a detailed assessment of fluvial flood risk posed to the site for the lifetime of the development.

Response: The applicant confirms that topography has been reviewed along with known physical features documented within the FRA and agreed with the LLFA. As the flows would not discharge towards the river, site mitigation would not be required.

- The FRA does not undertake a detailed assessment of surface water flood risk posed to the site for the lifetime of the development (i.e. the next 100 years).

Response: Within the FRA, the surface water has been reviewed against the topography as noted above.

- The FRA does not undertake a detailed assessment of reservoir flood risk posed to the site for the lifetime of the development (i.e. the next 100 years).

Response: It is the case that on the Government's Flood Risk maps, the northern part of the site is identified to be at risk of flooding from reservoirs in the area. However, it also notes that flooding from reservoirs is extremely unlikely. An area is considered at risk if peoples' lives could be threatened by an uncontrolled release of water from a reservoir. The applicant has advised that in their discussions with the EA, reservoir flooding was not identified as a risk. Furthermore, the EA have raised no objection to the development subject to a planning condition and it is their responsibility to manage the risk of flooding from main rivers and reservoirs. Lead local flood authorities (LLFAs) are responsible for managing the risk of flooding from surface water, groundwater and ordinary watercourses.

- The FRA does not undertake a detailed assessment of the manhole and culvert flood risk posed to the site for the lifetime of the development (i.e. the next 100 years).

Response: The applicant has advised that the culvert does not flow towards the site. The route of flows have been confirmed based on the incident in November with the flow rate maintained as agreed with the LLFA.

- An assessment of the impact of climate change has not been included.

Response: Climate change is calculated in agreement with the EA. The FRA includes a recommendation that Finished Floor Levels are raised 600mm above the 100- year plus 30% climate change event, which is a demonstration that climate change has been considered.

- The measures proposed by the FRA to avoid, manage and mitigate flood risk have not been appropriately secured for the lifetime of the development (this section refers back to paragraph 38 of the NPPF in relation to flood defence infrastructure)

Response: Surface Water Drainage corridors with a management company to maintain it as agreed with LLFA would be secured through the S106 Legal Agreement.

- The effect of the development on flood risk has not been assessed

Response: The FRA assesses the effect of the development on flood risk, which has been deemed acceptable by the EA subject to a condition relating to FFL and no level changes within the POS in Flood Zone 3.

- A detailed drainage scheme has not been submitted as part of the planning application.

Response: A detailed drainage scheme will be required by condition. This approach accords with National Planning Practice Guidance, which confirms that when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. It further states that it is important to ensure that conditions are tailored to tackle specific problems, such as a detailed drainage scheme.

- The surface water drainage strategy is inadequate for the proposed development

Response: The LLFA has found the principle to be acceptable subject to conditions. Moreover, the LLFA comment that the KRS report does not go into detail regarding the source of surface water flooding. Furthermore, it does not take into account how an undeveloped field does and does not drain, or the source of flowing water to the south, or how this would change post development when a positive drainage system is introduced and off-site improvements made. The LLFA comment that they do appreciate that there may be an expectation that a document such as the FRA may wish to make such conclusions as visible as possible. Nevertheless, the LLFA confirm that they discussed at length the local issues with the developer and they endeavoured to provide a clear synopsis around their recommendation and a more detailed response on specific issues, which benefits consultants where amendments are required and transparency to other interested parties. To that effect, the LLFA remain of the view that surface water issues and concepts have been addressed to a satisfactory level with, as is usual, minor changes to be monitored through the use of conditions.

- Appropriate proposed minimum operation standards have not been proposed within the FRA and evidence to support this has not been presented within the FRA.

Response: The LLFA have considered the proposals and consider them to be acceptable subject to conditions and arrangements to secure the long-term maintenance and management of the applicant's surface water drainage proposals within the S106 Agreement.

- SuDS have not been assessed correctly and should be incorporated into the proposed site layout.

Response: The LLFA confirmed in their consultation response that LPA has an obligation to ensure SuDS are maintained and managed for the lifetime of the site. The use of a management company, secured under section 106, is the accepted Kirklees approach. All obligations can be discharged upon adoption by Yorkshire Water.

- No maintenance arrangements for the surface water drainage.

Response: As above.

- No maintenance arrangements are proposed to ensure an acceptable standard of operation for the lifetime of the development

Response: As above.

- The FRA proposes the use of storage tank to attenuate the surface water runoff from the site. None of the above will provide multifunctional benefits.

Response: The guidance within the NPPF advises that sustainable drainage systems should, *where possible*, provide multi-functional benefits. In any event, in this case, there will be an area of POS above the storage tank, which could be considered a multi-functional benefit.

- The exceedance routes have not been assessed.

Response: Exceedance routes are shown within Appendix K of the FRA. Moreover, whilst the consultant employed by the residents' groups may disagree with the findings of the FRA, it has been found to be acceptable by technical experts both at the LLFA and the EA. The LLFA also confirm that

exceedance events have been considered for surface water. The tank cover levels are lower and to the north of all the new properties. Where knowledge tells us the LLFA that a problem from the south affects the site, monies have been secured to carry out repairs to a system on 3rd party land. As a belt and bases approach, a channel has been lowered between houses to let water safely through the estate should this occur in the future.

- The voluntary and free movement of people during a 'design flood' has not been demonstrated in the FRA as required by Paragraph 39 of the NPPF.

Response: Paragraphs 39 and 40 of the PPG are written under a sub-heading of 'Developers to demonstrate that development will be safe to satisfy the second part of the Exception Test'. As set out in the report, an Exception Test is not required in this instance nor does the PPG state that this must be demonstrated in an FRA. However, the PPG does state that vehicular access to allow emergency services to safely reach the development during design flood conditions will also normally be required. The proposal includes an emergency access as detailed in the report. This would also provide a means for pedestrians and cyclists to access/egress the site safely in flood conditions.

- Vehicular access to allow the emergency services to safely reach the development during design flood conditions has not been adequately demonstrated in the FRA.

Response: Paragraph 39 of the PPG does not say that it must be demonstrated in the FRA. The emergency access is, however, addressed in the report above.

- Safe access routes during design flood conditions has not been demonstrated in the FRA in accordance with Paragraph 40 of the NPPF.

Response: As above.

- The additional burden on the emergency services in a flood event has not been given due consideration in the FRA in accordance with Paragraph 58 of the NPPF and there is no evidence of consultation with either the Emergency Planning departments, Emergency Services or Local Resilience Forum as recommended in NPPF.

Response: Consultation with West Yorkshire Fire Service is summarised in Section 8.0 above.

- The Sequential Test has not been passed.

Response: This is addressed in the report above.

- The Exception Test has not been passed

Response: This is addressed in the report above.

- Why were the matters contained in the latest Flood Technical assessment not considered at the outset? Why has it take a year and a half of extreme pressure and campaigning by the Granny Lane Action Group to have the flooding position considered more carefully? What was seen in the video taken during Storm Ciara is not a one off incident – it happens every time there is significant rainfall.

Response: The consideration of flood risk and drainage matters as part of this application has had regard to the requirements of both national and local planning policy and guidance. It has not a question of being considered more

carefully as a result of local campaigning but the Council have endeavoured to listen and respond specifically to the views expressed by local residents. Storms in November 2019 saw the flood route along the back of the site and Stringers Place observed by the LLFA and in conversation with residents. For February 2020 (Storm Ciara), this route was partially blocked off causing significant ponding within the red line boundary, where water reached a natural weir point and cascaded along the access route to Granny Lane. The latest scheme seeks to mitigate that situation.

- There is suggestion in the report by RWO and the LLFA's report that the widening and maintaining of ditching to the rear of the plots affected will 'reduce the risk of the event witnessed in February 2020 re-occurring'. Note that the risk will be reduced and not removed.

Response: As above. The proposed mitigation will mean that surface water will not follow this route as it has done in the past.

By moving and altering water course you are protecting new builds at the sacrifice of existing houses which goes against the Local Government duty of care to protect existing homes from flooding.

Response: This is an opinion rather than an evidenced statement. The development cannot resolve all existing flooding problems but it should not make it worse. It is the Council's opinion that it would not, for the reasons set out in this report.

It is believed that the applicant's intention is to direct sewerage and rainwater from the site into a holding tank underneath the green area by Granny Lane from where it would be pumped into the main sewer under Granny Lane; if the pump fails or if the increased rainfalls predicted overwhelm it then the tank will overflow onto Granny Lane and threaten the houses opposite with flooding.

Response: The FRA is clear that r, following discussion with the LLFA and Yorkshire water it has been agreed a discharge rate of 5 l/s can be utilised to the public sewer to avoid the need for a surface water pumping station.

The removal of debris upstream in Valance Beck will ensure flows are directed to Hagg Lane. If this happens it will only serve to speed the flow towards Valance Beck on Hagg Lane. Valance Beck already overflows onto Hagg Lane as a result of heavy rain (and not even storm situations) and the road becomes impassable.

Response: The removal of debris upstream in Valance Beck will ensure that flows continue to be directed to Hagg Lane without obstruction, as it should flow.

How will people access the development in a flood event? What about the Police, Nurses, Ambulances etc.

Response: The Emergency Access could provide a means of access for any emergency vehicle during a severe flood event.

Will their sales literature include a flood warning to potential buyers of these new houses?

Response: Whether or not the sales literature for these houses will include a flood warning to potential buyers is a matter for the applicant but it is reiterated that the houses themselves are sited within Flood Zones 1 and 2, which Government guidance confirms to be appropriate in terms of its vulnerability classification.

10.90 Highways and Transport

- The proposal would lead to extra traffic which would detrimentally affect highway safety as Granny Lane and Steanard Lane are not adequate to deal with existing levels of traffic. Objectors have commissioned a traffic assessment to support this view a copy of which was passed to the Council's Highway Development Management Team for their consideration.

Response: This matter has been considered in the "Highways and transportation issues" section of this report

- Existing footways on Granny Lane and Steanard Lane are inadequate and additional traffic would increase the risk of pedestrians being injured.

Response: Whilst it is acknowledged that existing arrangements are limited, it is considered that they are sufficient to accommodate the additional traffic associated with this development.

- Existing transport infrastructure in this area would not be able to cope with the additional people associated with this development.

Response: This matter has been considered in the "Highways and transportation issues" section of this report

10.91 Wildlife/Environmental

- The proposal would have detrimental effect on local wildlife.

Response: This matter has been considered in the "Trees, landscaping and ecological considerations" section of this report

- The proposal would result in the loss of existing hedges which provide significant wildlife habitat.

Response: This matter has been considered in the "Trees, landscaping and ecological considerations" section of this report"

- This development would result in the loss of Green belt.

Response: The site does not fall within the Green belt.

- The loss of trees associated with this development is unacceptable.

Response: This matter has been considered in the "Trees, landscaping and ecological considerations" section of this report.

- Trees and bushes have already been removed from the site without consent.

Response: There are no Tree Preservation Orders affecting this site. Consequently the past removal of trees and shrubs would not have required consent from the Council.

10.92 Heritage

- The development would have a detrimental impact on Sheep Ings farm which is a grade II listed building.

Response: This matter has been considered in the "Heritage Issues" section of this report.

- The field where development would take place is an archaeological site.

Response: This matter has been considered in the "Heritage Issues" section of this report.

10.93 Local Amenity

- Allowing a further 67 dwellings in the area would lead to additional noise and air pollution.

Response: These matters have been considered in the 'residential amenity and quality' section of this report.

- The development of the site would result in a loss of privacy for existing residents.

Response: It is considered that the temporary compound and parking arrangement arrangements are unlikely to lead to significant problems with regard to the privacy of existing residents. However, the use of temporary screen fencing could mitigate any impact.

- There is no capacity at existing schools and doctor's surgeries to deal with his number of additional residents bearing in mind the number of other developments taking place in the area.

Response: There is no Policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges 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. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. Long-term funding of health facilities is being considered as part of the Local Plan via Community Infrastructure Levy (CIL). With regard to schools, it is considered that primary provision is adequate and a financial contribution is secured towards secondary provision.

- The proposed location of the temporary compounds on site are unacceptable as they would lead to a loss of privacy for existing residents.

Response: It is considered that the temporary compound and parking arrangement arrangements are unlikely to lead to significant problems with regard to the privacy of existing residents. However, the use of temporary screen fencing could mitigate any impact.

10.94 Miscellaneous

- Developing this land would affect existing house prices in the area.

Response: The effect that new development has on existing property values is not a material Planning consideration and cannot therefore affect the assessment of this proposal/

- There are plenty of brownfield sites which should be developed before this site and this approach is encouraged by government.

Response: Whilst Government Policy is to seek to develop Brownfield sites ahead of Greenfield Sites, it is recognised that Greenfield sites would also be required to deliver the country's housing needs.

- Coal mining has historically taken place in this area and houses built on this site may therefore be susceptible to subsidence.

Response: This matter has been considered in the “Ground conditions” section of this report.

- The development of this site is over development designed to maximise the profits of the developer.

Response: This site is an allocated housing site in the Local Plan which has an estimated capacity of 70 dwellings. This proposal seeks permission for 67 dwellings, which is considered to be appropriate bearing in mind the area of land that must be left undeveloped to address flood risk concerns.

- Previous planning applications to build on this site have been refused.

Response: A previous planning refusal does not set a precedent. Each planning application must be considered on its own merits and in this case it is considered that the proposal is acceptable for the reasons outlined in this report.

- The proposed houses are not in keeping with those existing in the area.

Response: This matter has been considered in the “Urban design” section of this report.

- The proposal does not include any significant measures to mitigate impacts on climate change.

Response: This matter has been considered in the “Other Matters” section of this report.

- Banners and posters placed at the site by objectors have been removed without their consent.

Response: This issue is not a material Planning consideration and would be a matter for the interested parties to resolve.

- A concern that Officers had pre-determined the proposal before its report to the 19th December Committee because the recommendation indicated in the Committee Report was to delegate back to Officers to approve subject to the resolution of a Section 106 agreement and relevant Planning conditions, yet a further consultation period relating to amended information received did not expire until 16 December 2019.

Response: As stated within the update to the 16 December 2019 Planning Committee, there is a requirement to prepare Committee reports in advance of committee in order that it can be published on the Council’s website. At the time the final publication draft was prepared, Officers considered that all relevant matters had been satisfactorily resolved. If issues arise via the consultation exercise, between the publication of the committee report and the committee meeting, this is reported to Members in a committee update and any change to the officer recommendation can be amended if required. Officers consider that the consultation exercise carried out last December was proportionate and that that additional comments were reported to Members at that time. Finally, the determination of the application is made by members; officers recommend only.

- The detailed report commissioned by GLAGG pursuant to the submitted FRA was not properly considered nor the significance of its findings conveyed to the Planning Committee.

Response: This is address above.

- The significance of the implications arising from the position of the site access within Flood Zone 3 was not conveyed to the 19th December 2020 Committee.

Response: Members were made aware of the KRS report within the Committee update report, where it was clarified that it had been passed to both the LLFA and the applicant upon receipt. This matter is addressed further in the report above.

- Queries why the applicant was not required to correct the FRA in relation to part of the site access being within Flood Zone when they were told about it in October 2019 and details of the emergency access should be required as a consequence.

Response: The Council have previously acknowledged that the application erroneously indicated that the only part of the site falling within Flood Zone 3 was the Public Open Space (POS) when in fact part of the proposed access road also lies within Flood Zone 3. Furthermore, this matter was drawn to the attention of the members of the 19th December 2019 Strategic Committee in paragraph 10.43 of the committee report and the associated Committee Update. Details of the emergency access can reasonably be required by planning condition as set out in this report.

- Page 21 of the KRS report states that there is no route available for access to the west of the site. This alone should, in the residents' view, make the site untenable now given that the entrance is in Flood Zone 3;

Response: There is sufficient space within the POS to the west of the access road to provide an emergency access as detailed in the report above. Details of the emergency access route will be secured by planning condition.

- The Council have advised that finished levels of the site entrance will be raised but consider that it would not be significant. The consultant for GLAAG and Save Mirfield has looked at the contours and approximated this to actually be 1:35 at this point. They query why the Environment Agency was not made aware of this as their condition was no elevation of ground levels in Flood Zone 3?

Response: The EA confirmed in their consultation response dated 21st April 2020 that they had updated their comments to take account of the latest version of the FRA (Version 7 dated 10.12.2019) and they still had no objections subject to the imposition of a condition in relation to finished floor levels and no raising of ground levels in the area of public open space (POS) located within the Flood Zone 3. They note that the proposed site access route is located within the extent of flood zone 3 and the EA were aware that the LPA had referred to land raising of the access road in Flood Zone 3, stating "Whilst it is acknowledged that the finished levels of that part of the access falling within Flood Zone 3 would be raised slightly, these would not be significant". On this basis, the EA were satisfied that this minimal amount of land raising should not have any adverse impact on flooding to the site or elsewhere and have no objection to this. Whilst it is acknowledged that the consultation employed by GLAAG and Save Mirfield has looked at the contours and approximated the gradient of the access road to be 1:35, it is

noted that this is an approximation. The Granny Lane site is not as topographically challenge as other site allocations within Kirklees and it is still considered that the finished levels of the part of the access falling within Flood Zone 3 would only be raised slightly. In any event, finished site levels are subject to a planning condition and the Council has confirmed that in this instance, they are willing to advise the established residents groups (GLAAG and Save Mirfield) when the details of these conditions are submitted to give them the opportunity to view the technical data.

- Query over the proposed method of drainage and any potential shortfall.

Response: A satisfactory drainage method has been submitted in principle, the details of which will be secured by condition.

- Consider that drainage should be approved prior to any decision making and not a condition;

Response: This is addressed in the report above.

- A concern that if Yorkshire Water (YW) cannot guarantee that if sewerage levels raise that foul effluent will not run back into the storage tank. (Note: It is understood that this comment arises from a response made to GLAAG from Yorkshire Water, which stated that the backflow of foul water into the attenuation tank would need to be discussed with the developer on how he will stop this happening.

Response: Yorkshire Water raise no objection to the proposal. Furthermore, in the response from YW to GLAAG, YW note that for adoption purposes *if* this was felt to be an issue it would be addressed by YW for additional protection measures with the developer before an adoption agreement was reached.

- Assuming that the storage tank will be underground, with the land above it need to be raised?

Response: It is considered that land levels will not need to be raised by final ground levels will be secured by means of a planning condition.

- The large amount of deforestation on Hagg Lane, alongside Valance and Liley Clough Becks raises questions about the currency and accuracy of the Flood Risk Assessment.

Response: No evidence is provided as to why the deforestation on Hagg Lane should bring the accuracy of the entire FRA into question. The removal of trees in this area would represent a very small part of the flood catchment into Valance Beck and the FRA did assess overland flood routes in the event of water escaping from the Valance Beck in consultation with the LLFA.

- Still maintain that the Sequential Test has not been passed and requested evidence that to clarify why the Exception Test was not necessary;

Response: This is addressed at Paragraphs 10.42 and 10.43 of this report.

- Do not believe the emergency route has been assessed as to its suitability to accommodate emergency vehicles such as Fire Engines, Ambulances or Police vans, particularly as they would be driven over the roof of the attenuation tank.

Response: This is addressed at Paragraph 10.46.

- Ground levels at the main site access/egress have been raised. This was in contravention of the EA's original conditions.

Response: This is addressed at (x) above.

- The emergency access road is just a few yards away from Flood Zone 3 and its proposed route takes it perilously close to Flood Zone 3.

Response: For the purposes of assessing a planning application in accordance with National and Local Planning Policy, the emergency access road lies within Flood Zone 2 and not Flood Zone 3.

- What calculations regarding this have been made to plan for climate change?

Response: Climate change is calculated in agreement with the EA. The FRA includes a recommendation that Finished Floor Levels are raised 600mm above the 100- year plus 30% climate change event.

- The elevations of the roads and development worry the residents. The concern is that water flows downhill and the velocity of flow depends not only on the rainfall but also on the slope of hard surfaces. Consider that the additional problem of the steeper gradient at the emergency access should be drawn to the attention of the LLFA, Highways and the Environment Agency.

Response: The LLFA confirm that roads will be drained into the attenuation tank and the flow control device will slow flows down to accepted rates during storms. These details will be secured by condition.

- The Council have acted illegally in allowing a development contravening its Local Plan.

Response: This report sets out the Council's assessment of the proposal against relevant policies in the Local Plan.

- The Council was negligent in allowing the development in non-developable areas.

Response: If the Council have understood GLAAG and Save Mirfield correctly, it is their assertion that the Council have recommended approval for development (POS and road infrastructure) in non-developable areas. It appears that they have assumed the definition of a non-developable area to mean an area where 'development' is not permitted in the Local Plan. On this site, this would mean the area within Flood Zone 3 and the HIA (heritage) area of high significance. The Allocations and Designations document (February 2019) does identify the gross site area for the allocation (HS66) as 2.23 hectares with the net site area being 2.02 hectares, taking into account the flood zone and HIA, which are thereby removed from the 'developable area'. However, there is no definition of 'developable' and 'non-developable' within the Local Plan. The net and gross site areas for residential sites are identified within the Site Allocations document in order to assign a realistic housing capacity to them. This is based upon the developable area and excludes the non-developable area. The HS66 Site Allocation does not state that there can be no development within the non-developable area nor does it preclude the inclusion of non-developable areas within the red line boundary of a planning application. Read as a whole, the Site Allocation document refers to various constraints and site specific considerations for HS66. These include the proximity of the site to Listed Buildings and that part of it lies within Flood Zone 3 where it confirms 'no residential development to take place in Flood Zone 3'. The issue of the HIA area of high significance is addressed

above but in summary, within this proposal it is POS/highway and therefore, it is sufficiently retained as open land in compliance with the identified constraint. The planning application is also compliant with regard to flood risk as no houses are proposed within Flood Zone 3. Consequently, whilst the road infrastructure and POS constitute development, the Local Plan does not prohibit these from the non-developable area for the reasons stated above.

- The Council failed to advise the applicant in its pre-application advice on specific limitations on the site imposed in the Local Plan, with particular regard to the point about 'developable' and 'non-developable'.

Response: The pre-application letter is clear that no residential development should take place in Flood Zone 3 and that the site is close to Listed Buildings. These limitations were subsequently identified as the constraints within the Adopted Local Plan. Proximity to listed buildings and Flood Zone 3 are both material considerations telling against development in national policy, irrespective of the Local Plan policy. The pre-application letter clearly advises on both points.

- The Council allowed errors to persist (such as the applicant stating the entrance is in Flood Zone 2 when it is in Flood Zone 3) and took no action to correct them.

Response: This is addressed above.

- The Council failed to protect the area deemed to be of high significance in the Council's own heritage impact assessment.

Response: This is addressed in the heritage section of the report.

- The Council unilaterally closed the public consultation period and prepared its final advice to the planning committee four days early.

Response: This is addressed at Paragraph 7.2.

- The update report to the last Committee was dismissive of additional matters raised.

Response: It is standard practice for a Council to prepare a Committee Update report to address any matters that have emerged between the publication of the Committee Report and the day of the Planning Committee. Late representations to applications are common and the Update report process allowed the Committee to be informed of such representations and in this respect, it was neither unusual nor untoward.

- The advice to the planning committee, and on which it made its deliberations on 19th December 2020, was biased in favour of the applicant and throughout the planning process, the Council went out of its way to assist the applicant.

Response: This is an opinion on the Council's handling of the application rather than a matter to be addressed.

- Planning conditions are proposed for matters such as the emergency access which is contrary to all accepted planning practice.

Response: National Planning Practice Guidance confirms that when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. It further states that it is important to ensure that conditions are tailored to tackle specific problems, which in this particular example, is the details of the emergency access.

10.95 In response to the main points set out in letters received from GLAAG, Save Mirfield and their Solicitor to the latest round of public consultation in December 2020/January 2021, the following is advised:

- The ill designed proposal does nothing to mitigate the flood risk. In fact this will serve to exacerbate the flooding on Hagg Lane and Granny Lane.

Response: This is a point of view. As set out in the report, it is considered that the proposal does sufficiently mitigate against flood risk and will not exacerbate existing flooding on Hagg Lane and Granny Lane.

- Assume that this change to the discharge of flood water will be discussed with Yorkshire Water, the Environment Agency and Highways due to the proposed addition of an unpredictable and uncalculated volume flow of overland water directly onto the junction of 2 highways.

Response: All the above consultees have been consulted as set out in the report.

- The LLFA noted on a site visit that the homes across the road from the site should never have been built. Given that these are 90 years old suggests that the effect of climate change is all too evident. To say that they would never get planning permission now, whilst across the road there are 67 homes being considered on an ancient flood plain/water meadow, demonstrates that the effects of climate change on our community is of little consequence to the planning department.

Response: The point being made by the LLFA is that the homes across the road from the site lie within Flood Zone 3. Under current national and local planning policy, more vulnerable development such as dwellinghouses would be subject to a Sequential and Exception Test if it were to be built within Flood Zone 3a and would not be appropriate within Flood Zone 3b. However, the dwellinghouses within the application site would not lie within Flood Zone 3 but would be within Flood Zones 1 and 2, which Government Guidance confirms to be appropriate in terms of its vulnerability classification.

- It is vital to carry out the Exception Test, which must demonstrate benefit to the community for the lifetime of the development (NPPF). Without this test how can the Council be fully confident that all homes within the vicinity, that is Granny Lane, Gregory Springs Road, Gregory Springs Mount, Gregory Springs Lane and Hagg Lane will benefit from the development in the long term?

Response: The need for the Exception Test has been considered fully in the report above.

- Taking into consideration the flood behind Gregory Springs Mount which enters gardens there, and for which there is some conflict as to the origin, land ownership and responsibility, coupled with the vague calculation of the proposed storage tank and hydro brake to adequately compensate for the loss of the natural surface storage area, without the back up of 2 sewage, these factors remain a serious concern. The health and safety of all residents should be a priority.

Response: The broken land drainage system has been observed to the rear of Gregory Springs and money is available to improve this. It may, of course, happen again and mitigation has been made in the layout design should this occur. The LLFA are clear that the new estate will not make this worse for the experiences of the existing houses.

- The LLFA has circulated information to Councillors about the poor state of the drainage systems on Hagg and Granny Lane. Since this is a known high risk flood area, surely such a survey should have been carried out prior to the original submission of the application to the Committee?

Response: The road drainage on Hagg Lane does not affect the new development site. It was reported to the LLFA that some gullies were blocked. This was investigated and highways were asked to clean them out as the LLFA would for any observation on the highway network anywhere in the district. On cleaning these out, some were found to be poor runners or non-runners, which means there may be a blockage in pipework, a collapse or that another service, such as gas or cable has interfered with the system at some point. As highways have found this, they will create a job for further exploration to rectify the problem. This is a process. It would be followed regardless of the development. All the drainage from the site is independent from this gullies and downstream pipework.

- Council Officers have met the landowner and Miller Homes on site. It is considered that everything is being done to support Miller Homes. It is noted that it is not unusual practice to meet with interested parties but the LLFA showed some reluctance to meet other members of the community- not exactly an even-handed approach when he claims to be “independent”.

Response: It is the role of Council Officers to consider the planning applications before them, which may quite appropriately include meeting with the applicant on-site to discuss specific matters. Officers from both Planning and the LLFA have also met and spoken with the residents/landowners around the site. The imputation that the LLFA is not independent and may therefore be biased towards the developer is a serious accusation. It is anticipated that will be responded to outside of the planning process.

- The photograph captioned ‘Section of channel to rear of existing development’ is of interest. This channel was hastily dug recently by the landowner and was not remedial work on an historical channel that has been used in the past as stated in the LLFA report dated January 4th. Perhaps the LLFA suggested it to the landowner as he did discuss this at the meeting.

Response: The LLFA advise that there is a dug channel at the corner of the land, which the LLFA were unaware of prior to our meeting. The author of the letter therefore assumes incorrectly.

It is understood that the landowner/applicant is proposing to dig out some blocked drainage further along the site and ‘reinstate’ a previous drainage route. Not only does this previous drainage route not exist to our clients’ knowledge and so, a new route is proposed which has not been assessed as to its suitability and impact on the Site and surrounding area, but if used it will result in the drainage being discharged into the road at the junction of Granny Lane and Hagg Lane. No assessment has been undertaken of this proposed new route or of the ability of the junction of Granny Lane and Hagg Lane to cope with the resultant drainage discharge. Furthermore, at a meeting with local residents on 2 October 2020, Mr Paul Farndale stated that no matter what was proposed, betterment could not be achieved for several local residents.

Response: GLAAG and Save Mirfield advise that the drainage route does not exist *to their knowledge* and they therefore assert that it is a new route that has not been assessed as to its suitability and impact on the site and surrounding area. That is not the case. Even if the landowner has dug out

some of the blocked drainage, there are a combination of factors that provide evidence that there is a natural overland flow route running to the rear of the existing stables and Stringers Place before draining towards Hagg Lane and ultimately discharging to Granny Lane. This evidence includes topographical data, depressions in the exiting landscape that are evident on site and also the observations of the LLFA during previous flood events. The analysis of this information and the experience of the LLFA also means that it has clearly been assessed. The issue of betterment referred to in the letter requires clarification. The LLFA were principally referring to residents opposite the site whose houses are sited within Flood Zone 3ai – the houses are located in an area with a high probability of flooding and in fact are on land where water would flow in times of flood where it not prevented from doing so by infrastructure based on an annual probability of 1 in 20 (5% AEP) or greater. Under current local policy, residential development in Flood Zone 3ai would not be permitted. However, this is an existing situation that would be unchanged by the current application – it cannot be expected to mitigate existing flooding on sites already with a high probability of flooding but the Council are satisfied that it would not increase flood risk elsewhere, which is the test in the NPPF.

To date, only an area wide desktop drainage assessment has been undertaken. In light of Mr Farndale's comments at the meeting on 22 October 2020, the proposed new drainage route, the time that has elapsed and further evidence produced, it is our client's view that a Sequential test should be undertaken and, if applicable, an Exception test should also be undertaken.

Response: The application has been supported by a site specific Flood Risk and Drainage Assessment, which has been revised in the course of the application, including the Drainage Technical Note submitted in December 2020. These have been fully considered by professional with technical expertise in these matters at the Environment Agency, Yorkshire Water and the LLFA. All have no objection to the application subject to conditions. Furthermore, the requirement for a Sequential and Exceptions Test is determined by national and local planning policy and guidance and not by the passage of time that has elapsed. The need for the Sequential and Exceptions Test is very clearly addressed in the Committee Report.

Planning obligations

10.96 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

- Affordable housing – As noted above, to accord with Local Plan Policy LP11, the applicant proposes 13 affordable housing units. Arrangements shall cover the number, type, layout, disposition, timescale and mechanism for provision, and shall confirm the units are to be provided in perpetuity.
- Open space – Off-site contribution of £58,808.00 to address shortfalls in specific open space typologies. Arrangements shall also cover the layout, disposition, timescale and mechanism for provision, and shall confirm the open space is to be publicly-accessible in perpetuity.

- Education – Officers have confirmed that a £157,992 contribution towards secondary school provision is necessary to serve the needs of the proposed development.
- Sustainable transport – Measures to encourage the use of sustainable modes of transport, including Travel Plan monitoring arrangements and fees involving a financial contribution of £53,533.50.
- Drainage – Arrangements to secure the long-term maintenance and management of the applicant's surface water drainage proposals, including a £3,000 financial contribution to contribute towards the future upgrade of a piped water course at the southern edge of the site and also, arrangements for a management company to maintain the ditching (the flow route) to the rear of Plots 32-36 in perpetuity so that blockages to the route(s) are less likely to happen post development due to a stated maintenance programme that can be enforced;
- Drainage – an additional financial contribution of £5K for research and improvements to Valance Beck, which contributes to the flooding of Granny Lane in the vicinity of the access to the proposed development. These funds would contribute to items such as measures to stop debris flowing downstream reducing the risk of blockages.

10.97 The requirement for an obligation to retain the affordable housing in perpetuity and with regard to open space is set out in the report above. With regard to education, the contribution is determined in accordance with the Council's policy and guidance note on providing for education needs generated by new housing. This confirms that The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. Contributions will only be sought where the new housing will generate a need which cannot be met by existing local facilities. This will be determined through examination of current and forecast school rolls of relevant primary and secondary schools, their accommodation capacities and consideration of the type of housing to be provided. This provides a consistent approach to securing the education contribution within the planning application process.

10.98 The contribution towards sustainable transport measures in accordance with guidance within the Highways Design Guide to secure improvements to travel by means other than the private car. The heads of terms in relation to drainage will ensure that arrangements are in place to secure long-term maintenance and management of the surface water drainage proposal as well as to secure improvements locally.

10.99 For these reasons, these contributions are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. They therefore conform to guidance within the Framework.

11.0 CONCLUSION

11.1 The application site is allocated for residential development under site allocation HS66, and the principle of residential development at this site is considered acceptable.

- 11.2 The site has constraints in the form of adjacent residential development (and the amenities of these properties), topography, drainage, ecological considerations, the site's coal mining legacy, and other matters relevant to planning. These constraints have been addressed by the applicant, and the proposed development includes good quality housing (at an appropriate density and including sufficient affordable housing) and adequate open space. Approval of full planning permission is recommended, subject to planning conditions and obligations via a Section 106 agreement.
- 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, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and it is therefore recommended for approval.

12.0 CONDITIONS (Draft list – any amendments/ additions, to be delegated to the Head of Planning and Development)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion.

3. No development (excluding demolition) above ground level shall commence until manufacturers details of the facing and roofing materials (including samples if requested) in broad accordance with the External Finishes' plan ref: GRY/EX FIN/001 Rev J received 21 December 2020 has been submitted to and approved in writing. The development shall then be implemented in strict accordance with the approved details and thereafter retained.

Reason: To ensure a satisfactory quality of development on completion.

4. The site shall be developed with separate systems of drainage for foul and surface water on site, with combined off site. Surface water shall not exceed a maximum discharge rate of 5 (five) litres per second.

Reason: In the interest of satisfactory and sustainable drainage.

5. No development (excluding demolition) shall commence until a scheme detailing foul, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. Details of off-site works;

- b. Connection to a public sewer at a maximum of 5l/s;
- c. Balancing works for the 1 in 100 + 30% climate change critical event, Plans and longitudinal sections;
- d. Hydraulic calculations;
- e. Phasing of drainage provision;
- f. Details of existing drainage to be maintained/diverted/abandoned and;
- g. Details of the underground storage tank(s) to include written confirmation that it can accommodate the emergency access road above it.

None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage so as to avoid an increase in flood risk. This is a pre-commencement condition

6. No development shall commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail: - phasing of the development and phasing of temporary drainage provision. - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To avoid an increase in flood risk during the construction phase.

7. The development shall be carried out in accordance with the submitted flood risk assessment (by RWO Associates ref RO/FRA/17224.1 version 7 dated 10.12.2019) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 45.87m above Ordnance Datum (AOD).
- There shall be no raising of ground levels in the area of public open space (POS) located within the flood zone 3 extent shown in drawing SK1 (rev 1) in Appendix D of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere.

8. No development (excluding demolition) shall commence until a scheme detailing the design, construction, operation, maintenance and management of the emergency access road and surface water flood route pathways to avoid curtilage flooding has been submitted to and approved

in writing by the Local Planning Authority. The details of the emergency access shall include the following:

- Details of the road width (to be minimum of 3.7m between kerbs);
- Details of the gateway width (to be a minimum of 3.1m) and visibility splay;
- Details of carrying capacity (to be a minimum of 24 tonnes);
- Details of any removable bollards or gate barriers.

The approved scheme shall be fully implemented prior to the occupation of any dwellings and retained thereafter.

Reason: In order to maintain an emergency access into the site at all times.

9. The buildings hereby approved shall not be occupied until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details and thereafter retained.

Reason: In the interests of the free and safe use of the highway and to ensure an acceptable layout for pedestrians in accordance with Policies LP21 of the Kirklees Local Plan.

10. No works shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include full details of:

- a) The means of access to the site for construction traffic to include the 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;
- b) Detail of construction workers parking facilities;
- c) The methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- d) Measures to control the emissions of dust and dirt during construction;
- e) Location of site compound, plant equipment/storage and car parking for on-site employees;
- f) Hours of site working;
- g) Provide details of a site manager and identify how the contact details for the site manager will be displayed externally on the site.

The approved details shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site.

Reason: To protect the living conditions of adjoining occupiers during the construction phase.

11. No development (excluding demolition) shall commence until a scheme detailing the location and cross sectional information together with the proposed design and construction for all new retaining walls/building walls adjacent to the existing/proposed adoptable highways shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be fully implemented in accordance with the approved design and retained during the life of the development. Each plot shall have its respective retaining/building walls completed prior to occupation.

Reason: In the interests of the free and safe use of the highway.

12. No development (excluding demolition) shall commence until a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new surface water attenuation culverts/ tanks located within the proposed adoptable highway footprint shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to the occupation of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage and to avoid an increase in flood risk, in accordance with Policy LP28 of the Kirklees Local Plan.

13. Other than demolition works, no development shall commence on Plots 33-36 (in the location of the demolished building) until a further Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority. The extent and scope of the intrusive survey shall be agreed with the Local Planning Authority prior to its implementation.

Reason: To identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan.

14. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 13, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan.

15. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 14. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan.

16. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved

Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

Reason: To identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan.

17. No development shall commence above damp proof course level until a report specifying the measures to be taken to protect the development from noise from nearby commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- (i) Determine the existing noise climate
- (ii) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- (iii) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the residential amenity of future residents with regards to noise disturbance in accordance with the Policies LP24 and LP52 of the Kirklees Local Plan.

18. The development hereby approved shall include the installation of 1 electric vehicle charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking). These shall meet at least the following minimum standard for numbers and power output: a Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW).

Reason: In the interest of improving the local air quality and promoting ultra-low emission vehicles and to accord with policy LP 51 of the Kirklees Local Plan.

19. No development shall commence above damp proof course level until a detailed landscape and bio-diversity scheme has been submitted to and approved in writing by the Local Planning Authority which elaborates on the landscape concept shown on plan 3158 101 Rev C. The scheme shall include:

- i) Details of trees/vegetation to be retained;
- ii) Details of species of trees/shrubs to be planted;
- iii) Methods of planting and spacing;
- iv) Size of planting;
- v) Protection of planted species;
- vi) Weed prevention;
- vii) Boundary details and means of enclosure between and around dwellings and around the site;
- viii) Details of how the scheme will enhance local biodiversity to reflect the priority habitats and species found within the relevant Flood Plains and Riverine Habitats Biodiversity Opportunity Zone and to include the installation of 6 bird boxes and 6 bat boxes and having regard to the recommendations set out in the Whitcher Wildlife Ltd.

- ix) An implementation plan detailing the timescales for the landscape and bio-diversity schemes;
- x) A management plan, including long term design objectives, management responsibilities and maintenance schedules.

The approved hard and soft landscape works shall be implemented in accordance with the approved details prior to the development being brought into use, or within an alternative timescale to be first approved by the Local Planning Authority. Trees and shrubs which, within a period of five years of the planting being implemented (including existing trees), are removed, die or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the provision and establishment of an acceptable landscape and bio-diversity scheme and successful aftercare of landscaping.

20. Before any materials are brought onto site or development commences, the developer shall erect protective chestnut paling or similar fencing around all trees, shrubs or hedges to be retained, to the branch spread of individual trees or groups of trees/shrub. The applicant shall obtain the Local Planning Authority written confirmation that the fence is satisfactory and shall maintain such fencing unaltered until the development is complete.

Reason: To ensure the protection and preservation of trees, shrubs or hedges and other natural features during the construction works.

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

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure that appropriate archaeological recording is undertaken.

22. No dwellings shall be occupied until a scheme providing details of the play equipment to be installed within the proposed play area has been submitted to and approved in writing by the Local Planning Authority. The details shall include a timescale for the implementation of the play equipment. The approved scheme shall be fully implemented and retained/maintained thereafter.

Reason: To ensure that satisfactory provision of play equipment having regard to the living conditions of future occupiers.

23. Excluding the ground levels in the area of public open space (POS) that are subject to Condition 7, no development (excluding demolition) shall commence on the remainder of the site until final details of existing and proposed ground levels (to include cross-sections) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure works are carried out at suitable levels in relation to adjoining properties, flood risk and highways.

24. Prior to the commencement of the development hereby approved (excluding demolition), details of a scheme for the eradication and/or control of Himalayan Balsam and other invasive species on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to prevent the spread of a non-native invasive species.

25. No development shall commence above damp proof course level until details of adequate security measures for the dwellings hereby approved have been submitted having regard to 'Secured by Design' and the guidelines set out in Crime Prevention Through Environmental Design (CPTED). The scheme shall then be implemented in accordance with the approved details and thereafter retained.

Reason: In the interests of crime prevention and creating safer places.

26. No development shall commence above damp proof course level until a detailed cross sectional design of the surface water drainage corridor to the rear of plots 32-36 to extend from their rear gardens to a point cross the border with adjacent land has been submitted to and approved in writing by the Local Planning Authority. The details shall include all fences and hedgerows to be maintained, removed, or replaced, along with ditching dimensions and any bunding required. It should also provide details of all levels and gradients. The development shall be implemented in accordance with the approved plan and therefore retained.

Reason: In the interests of securing and maintaining an acceptable surface water drainage strategy.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/Planning-applications/search-for-Planning-applications/detail.aspx?id=2019%2f91467>

Certificate of Ownership – Certificate B completed.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 24-Feb-2021

Subject: Planning Application 2019/91105 Outline application for erection of residential development including means of access to the site north of Old Bank Road, Mirfield (63 dwellings) Land off, Old Bank Road, Mirfield, WF14 0HX

APPLICANT

Paul Robinson, Yorkshire
Property Estates Ltd

DATE VALID

15-Apr-2019

TARGET DATE

15-Jul-2019

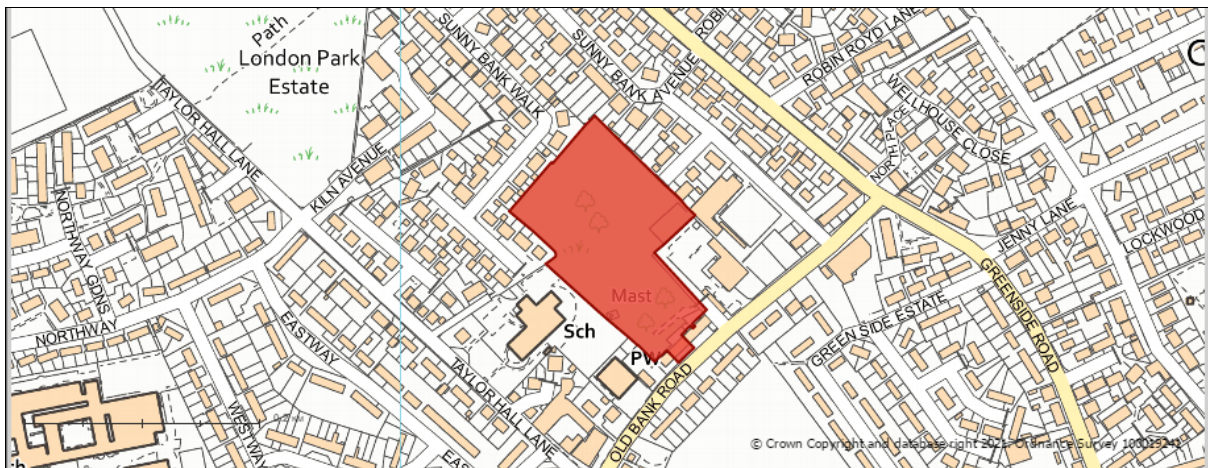
EXTENSION EXPIRY DATE

04-Oct-2019

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: Mirfield

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

REFUSE for the following reason:

1. Having regard to the legacy of the historic uses of the site, the information submitted with the application does not demonstrate that the site can be safely developed for housing and that development could proceed without unduly prejudicing the safety and amenity of adjacent properties. The application is contrary to Policy LP53 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This is an outline planning application for residential development (63 dwellings) with all matters reserved except for access.

1.2 The application is presented to Strategic Planning Committee due to the scale of the proposed development exceeding 60 dwellings. This is in accordance with the Council's Scheme of Delegation set out in the Constitution.

2.0 SITE AND SURROUNDINGS:

2.1 The site is relatively flat and comprises an area of overgrown land containing grass, shrubs and trees.

2.2 To the north west boundary of the site is residential development and to the south west is Old Bank Junior, Infants & Nursery School, a church and some dwellinghouses. To the north eastern boundary is land that was formerly occupied by The Thirsty Man public house and which has since been redeveloped for the erection of a restaurant and bar; the Old Bank Working Men's Club lies beyond that. Dwellings abut the remainder of the north eastern boundary. There is residential development towards the south east along Old Bank Road.

3.0 PROPOSAL:

3.1 The proposal is in outline form and is for the erection of residential development (63 dwellings). Access is the only matter that has been applied for.

3.2 Given that the layout of the site is not being formally considered at this stage, the applicant has been asked to alter the description of development to "up to 63 dwellings", or alternatively remove reference to the total number of dwellings altogether. This is because the application is solely being assessed in terms of the principle of residential development and the means of access

to the site. The layout, and consequently the number of units, is reserved for future approval and that will determine the quantum of development that can be accommodated on the site.

3.3 The indicative layout plan does nevertheless show how the site could be developed for 63 dwellings. This indicates a mixture of terraced, semi-detached and detached houses mainly set around a large area of public open space.

3.4 The application seeks approval of the point of access to the site. This is to be taken from Old Bank Road and three terraced houses would be demolished to facilitate the formation of the access (51, 53 and 55 Old Bank Road are proposed to be demolished).

3.5 Matters of layout, appearance, scale and the landscaping of the site are reserved for future consideration.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Application site:

2018/91713 Outline application for erection of residential development including means of access to the site north of Old Bank Road, Mirfield (63 dwellings) - Withdrawn

2016/91074 - Outline application for residential development and demolition of two dwellings – Withdrawn.

2003/92203 - Outline application for residential development – Refused. A subsequent planning appeal was dismissed following a public inquiry in 2006.

Application refused for the following reason:

1. The Council are not satisfied that if the development were to proceed, incorporating the measures proposed by the applicant, it will not present a risk of safety to individuals and property resulting from a potential landfill gas hazard. The development would therefore be contrary to policy EP1 of the Councils Unitary Development Plan and contrary to Government advice contained in Waste Management Paper 27.

4.2 The following application is in close proximity to the site:

The Thirsty Man, 79, Old Bank Road, Mirfield

2019/90013 - Change of use from public house with flat above (A4) to restaurant/bar (A3/A4) – Approved

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

5.1 The application originally included 'layout' and 'scale' as matters to be considered. Officers raised some concerns with the site layout, particularly in terms of the predominance of parking. The layout also raised issues in terms of drainage attenuation under the internal estate road and the implications of that for road adoption. In response, the applicant removed 'layout' and 'scale' from the matters to be considered.

- 5.2 During the course of the application additional information has been provided, which relates to contamination issues at the site. This includes ground gas monitoring data.
- 5.3 An amended plan showing the proposed point of access has been submitted to address comments from Highways Development Management.

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).

Kirklees Local Plan (2019):

- 6.2 The site is unallocated in the Local Plan.
- 6.3 Relevant policies are:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
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
LP48 – Community facilities and services
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 Highway Design Guide SPD

National Planning Guidance:

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

6.5 Other material considerations:

Highway Design Guide SPD
Kirklees Interim Affordable Housing Policy – January 2020
National Planning Practice Guidance

7.0 **PUBLIC/LOCAL RESPONSE:**

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

7.2 15 representations have been received. A summary of the comments received is provided below:

Principle

- Site was rejected for housing under the Local Plan process (access and contamination issues)

Land contamination

- Concerns with historic use of site and implications for contamination
- Land was previously used as a quarry and has been landfilled.
- Waste was dumped into the void vertically which results in vertical channels for gases.
- Disturbance of the land will increase health risk issues to existing and future residents
- Land disturbance may result in chemicals and VOCs being released into the groundwater and atmosphere
- Danger of contamination from new drainage infrastructure into existing drainage systems
- Assurances sought that contamination will be properly addressed. Detailed remediation strategies and construction design proposals are needed
- An application was previously refused, and an appeal dismissed, on the basis of the ground conditions and insufficient monitoring
- Subsequent applications have also raised concerns with contamination, and these have been withdrawn
- Concerns with airborne contamination arising from construction works, especially given the proximity of an infant and junior school
- Comments from Strategic Waste officer are very limited in detail
- The Environment Agency should be consulted
- Site is best left undisturbed
- Japanese Knotweed on site

Layout

- The number of houses is too large and crammed in
- Layout is overly dense
- Should be an emphasis on design and providing adequate amenity space for future residents
- Some parking spaces do not allow for adequate manoeuvrability
- Support the 'village green' approach to the layout but this is spoiled by the parking spaces surrounding it
- Design Code should be provided for the reserved matters

Highways

- Impact on local road network (congestion) owing to the amount of traffic that would be generated, including impact on the Old Bank/ Sunnybank / North Place junction.
- Parked cars on Old Bank Road likely to inhibit visibility at the proposed site access
- Poor visibility and high traffic speeds and high volume of traffic on Old Bank Road
- Pedestrian killed whilst crossing Old Bank Road in Feb 2019
- Too much traffic on the roads which is a danger to children.
- Congestion and car parking issues in area already
- Local road network requires resurfacing works

Amenity

- Overlooking and loss of light, especially from 3 storey properties
- Loss of privacy to adjacent gardens
- Loss of view
- Loss of terraced houses to create access; this would affect the character and appearance of the area and amenity of existing occupiers
- Increased noise
- Careful consideration needs to be given to the height of the houses, especially those backing onto the school. Concerns with 3 storey houses overlooking the school from a safeguarding perspective.
- Consideration needs to be given to the boundary treatment with the school

Flood risk/drainage

- Properties on Old Bank Road prone to cellar flooding

Ecology

- Trees and vegetation recently cleared from the site. Concerns raised with the impact of this on wildlife.

Other matters

- Noise from construction
- Impact of construction vehicles on highway network
- Impact on Old Bank School from increased pupil numbers. School is at full capacity
- Impact on property values
- Additional demand on doctors surgery and local dentists as well as police and emergency services and parking at Mirfield train station
- No indication of affordable housing

Mirfield Town Council:

MTC objects to the outline application due to serious environmental hazard, cross contamination to local residents and harmful to the health of local residents.

MTC demand of the developer extensive core samples from numerous places around the site and that a full detailed investigation be carried out due to the previous use of the land.

Ward Councillor Martyn Bolt:

“As the Local Plan has a demonstrable housing supply, and this site as not included then the proposal is contrary to policy and should be refused.

The impact on the visual amenity and over intensive development of the site is a further reason for refusal.

I have concerns for public health due to the uncertainty of the material tipped in the land over many years, for which I don't think there is any record?

It would appear that the proposal removes another mobile phone mast, which following the loss of the one on Slipper Lane, leaves users with poor coverage which in an emergency could have consequences.

As the houses through which the development would join Old Bank Road have little parking, then the sight lines are often impeded by parked cars which I believe is unsustainable for a new development, without alternative provision there is no guaranteed clear sight lines as the developer doesn't control those factors”.

Former MP Paula Sherriff (comments received when as a serving MP):

Shares the concerns raised by 'Save Mirfield' in their representation that has been submitted to the Council. The concerns relate to ground contamination and highway matters.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM – No objection to the proposed point of access to the site. The existing parking bays that would be lost as a result of the new access should be relocated within the site. The indicative layout shows a 'kink' in the road design where it connects to the proposed junction on Old Bank Road; this is not suitable and would affect road adoption.

KC Lead Local Flood Authority – No objection to the principle of development however an objection has been raised to the proposed rate of surface water discharge from the site.

The Coal Authority – No objection subject to conditions

8.2 Non-statutory:

KC Environmental Services – Object on the grounds that the applicant has failed to adequately demonstrate that the site can be safely developed for residential use (as detailed in the main report).

KC Strategic Waste – Landfill gas monitoring data provided.

KC Ecology – As recommended in the submitted Preliminary Ecological Appraisal Report further survey and assessment is needed to support this application. This includes further survey for foraging bats and invasive species (to overcome the survey limitations resulting from the out of season surveys and recent vegetation clearance), which will need to be presented in an Ecological Impact Assessment.

KC Trees – No objections

KC Landscape – The large area of open space within the site is welcomed as there is little public open space within the immediate vicinity of the site. 'Green Street' principles should be incorporated into the site layout.

KC Strategic Housing - There's a significant need for more affordable 3+ bedroom dwellings in Dewsbury and Mirfield. 13 dwellings are sought on this development (20%). Units should be spread across the site in clusters. Tenure split should be 54% Social or Affordable Rent to 46% Intermediate housing.

KC Education – Based on 63 dwellings contributions are required to Old Bank Junior, Infant & Nursery School (£2,706) and Mirfield Free Grammar School (£148,560). Figures correct as of April 2019.

The Environment Agency – No objection but the following comments are provided:

“The Old Bank Road historic landfill site occupied the north-western portion of the development site. It was licensed to receive “demolition, construction, foundry sand and spent chemical waste”, between 1945 and 1993. The age of the site and the nature of the materials deposited reduce the likelihood that the site is generating landfill gas today, but the developer and / or planning authority may wish to take further steps to assess this risk prior to development.”

The Taylor Hall Lane historic landfill site occupied a site within 250m of the development site; the nature of the wastes deposited and the available gas monitoring data suggest that the site is very unlikely to pose a landfill gas risk to the development site.

Yorkshire Water – No objections (no observation comments required)

Police Architectural Liaison Officer – General advice provided in relation to designing out crime.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Contamination issues
- Drainage issues
- Ecology and trees
- Planning obligations
- Representations

- Other matters
- Climate change

10.0 APPRAISAL

Principle of development

- 10.1 The site was previously allocated for housing under the Unitary Development Plan but the allocation was not retained within the current Local Plan. The Kirklees Local Plan Submission Document – Rejected Site Options Report – July 2017 identified the following significant constraints:

Third party land required for access as no frontage onto highway. There does seem to be an access to the site from Old Bank Road, ownership needs to be clarified. This site has significant contaminated land issues, toxic industrial waste has been land filled and we know that other developments have stopped due to the issues associated with remediation.

- 10.2 Whilst it needs to be acknowledged that housing windfall sites are important to contributing to the housing supply, at the heart of this application is whether those issues identified in the Rejected Site Options Report have been adequately addressed within this submission. Those matters, namely land contamination and access, are addressed separately within this appraisal.
- 10.3 The site is unallocated in the Local Plan and therefore, as indicated above, the proposal represents a windfall opportunity.
- 10.4 Paragraph 68 of the NPPF recognises that “small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should...support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”. The application site lies within an existing settlement and is therefore considered to be a sustainable location.

Urban design issues

- 10.5 An indicative layout plan has been submitted showing how the site could be developed for 63 houses.
- 10.6 Chapter 7 of the NPPF and Policy LP7 of the Local Plan promote an efficient use of land. Policy LP7 seeks a minimum target density of 35 dwellings per hectare, where appropriate. 63 dwellings equates to a density of 35.75 dwellings per hectare, which would slightly exceed the target density under Policy LP7 and would therefore be in compliance with this policy.
- 10.7 However, the layout of the site is reserved for future approval. It is advised that officers have strong concerns with the indicative layout in terms of the predominance of car parking within the street scene. This would therefore be considered further at Reserved Matters stage.
- 10.8 It is considered important that any future layout has regard to the West Yorkshire Combined Authority’s ‘Green Streets Principles’ and has a legible street hierarchy provided through the use of appropriate surfacing materials.

- 10.9 It is considered that the large area of open space as indicated could be made into an attractive feature within the development and such an area would also benefit from excellent natural surveillance.
- 10.10 Visual interest across the development can be provided through careful consideration of the scale, design and facing materials of the dwellings.
- 10.11 Under the previous application (2018/91713 - withdrawn) officers raised concerns with regard to the loss of terraced houses to facilitate the access off Old Bank Road. It was noted that these houses, which date from the Victorian period, have a regimented appearance with a strong stone frontage, headers, cills, chimney pots and fenestrations, all typical of this era. It was considered that the dwellings make a positive contribution to the street scene and the demolition of the dwellings to be replaced by a new access to serve a residential street would represent a significant element of harm to the character and appearance of the street scene.
- 10.12 Officers remain of the opinion that the loss of the terraced houses would result in harm to the street scene. This issue is, however, to be weighed in the planning balance.
- 10.13 The applicant has not put forward any justification for the location of the proposed access although officers recognise that alternative options are very limited. There is a section of unadopted highway that provides access to 71-75 Old Bank Road and is used as parking for these properties. Sunny Bank Grove abuts the site although this is a narrow unadopted access. A shared access with the new restaurant at the former Thirsty Man site would be difficult to achieve given the approved layout of the restaurant site including its parking. The potential for an alternative suitable access is therefore restricted.
- 10.14 The loss of the houses is to be weighed against the benefits of the development, including the potential to remediate a contaminated site and the provision of new housing on a windfall site. Notwithstanding officers' previously stated views on the loss of the terraced houses, on balance the benefits of the development are considered to outweigh the impact of the loss of these houses on the visual amenity and character of the street scene.

Highway issues

- 10.15 The application is supported by a Transport Assessment which assesses the traffic impact of a development of some 63 dwellings in trip generation terms. Highways Development Management consider that the trip rates utilised are acceptable and the traffic generated can be accommodated on the local highway network without resulting in any significant adverse impacts.
- 10.16 The applicant has provided an amended access arrangement plan, which shows the proposed junction off Old Bank Road. It is considered this amended plan demonstrates suitable visibility splays and is acceptable.

- 10.17 The formation of the proposed access would result in the loss of a parking layby on Old Bank Road. This is a result of the formation of the access itself but also because the footway adjacent to the layby is to be widened to tie in with the footway around the proposed new access. This means that off-street parking spaces would be removed from the sightlines at the new junction. It is proposed that the lost parking spaces would be accommodated within the development site. A condition requiring compensatory parking as part of any 'layout' submitted at reserved matters stage is recommended.
- 10.18 The proposed access arrangement plan and the indicative site layout plan show a 'kink' within the internal estate road where it joins the proposed point of access. This road design is not considered to be appropriate and is likely to affect road adoption. The internal road arrangement would form part of the site 'layout' which is a reserved matter however for clarity the applicant has been asked to submit amended plans which remove this 'kink'.
- 10.19 Highways Development Management have highlighted that the development will need to provide suitable parking provision commensurate to the size of the dwellings that come forward under the reserved matters should this outline application be approved. This is to ensure that an undersupply of off-street parking does not unduly impact on access through the development.
- 10.20 In summary, the proposed point of access is considered to be acceptable and officers accept that the traffic generated by the proposed development can be safely accommodated on the highway network. The application therefore accords with Policy LP21 of the Kirklees Local Plan and guidance in the NPPF.

Contaminated land

- 10.21 Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination. This also includes from risks arising from any proposals for mitigation, including land remediation. Furthermore, adequate site investigation information should be made available to inform the assessment.
- 10.22 Policy LP53 of the Local Plan relates to contaminated and unstable land. Development on land that is currently contaminated will require the submission of an appropriate contamination assessment. Where there is evidence of contamination, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the contamination 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.
- 10.23 The application site has been subject to several previous planning applications which have considered the issue of contamination on this site.
- 10.24 The planning history of the site includes outline application 2003/92203 which was refused by the council on the grounds of the potential landfill gas hazard, despite the incorporation of remedial measures proposed by the applicant. This refusal was the subject of an appeal to the Planning Inspectorate and a public inquiry was held in 2006. The appeal was dismissed.

10.25 The Planning Inspectorate considered that, at the least, the south-western part of the site was contaminated by both methane and volatile organic compounds (VOCs) to an extent that it was unlikely to be suitable for housing in the foreseeable future. The overall conclusion at that time was that there would be an unacceptable risk to the occupiers of the proposed development arising from the generation of landfill gas on the site. The planning inspector suggested an additional investigation was required for VOCs and methane, but also a contaminated groundwater assessment due to the possibility that contaminated groundwater may extend to cellars adjacent to the site.

10.26 The appeal decision provides some useful background information to the historic use of the site.

“Before World War II the site was a brickworks and a large water-filled clay quarry within it has been progressively back-filled since the war with a variety of wastes. These include demolition and construction waste, and spent waste from the nearby Mirvale Chemical Works, which was involved in the production of creosote and agricultural chemicals. However, there is no proper record of the type and quantities of waste deposited other than that in the licence for the northern part of the site which operated from 1978 until it was surrendered in 1993. This permitted solid, inert and non-putrescible demolition and construction waste only.”

10.27 In 2016 an outline application for residential development on the site was submitted by the current applicant and later withdrawn (2016/91074). At that time, Kirklees Environmental Services commented on the complexity of the contamination at the site and stated that it would be unable to support any planning application (including in outline form) until a detailed intrusive investigation had been carried out and acceptable remediation proposals provided.

10.28 Similar comments were made by Environmental Services in 2018 in relation to a subsequent outline application for erection of residential development which was also made by the current applicant and then withdrawn (2018/91713).

10.29 The current application was submitted in April 2019. Environmental Services commented on the submission and advised that they would not be able to properly assess the application until a full current site investigation was provided. That investigation would need to include at least 12 months of recent gas monitoring to fully characterise the gassing conditions on-site during various meteorological and groundwater conditions.

10.30 Since then the applicant has provided additional information in support of the application, including updated ground gas risk assessments. This information has been assessed by Environmental Services in respect of the land contamination aspects of the report (not the geo-technical information). A summary of the key findings from the applicant’s investigation is provided as follows:

1. Visual and olfactory evidence of contamination identified during the site investigation.

2. The key contaminants affecting the site are methane, carbon dioxide and VOCs. However, there are also several metals, metalloids and organic contaminants which are widespread in significant amounts (e.g. asbestos, lead, arsenic and petroleum hydrocarbons) in shallow and deeper made ground.
 3. A maximum methane concentration of 91% v/v, maximum carbon dioxide concentration of 8% v/v, a minimum oxygen concentration of 0.0 % v/v and a maximum flow rate of 1.4 l/h. At concentrations of >5%, gas protection elements are recommended.
 4. VOC gases were found in concentrations beyond the measurement capabilities of the equipment used (>10,000 ppm) within the area of the infilled quarry.
 5. Significantly elevated VOC concentrations were found in soil samples. For example, naphthalene which is considered the most mobile and volatile of the VOCs was reported at 3600 mg/kg in samples taken from the infilled quarry. This is more than 600 times over the screening value of 5.6 mg/kg.
 6. Groundwater should be considered contaminated due to the high readings of EPH, BTEX, phenol and VOC. For instance, benzene concentrations were found at over 50 times the World Health Organisation's screening value.
- 10.31 Further additional information has been submitted this year which details two additional ground gas monitoring visits undertaken in 2021. As a result, the applicant has undertaken gas and groundwater monitoring on eight occasions over 39 months up until 21st January 2021. A previous data set was compiled between June 2003 and December 2003 by a third-party. In total the applicant considers that 15 sampling visits have been made and that these have covered worst-case conditions for barometric pressure and atmospheric pressure and as such follow published guidance. The applicant therefore contends that no further gas monitoring is required and considers that specialist remediation can be implemented so that it limits residents being exposed to any unpleasant odours during or after treatment.
- 10.32 Despite the submission of additional information, Environmental Services have significant concerns with the application. It is considered that the site has a high level of contamination which remains inadequately assessed and that any assessment thus far has not followed industry recommended contaminated land guidance.
- 10.33 The ground gas monitoring undertaken by the applicant is intermittent and inconsistent, despite it being carried out over 39 months. Only 8 readings have been taken during this time and seasonality has not been fully considered. For instance, no measurements were taken between February and May or during July throughout the whole monitoring period. Of these readings, two have been undertaken at falling pressure but only once below 1000 mb (976 mb). Given the complex nature of the site and the high readings reported, officers consider that it fails to confirm the ground gas regime on site to a high degree of confidence.

- 10.34 Published guidance recommends a minimum of 24 visits over 12 months in a site of high sensitivity end-use and high generation potential risk. It recommends at least two sets of readings should be at low and falling atmospheric pressure (but not restricted to periods below <1000 mb). The ground gas monitoring programme by the applicant falls well short of these recommendations. As such, it is unclear how recommendations for gas protection elements can justifiably be made. For this reason, it also falls short of our recommendations as the site remains a potential risk to end-users.
- 10.35 The submitted information acknowledges a risk from VOCs but there remains a lack of in-depth consideration for VOCs and associated fundamental issues. For instance, when methane levels are high, the ability to detect VOC gases using the methods employed become diminished. It is possible that the presence of methane reduced the detectable VOCs. However, no assessment to the effects of methane on VOC readings have been made. Furthermore, there has not been consideration given to any alternative quantitative gas analysis methods (e.g. gas chromatography–mass spectrometry). Following on from that, there were no references to occupational exposure limits in the risk assessment despite the extremely high levels reported. Lastly, despite the vapour and soil concentrations reported, and the acknowledgement of plausible vapour migration from VOC at depth, the updated conceptual model in the Phase II report states, ‘inhalation, ingestion and dermal contact with soil and dust - not considered a viable pathway due to depth of contamination’ assigning a moderate/low risk. This is contradictory and unclear.
- 10.36 No detailed groundwater risk assessment to ascertain the risk from groundwaters to both on-site and off-site receptors has been undertaken. Such investigation works were identified by the planning inspector and the applicant’s own intrusive investigation report includes it as a recommendation for further work, however, insufficient in-depth information relating to the groundwater risk on site has been submitted to support the assessment of the application.
- 10.37 It is acknowledged that the applicant has suggested remediation relating to gas protection elements and clean cover across the site. However, officers are of the opinion that these proposals are made from an inadequate assessment of the site and they fail to envisage the significant health risks to nearby residents during and following remediation.
- 10.38 In conclusion, the applicant is fully aware of the significant contamination at the site and the need for further detailed investigation and remediation proposals. Officers consider that the information provided fails to determine, to a high degree of confidence, that there is no significant potential of substantial harm to either on-site or off-site receptors.
- 10.39 The applicant’s assessment has clearly shown there are very high concentrations of methane and VOCs, together with other significant contaminants. However, there is also a level of uncertainty relating to the assessment methodology and consequently the accuracy of the concentrations measured. As such, the contaminant concentrations may be higher than the reported values. It is therefore considered that the risks to the proposed development from the contamination at the site have not been fully and accurately quantified. In other words, the applicant has failed to demonstrate that the site can be safely developed.

- 10.40 Officers consider that unacceptable pollutant pathways from very high concentrations of multiple contaminants remain which may present a significant risk of serious harm to future on-site and existing off-site receptors. Environmental Services have significant doubts that it is feasible to remediate the site to make it acceptable for residential use, and without creating new and unacceptable risks to adjacent properties – which include dwellings and a primary school.
- 10.41 In summary, the application fails to accord with Policy LP53 of the Local Plan and paragraph 178 of the NPPF.

Residential Amenity

- 10.42 The layout of the site and the scale of the dwellings are reserved for approval in the future but in principle officers are satisfied that acceptable separation can be achieved between new and existing dwellings as well as between new dwelling and new dwelling within the site.
- 10.43 Development on the site will also need to provide a high standard of amenity for future residents. This would be influenced by the provision of adequate internal and external space for each dwelling. This may impact on the total number of dwellings that can be accommodated on the site.
- 10.44 The new access would result in additional comings and goings in very close proximity to existing properties. This has the potential to result in noise disturbance. It is acknowledged that this issue was raised as a concern by officers under application 2018/91713.
- 10.45 Notwithstanding the previously expressed concerns, the amount of vehicle movements associated with up to 63 dwellings is unlikely to be so significant so as to result in any unacceptable harm such that it would justify a refusal of planning permission in its own right. This is especially the case considering that Old Bank Road is already a well-used road and there are other potential sources of noise within the vicinity that would add to the background noise climate. What is more, Environmental Services have not raised this matter as a particular issue of concern.

Drainage and flood risk issues

- 10.46 This is an outline application with access the only matter that has been applied for. It is therefore considered that technical matters concerning drainage can be dealt with by conditions. It would be appropriate for drainage information to be submitted alongside 'layout' at reserved matters to ensure that any layout makes suitable provision for the disposal of surface water.
- 10.47 It is proposed that surface water would discharge to the main sewer network. Kirklees Lead Local Flood Authority (LLFA) consider that this represents the most suitable method of disposal on this site, having regard to the hierarchy of surface water disposal. The LLFA has raised a substantive concern with the proposed discharge rate within the indicative drainage scheme. However, detailed drainage design would be dealt with by conditions alongside consideration of the layout of the site which provides an opportunity to ensure adequate on-site attenuation is provided.

- 10.48 Yorkshire Water have been consulted and no objections have been raised.
- 10.49 The site is located within Flood Zone 1 and is therefore at the lowest risk of flooding.

Representations

- 10.50 Fifteen representations have been received, including objections from Old Bank School and the community group 'Save Mirfield'.
- 10.51 Issues with land contamination and highway safety figure prominently within the representations and such matters have been addressed in detail earlier within this report.
- 10.52 Design concerns have been raised with the indicative layout plan and the indicative scale of the dwellings. A number of concerns have also been raised with the impact on residential amenity, such as overlooking and loss of light. Matters of scale and layout have been removed from the matters to be considered at this stage. Any future reserved matters submission will need to pay due regard to the character of the surrounding area and provide adequate separation to adjacent properties. Officers have commented on the design of the indicative layout as part of this assessment.
- 10.53 Ecological and flood risk/drainage issues have also been raised as grounds for concern and this report has taken such matters into consideration.
- 10.54 Of the other matters raised, the highway and residential amenity impacts of construction can be mitigated through a construction management plan; the proposal would be required to provide a contribution towards education provision which would off-set increased demand for school places; the scale of development is not of a level that would justify new medical facilities and ultimately it is a matter for medical providers to deliver those services having regard to local population statistics; and the impact of the development on property values is not a material planning consideration.
- 10.55 Mirfield Town Council and Councillor Martyn Bolt have commented on the application.
- 10.56 Officers share the concerns that have been raised in relation to contamination.
- 10.57 It is not considered that there are grounds to refuse the application on the basis that the site is not allocated for housing and the council is able to demonstrate the required level of housing land supply. The housing targets in the Local Plan include an allowance for windfall sites such as this and on unallocated sites applications are to be treated on their own merits, having regard to all material planning considerations.
- 10.58 The site lies in a predominantly residential area and officers are satisfied that an acceptable scheme could come forward at reserved matters stage which would not unduly harm the visual amenity of the area. New development would need to respect the character and urban grain of the surrounding area.

- 10.59 The indicative layout indicates that an existing mobile phone mast within the site would be removed. This is a matter for the developer and the mast owner/operator and is not something that can be taken into account as part of this planning application.
- 10.60 Ward Councillor Bolt has also raised the issue of visibility from the proposed access because of the presence of parked cars along Old Bank Road. This issue has been considered by officers and is reflected in the proposed access arrangement plan. Alternative parking for the existing dwellings is proposed within the application site.

Planning obligations

- 10.61 Policy LP11 of the Kirklees Local Plan requires 20% affordable housing provision, and this should be provided on-site in the first instance. The proposal would be required to provide 13 affordable units.
- 10.62 As this is an outline application with access the only matter applied for it is considered that affordable housing provision can be dealt with via condition and subsequent S106 agreement.
- 10.63 The indicative layout provides a large area of open space within the site. This is welcomed by the Council's Landscape Section as there is limited public open space within the vicinity of the site. As layout is a reserved matter it is considered that POS provision can be secured by condition at this stage and then a subsequent S106 agreement. Open space requirements will be based on Policy LP63 of the Local Plan.
- 10.64 An education contribution of £151,266 is required by this development (based on 63 dwellings). Education provision can be secured by condition at this stage and when the layout is finalised at reserved matters stage, subsequent S106 agreement.
- 10.65 Given the scale of development it is considered that the proposal should deliver a financial contribution to fund sustainable travel measures. This is normally delivered through the provision of residential Metro cards although where Metro cards are not taken up by all residents of the development then it is considered that the balance should be applied to alternative sustainable travel measures to encourage residents of the development to use sustainable modes of transport, the need for which directly arises from the development; this may include off-site measures. Based on 63 dwellings and the provision of one Metro card per dwelling the contribution would be £31,500. This would be secured via S106 agreement.

Ecology and trees

- 10.66 The application is supported by a Preliminary Ecological Appraisal Report which recommends that further ecological survey work and assessment is needed. This includes further survey for foraging bats and invasive species (to overcome the survey limitations resulting from the out of season bat surveys and the vegetation clearance that has previously been carried out).

- 10.67 The 'layout' of the site has been removed from the matters to be considered and it is only the principle of development and the point of access that fall to be considered. There are no overriding objections to the principle of development on ecological grounds although the design of the development will need to provide suitable biodiversity mitigation and enhancement (resulting in a net biodiversity gain). It is considered that this can be provided via an Ecological Impact Assessment submitted alongside the details of 'layout', 'appearance' and 'landscaping'.
- 10.68 The arboricultural officer has confirmed that at the time the application was submitted none of the trees on the site were deemed to be worthy of preservation.

Other matters

- 10.69 The application site falls within the defined Development High Risk Area for coal mining and The Coal Authority records indicate that shallow coal seams are recorded to have been worked beneath this site.
- 10.70 The planning application is accompanied by a Coal Mining Risk Assessment which indicates that recorded workings present beneath the site are likely to cause land instability at the surface. Intrusive site investigations are necessary in order to design appropriate remedial/mitigatory measures to ensure that the site is safe and stable for the development proposed. The Coal Authority has no objections to the application, subject to a condition to secure site investigations and a suitable scheme of remediation. In the likely event that coal is encountered, the Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.
- 10.71 To promote lower carbon forms of transport and mitigate the impact of the development on air quality it is considered that electric vehicle recharging points should be provided. A condition is therefore recommended requiring the provision of electric vehicle recharging points for the individual dwellings. This is to accord with Policy LP24 of the Kirklees Local Plan, guidance in the NPPF and the West Yorkshire Low Emissions Strategy (WYLES).
- 10.72 It is necessary to ensure that new development is safe, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. This is in line with guidance in the NPPF and Policy LP24 of the Local Plan and the residential scheme that comes forward at reserved matters stage will need to accord with this. 'Secured by Design' advice on this application has been provided by the Police Architectural Liaison Officer.

Climate change:

- 10.73 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.

- 10.74 The proposal would deliver a financial contribution towards sustainable travel measures and the development would be required to provide electric vehicle recharging points, both of which will help to mitigate the impact of this development on climate change.

11.0 CONCLUSION

- 11.1 The planning history of this site indicates the significant issues which exist with contamination associated with the previous use of the land. The application, as with previous applications, fails to adequately determine the extent of the risk posed to the proposed development from contamination and thus demonstrate that the site can be safely developed.
- 11.2 Officers recognise that there would be a significant benefit to remediating this land and delivering new housing. However, the uncertainties which exist with a range of contaminants (including ground gas and VOCs) are such that officers are unable to state, with a sufficiently high degree of confidence, that the site can be made suitable for the proposed end-use, and whilst also protecting existing occupiers and users of adjacent property from unacceptable risk.
- 11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.4 This application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out in this report, it is considered that the development would not constitute sustainable development and the application is therefore recommended for refusal.

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91105+>

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 24-Feb-2021

Subject: Planning Application 2020/91813 Discharge of conditions 14 (affordable housing), 15 (public open space) and 16 (education) of previous permission 2018/91119 for outline application for erection of residential development rear of, 11, Holme Avenue, Dalton, Huddersfield, HD5 8DP

APPLICANT

B Marsden

DATE VALID

16-Jun-2020

TARGET DATE

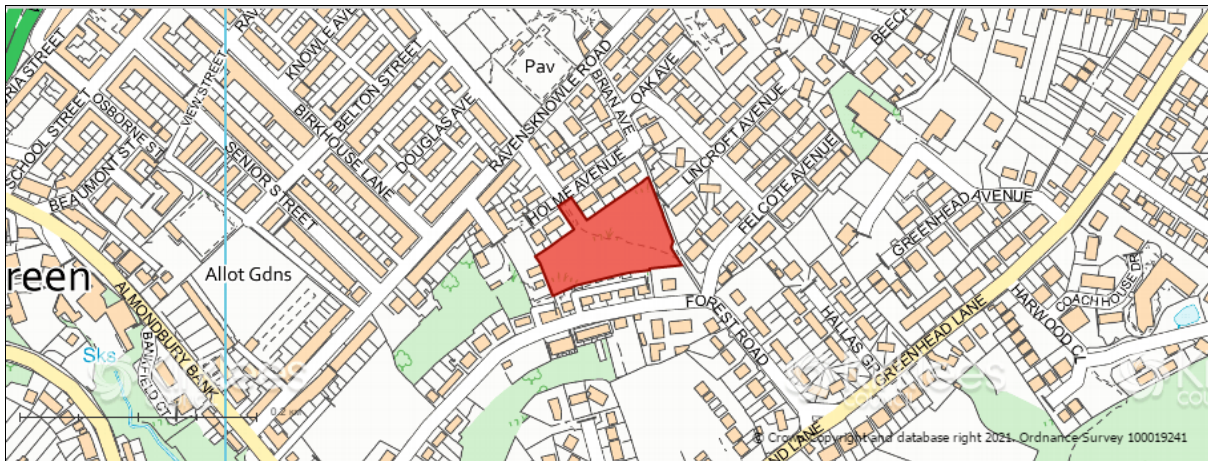
11-Aug-2020

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: Almondbury

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: SPLIT DISCHARGE OF CONDITION

- Refuse to discharge the conditions relating to affordable housing (14) and open space (15)
- Discharge condition 16 on the basis that the quantum of development approved does not meet the trigger for an education contribution

1.0 INTRODUCTION:

- 1.1 The application was deferred by the Strategic Planning Committee on 27th January 2021. The reason the application was deferred was to enable the viability appraisal to be reassessed. Members indicated that further information was needed and different viability scenarios should be considered to explore whether some affordable housing could be secured.
- 1.2 Since the previous committee meeting officers have obtained further advice from the independent viability assessor (RLB). RLB were asked to run their viability appraisal with numerous alternative scenarios based on differing levels and types of affordable housing. The inclusion of an open space contribution was also taken into account.
- 1.3 The applicant has recently submitted a letter to the Chair of the Strategic Planning Committee (copy of the letter also provided to officers). The letter summarises some of the background to the site as well as the current application and seeks to respond to some of the points raised at the previous meeting by Ward Councillor McGuin. The letter also highlights that six of the approved dwellings are priced well below the £250,000 threshold for Starter Homes.
- 1.4 The applicant goes on to state that they have reviewed their viability appraisal to determine if one or two affordable units could viably be delivered. However, the conclusion remains that the scheme would not be viable with any level of affordable housing provision. Nevertheless, as an acknowledgement of understanding that developments need to benefit the public, the applicant has offered £25,000 as a financial contribution – which could be used by the council towards off-site affordable housing or public open space.
- 1.5 The applicant's letter concludes by emphasising the local employment benefits that would arise through the development of the site, which would help to safeguard the jobs of the applicant's employees.

Background

- 1.6 The application site has planning permission for the erection of 22 dwellings by virtue of outline planning application 2018/91119 and reserved matters application 2019/93068.
- 1.7 The outline application was approved by the Huddersfield Sub-Committee on 9th August 2018. As part of the committee resolution planning obligations for affordable housing, public open space and education provision were to be secured by way of conditions. Conditions 14, 15 and 16 on the decision notice reflect this.
- 1.8 The applicant has applied to discharge these three conditions. The approved scheme does not meet the threshold for an education contribution and it is therefore only the provision of affordable housing (condition 14) and open space (condition 15) that fall to be considered.
- 1.9 A financial viability appraisal was submitted with the application which sought to demonstrate that the scheme would not be viable with the inclusion of these planning obligations.
- 1.10 The discharge of conditions application has been brought forward to the Strategic Planning Committee in the interests of transparency. The Huddersfield Sub-Committee resolved to approve the outline application with the expectation that planning obligations relating to affordable housing, open space and education would be provided as necessary as part of the final development. However, based on the viability assessment that has been undertaken, no such obligations are to be secured. An offer of £25,000 has now been received although this is considerably below a policy compliant offer.
- 1.11 Furthermore, discharge of condition applications are not subject to any formal publicity in the way that other planning applications are, although they are in the public domain. As such, there is generally a lesser degree of public scrutiny on this type of application. In light of this, officers considered that it was appropriate for members to be given an opportunity to formally consider the application.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is a steeply sloping parcel of undeveloped land surrounded by residential development.
- 2.2 The site was allocated for housing in the Kirklees Unitary Development Plan (1999-2019) and the allocation was carried forward within the Local Plan. The allocation was not taken up during the previous plan period although two separate outline applications were submitted in 2014 and 2018 respectively, with both applications approved. The council has previously identified this site as being a 'stalled' site. It is noted as well that there have been other planning permissions on the land that pre-date the Unitary Development Plan.

3.0 PROPOSAL:

- 3.1 The application is seeking to discharge conditions 14 (affordable housing), 15 (public open space) and 16 (education) of previous permission 2018/91119 for outline application for erection of residential development.
- 3.2 The full wording of the relevant conditions is set out below:

14. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing within the development have been submitted to and agreed in writing by the Local Planning Authority. The arrangements shall cover the following matters:

- a) The number and type of affordable housing units to be provided;*
- b) The layout and disposition of the unit's affordable housing to be provided;*
- c) The timescale for the implementation and completion of the affordable housing units; and*
- d) The mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.*

Reason: *To ensure the provision of affordable housing in accordance with the requirements of policy H10 of the Kirklees Unitary Development Plan and the Kirklees Interim Affordable Housing Policy and emerging Policy PLP11 of the Publication Draft Local Plan. This is a pre-commencement condition to ensure that details of affordable housing are provided and agreed at an appropriate stage of the development process.*

15. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:

- a) The layout and disposition of the public open space;*
- b) The timescale for the implementation and completion of the works to provide the public open space;*
- c) The mechanism for ensuring that the public open space will be available for public within perpetuity; and*
- d) Maintenance of the public open space in perpetuity.*

Reason: *To ensure the provision of open space to serve the development and in accordance with Policy H18 of the Kirklees Unitary Development Plan and Policy PLP63 of the Kirklees Publication Draft Local Plan. This is a pre-commencement condition to ensure that details of open space provision are provided and agreed at an appropriate stage of the development process.*

16. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of educational facilities to serve the needs of the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall facilitate an increase in the capacity of local schools commensurate with the demands of the development.

Reason: *To ensure provision of educational facilities to mitigate the impacts of the development and in accordance with Policy PLP49 of the Kirklees*

Publication Draft Local Plan. This is a pre-commencement condition to ensure that details of education provision are provided and agreed at an appropriate stage of the development process.

4.0 RELEVANT PLANNING HISTORY:

2019/93068 Reserved matters application pursuant to outline permission 2018/91119 for erection of residential development, decision issued 29/05/20.

2018/91119 Outline application for erection of residential development – Approved by the Huddersfield Planning Sub-Committee 09/08/2018, decision issued 14/08/2018.

2014/92369 Outline application for residential development – Approved

91/02565 Renewal of unimplemented outline application for residential development – Approved

87/02023 Outline application for erection of residential development – Approved

5.0 HISTORY OF NEGOTIATIONS:

5.1 Since the committee meeting on 27th January 2021 there have been discussions with the planning agent regarding the potential scope for the delivery of some affordable housing on the site. The applicant has subsequently submitted a letter which advises that no on-site affordable housing could be delivered, although a contribution of £25,000 has been offered.

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 The site is allocated for housing in the Kirklees Local Plan.

6.3 Kirklees Local Plan (2019):

LP11 – Housing Mix and Affordable Housing
LP49 – Educational and healthcare needs
LP63 – Open Space

6.4 National Planning Guidance:

Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes

6.5 Other considerations:

Kirklees Planning Viability Guidance Note (June 2020)
Planning Practice Guidance – Viability
Kirklees Interim Affordable Housing Policy – January 2020

7.0 PUBLIC/LOCAL RESPONSE:

7.1 No publicity was undertaken.

8.0 CONSULTATION RESPONSES:

8.1 The applicant's viability assessment was independently assessed and is discussed within the appraisal below. No other consultation was undertaken.

9.0 APPRAISAL

9.1 The outline permission requires the applicant to provide details of the arrangements for the provision of affordable housing, open space and education facilities before development commences.

9.2 The outline permission did not approve the total number of dwellings on the site. The number of units was agreed through the reserved matters application whereby a layout for 22 dwellings was approved.

9.3 Policy LP11 of the Kirklees Local Plan requires 20% of dwellings to be affordable on residential developments of over ten dwellings. Four affordable dwellings would therefore be sought from this development.

9.4 Policy LP63 of the Kirklees Local Plan requires residential developments of over ten dwellings to make provision for open space. The layout that has been approved does not provide any on-site open space and therefore an off-site contribution would be applicable on this scheme.

9.5 The threshold for a contribution towards education provision is 25 dwellings. The approved layout falls below this threshold and so an education contribution would not be sought. As such, the requirements of condition 16 effectively fall away.

9.6 The application is accompanied by a financial viability assessment which indicates that there are some significant abnormal costs which affect the viability of the scheme, specifically the cost of providing the necessary retaining structures on this steeply sloping site.

9.7 The applicant's financial viability appraisal indicates that the development is unable to deliver any affordable housing or open space contributions, although the applicant has subsequently offered a contribution of £25,000 which the council could use towards either of these planning obligations.

9.8 The applicant's financial viability assessment has been independently appraised on behalf of the Council. The original conclusion was that the scheme was unable to deliver a policy compliant affordable housing offer and an open space contribution. When these contributions were removed the scheme generated a profit of 17% on the gross development value, which was deemed to be an appropriate profit level on this site.

- 9.9 The independent assessor has subsequently re-run their viability appraisal based on a number of different scenarios so that the council can understand whether some affordable housing could be delivered whilst still providing an acceptable return for the developer.
- 9.10 As set out in the council's Planning Viability Guidance Note, there are a number of factors that determine what a reasonable level of profit might be, including the availability of development finance, the state of the market and the consequent risk in proceeding with schemes, as well as development values and demand. In determining the appropriate level for an individual development, regard must be paid to the individual characteristics of that scheme.
- 9.11 In general terms, a profit of 15-20% of the gross development value (GDV) is considered to be a suitable return for developers – as indicated within national Planning Practice Guidance (Viability).
- 9.12 Since this discharge of condition application was deferred at the 27th January 2021 Strategic Committee, different scenarios have been appraised based on between one and four affordable units and with alternative tenure types. The types of affordable units that have been considered are Social/Affordable Rent, Intermediate and starter homes; these cover the full spectrum of types of affordable housing as defined in the NPPF.
- 9.13 All but one of the scenarios results in a profit level that falls below 15% of the gross development value. Where the profit level is below 15% it is not considered that the scheme could justifiably be said to be viable and therefore these scenarios have been discounted.
- 9.14 The single scenario that indicates that some affordable housing could viably be delivered is where two starter home units are provided. With the inclusion of this number and type of affordable unit the profit level is shown as being 16% of the gross development value. For clarity, this scenario does not include an off-site open space contribution.
- 9.15 Starter homes are required to be sold at a minimum discount of 20% below full market value and each starter home can cost no more than £250,000. Post-sale resale and letting restrictions exist for 15 years. First-time buyers aged between 23 and 40 are eligible to purchase a starter home (subject to other eligibility criteria).
- 9.16 Officers previously accepted that a profit of 17% on GDV represented an appropriate return on this site. This was due to the topography of the land which makes it a challenging site to build-out and its impact on the nature of the new dwellings; for example, a large proportion of the properties will have a very significant retaining wall situated immediately to their rear boundary. Uncertainty in the housing market associated with the Covid-19 pandemic was also cited as a factor. Comments from ward members at the previous meeting suggested that they did not necessarily consider this development to be an overly high-risk site as it would be an attractive location for potential purchasers.

- 9.17 The reassessment of the viability appraisal indicates that two starter homes could be provided whilst maintaining a profit level that is within generally accepted parameters for a suitable developer return. In comparison to the original assessment, the inclusion of these starter homes would reduce the developer profit by 1%.
- 9.18 The inclusion of an open space contribution would further reduce the developer profit. It is considered that there is some degree of risk with this site which should be reflected in the developer profit and so a profit of 16% on GDV would be fair and reasonable. Members specifically indicated a desire to see some affordable housing provision and on balance it is considered that the delivery of two affordable units would be a benefit that outweighed the requirements for open space.
- 9.19 Based on the further analysis that has been undertaken, the applicant's offer of £25,000 is not considered to be acceptable and it is considered that the council would have demonstrable grounds on which to not discharge conditions 14 and 15.
- 9.20 In conclusion, the independent viability assessment indicates that the development could not viably deliver policy compliant affordable housing and open space. A reduced affordable housing offer could however be provided in the form of two starter homes. By omitting the requirement for open space, it would help to ensure a suitable return to the developer when having regard to the characteristics of the scheme.
- 9.21 The applicant has not proposed acceptable arrangements for the provision of affordable housing and open space, and it is therefore recommended that condition 14 (affordable housing) and condition 15 (open space) are not discharged.
- 9.22 Condition 16 (education) can be discharged on the basis that the development falls below the threshold for a contribution.

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91813>

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 24-Feb-2021

Subject: 2020/20447 Pre-application for industrial development Land off Lindley Moor Road, Lindley, Huddersfield, HD3 3SX

APPLICANT

Matthew Robinson

DATE VALID

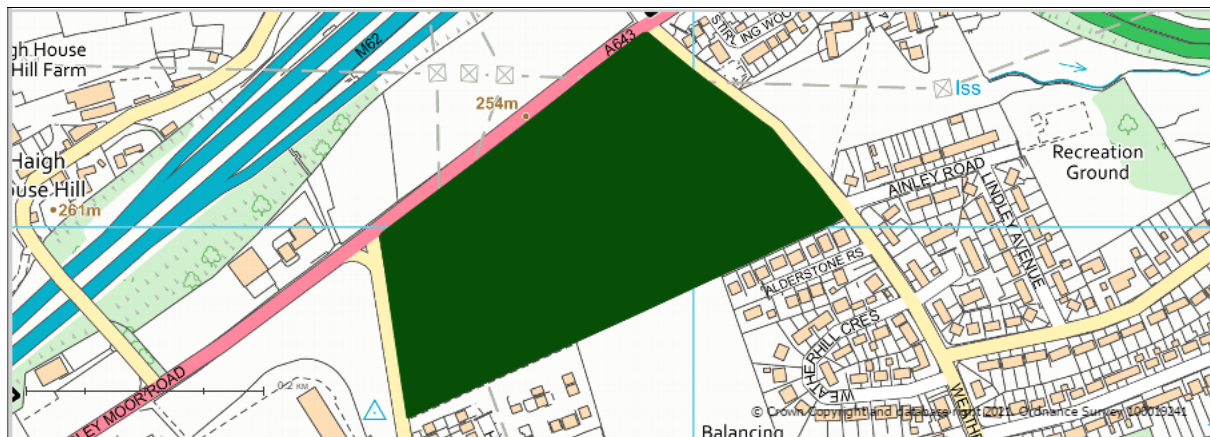
14-Oct-2020

TARGET DATE

10-Nov-2020

EXTENSION EXPIRY DATE

LOCATION PLAN



Map not to scale – for identification purposes only

RECOMMENDATION: That members note the contents of this report for information.

1.0 INTRODUCTION

1.1 This pre-application enquiry is brought to the Strategic Planning Committee to inform members of a potential planning application for a mixed-use scheme at land off Lindley Moor Road, Lindley, Huddersfield.

2.0 SITE AND SURROUNDINGS:

- 2.1 The enquiry site comprises of a parcel of greenfield land that sits between Crosland Road and Weatherhill Road, Lindley. The site consists of some 6.3 hectares of land that is currently used for pasture farming by the applicant. The site sits at the peak of Lindley Moor, with the highest point located to the west of the site and then gradually falling to the east.
- 2.2 The site is bound to the north by Lindley Moor Road, which defines the boundary with Green Belt land beyond. The site is bound to the south by part residential development and part greenfield land. An area of undeveloped land exists to the east of the site along with a number of residential properties. Just to the west of the site is Mac's Trucks, with other commercial units lying further to the west along Lindley Moor Road (Rybrook Jaguar & Land Rover and Lesjöfors Springs).
- 2.3 There are some overhead power lines running across the site along with two associated pylons in the north-western and north-eastern corners of the site. There is also a public right of way that runs parallel to the southern boundary.
- 2.4 The site is part of a larger mixed-use allocation in the Local Plan (MXS3) which is just over 32 hectares in size and is allocated for housing and employment. Much of this allocation has already been built-out under various different planning permissions. The site forms the north eastern corner of the allocation.

3.0 SITE BACKGROUND:

- 3.1 Outline planning permission has previously been approved on the site for employment uses (B1b, B1c, B2, B8) under application reference 2013/93433. All matters were reserved, and it was therefore only the principle of development that was approved at that time.
- 3.2 The Leeds City Region has designated this site as an Enterprise Zone. The site is planned to deliver approximately 22,000 square metres of employment floor space. It has been identified as having an excellent strategic position, as it is centrally located on the East/West M62 motorway link as well as being accessible to the North/South M1 and M6 motorway links.
- 3.3 Funding support through the Combined Authorities Strategic Investment Fund is linked to Enterprise Zone priorities, which is the delivery of employment floorspace in the advanced and innovative manufacturing sectors.
- 3.4 The Enterprise Zone designations run to 2042 although the current programme of funding for assistance with development costs ends on 31st March 2021. Benefits for end users of Enterprise Zone sites in the form of rate relief is however available until the end of March 2022, although to qualify this site would have to be built and occupied by that point. The Combined Authority is nevertheless looking at alternative funding streams to assist with the future delivery of the remaining Enterprise Zone sites across the region.

4.0 PROPOSAL:

- 4.1 The proposal is for a mixed-use scheme comprising of a fast food outlet, supermarket, restaurant, two café/takeaways and a number of industrial and storage/distribution warehouses.
- 4.2 The proposed layout concentrates the retail and leisure uses in the northern part of the site with the industrial development in the southern part, separated by an internal access road.
- 4.3 The proposed fast food outlet is indicated as being a drive-through type facility.
- 4.4 The proposed supermarket has slightly less than 400 square metres of floor space, which is generally above the size of a typical local convenience store but considerably smaller than a typical supermarket.
- 4.5 Eleven industrial and storage/distribution units of varying sizes are proposed. These range from small start-up type units to warehouses of up to approximately 30,000 square feet.
- 4.6 A single point of access is proposed from Lindley Moor Road.

5.0 CONSULTATION RESPONSES:

- 5.1 As part of the pre-application enquiry process the following key consultees within the Council have been contacted to seek their advice on the potential implications of such development in this location and the measures required to mitigate the associated impacts:
 - KC Highways Development Management/KC Highway Design
 - KC Lead Local Flood Authority
 - KC Environmental Services
 - KC Ecology
 - KC Planning Policy
 - Police Architectural Liaison Officer
- 5.2 The advice provided by these consultees is set out within the appraisal below.
- 5.3 Ward members were also notified of the enquiry.
- 5.4 Councillor Anthony Smith advised that he has no objections to the proposal.
- 5.5 Councillor Cahal Burke and Councillor Richard Eastwood sought further information/clarification on the enquiry. No specific comments were subsequently received either for or against the proposal.

6.0 MAIN ISSUES

6.1 The main issues are:

- Principle of development
- Impact on town/local centres
- Urban design issues
- Residential amenity
- Highway issues
- Drainage and flood risk issues
- Ecology
- Air quality and land contamination issues
- Other matters

Principle of development

- 6.2 The pre-application site forms part of a mixed-use employment and housing allocation in the Local Plan (MXS3). The vast majority of the allocation has been developed for housing and employment uses and the enquiry site is essentially the last parcel of undeveloped land on the allocation.
- 6.3 Officers consider that this remaining part of the allocation is appropriate for employment use as opposed to housing. Commercial development would reflect the nature of the other uses that occupy the northern part of the allocation and the location of the site is such that it provides a direct link to the main road network. The site is also reasonably well separated from neighbouring houses although there is some residential development to part of the southern boundary and towards the east. A significant proportion of the allocation has also already been developed for housing.
- 6.4 Employment use is defined in the Local Plan as operations falling within the B use class i.e. business which can be carried out in a residential area without detriment to its amenity (formerly B1, now use class E(g)), general industry (B2) and storage and distribution (B8).
- 6.5 The whole allocation should provide an employment floorspace of 41,702 square metres (indicative). Part of this allocation has already been developed for employment use; this has been delivered through the Mac's Trucks, Rybrook Jaguar & Land Rover and Lesjöfors Springs sites and these developments total 13,814 square metres of floorspace.
- 6.6 The proposal would provide 14,166 square metres of employment use floorspace. This is shared between 11 units in a range of sizes. This is all within the B2 (general industrial) and B8 (storage and distribution) use classes. There is also a small amount of ancillary office space associated with two of the larger units.
- 6.7 Also proposed is 2,537 square metres of floorspace which falls within the E(a) and E(b) use classes. This is in the form of a fast food drive-through restaurant, small supermarket, restaurant and two café/takeaway units (if the café/takeaway units were predominantly for consumption of food off the premises then they would be classed as *sui generis*).

- 6.8 The applicant's justification for the E(a) and E(b) uses is that they are still employment uses and will create jobs, employing more staff than the equivalent floor area of B2, B8 and/or E(g) uses. The applicant also contends that their inclusion creates a more diverse site and economically sustainable employment site that provides assets to local people as well as employees of the proposed development and nearby commercial units.
- 6.9 It is true that the aforementioned uses are 'employment generating uses' however the Local Plan definition for this allocation does not include any of these types of uses. Given that the site represents the last developable parcel of land on this allocation, the proposal would mean that there would be a shortfall in the delivery of 13,722 square metres of employment floorspace when compared against the allocation's indicative capacity.
- 6.10 Notwithstanding this shortfall in defined employment floorspace, it is considered that there is room for a degree of flexibility with the uses on this site. The applicant would however need to provide robust justification with supporting evidence for the proposed use class split as part of a future planning application. This would need to focus on the economic and employment benefits of such a scheme.

Impact on town/local centres

- 6.11 The proposed fast food outlet, supermarket, restaurant and café/takeaway units are all main town centre uses as defined in the Local Plan and National Planning Policy Framework. As the proposed site is in an out of centre location and given the gross floor space proposed, a Sequential Test and Impact Assessment would be required as part of a future planning application, as set out in Policy LP13 of the Local Plan.
- 6.12 The scope of the Sequential Test and Impact Assessment should be agreed with officers prior to the submission of a planning application. It should be reflective of the scale, role, and function of the proposal, address the business model and the catchment that the proposal is intended to serve.
- 6.13 Reference is made in the applicant's supporting documentation to a more economically sustainable site that provides assets to local people, employees of the site and surrounding commercial uses. There are however elements of the proposed scheme which suggest that the proposal would have a larger catchment area than this. For example, the size of the restaurant occupying unit C (908 square metres) and the inclusion of a 'drive-thru' on the fast food outlet (unit A) are likely to mean that the catchment is broader than the local area.
- 6.14 The proposal includes some office space within units F and G (storage and distribution warehouses). Provided that this is ancillary to the primary use then this element would not be required to be included within the Sequential Test. Justification for the quantum of office space should therefore be provided as part of a planning application.

- 6.15 The Local Plan states that “town centres sit at the heart of local communities in Kirklees and provide a range of services to serve a wide variety of people, businesses and organisations”. It is therefore important that the vitality of town and local centres is not undermined by new development. The Sequential Test and Impact Assessment would help to determine the suitability of the proposed main town centre uses in this location.

Urban design issues

- 6.16 The site occupies a relatively prominent location because of its position at the high point of Lindley Moor. Due to the site’s topography, the north western part would be particularly visible from long range vistas, including from within land to the north (towards Calderdale). The site also has an extensive frontage to the A643 (Lindley Moor Road).
- 6.17 The proposal has been designed to reduce in scale and mass from the south to the north as the site increases in height. The larger units (employment use) are located on the lower lying land with the smaller retail and leisure buildings occupying the higher ground. This would help to mitigate the visual impact of the proposals within the landscape although any future planning application will need to demonstrate how the buildings relate within their wider context.
- 6.18 It is important that the site provides an attractive interface with Lindley Moor Road, which would form the site’s main frontage. Unit A (fast food restaurant) and unit D (café/takeaway) are both side-on to Lindley Moor Road and so some consideration will need to be given to the design of these elevations to provide visual interest. Unit C, which is proposed to form a large restaurant, does however have the potential to provide a main or principal elevation to the site frontage and the proposed layout appears to indicate as such.
- 6.19 A number of parking areas are proposed within the northern part of the site. These are shown as being separated from Lindley Moor Road by strips of landscaping which provide a good opportunity for new tree planting to enhance the appearance of the development. The retention of a drystone wall along the northern boundary, including the return around the proposed point of access, will also help to provide an attractive frontage and retain some of the established character of the site (likewise to the boundaries with Crosland Road and Weatherhill Road).
- 6.20 The proposed fast food restaurant (unit A) occupies a prominent corner position at the junction of Lindley Moor Road and Crosland Road. The position of this unit has been amended in response to comments made by the Police Architectural Liaison Officer. The parking area for unit A is now adjacent to Crosland Road with the building set further into the site, although as a consequence it has moved closer to Lindley Moor Road. The amendment means that the building is more visible at the junction and this area around the north western corner of the site is mainly hard surfacing with very limited scope for buffer planting. As discussed in more detail later in this report, the change to the layout does not make a significant difference to the Police Architectural

Liaison Officer's views on the proposal and officers consider that the original layout, which provides more openness around the junction, is preferable from an urban design perspective. Signage would also need to be of a sensitive design around this corner.

- 6.21 The submission identifies a number of constraints which influence the form of development on the site. One of the most significant constraints is the presence of overhead power cables which transect the site and require a buffer to allow for the swing and sag of the cables. The powerlines are in two different locations – one in the western part and one in the north eastern corner – and the areas below the powerlines have been utilised as space for car parks, roads and accessways. There are also two associated pylons located within the site which affect the siting of new buildings.
- 6.22 The land falls quite significantly from west to east and the submission documents indicate that proposed development would have stepped level changes, buildings with split floor levels and vegetated slopes to account for the general site slope.
- 6.23 A future planning application should clearly set out the degree to which the site's constraints have influenced the final design.
- 6.24 The proposed layout includes a large warehouse unit (building F) which is parallel to Crosland Road. The proximity of this unit to the roadside and its potential scale mean that it is likely to contrast markedly with the new residential dwellings immediately to the south. Additionally, the existing commercial development on the opposite side of Crosland Road (Macs Trucks) is set back from the highway by some distance. It is recognised that the location building F is heavily influenced by the nearby overhead powerline and so it is important to ensure that the scale and design of this element helps to successfully transition from the residential use to the employment use on the allocation.
- 6.25 The proposed layout incorporates a landscaped buffer to Weatherhill Road, some of which would be used as part of the surface water drainage strategy (retention basin). Tree planting is indicated within this landscaped area. This would help to provide a soft edge to the eastern boundary of the development although sections to demonstrate how the development relates to Weatherhill Road will be required as part of a planning application to fully understand the relationship. This is especially pertinent for units O and P which are both substantial sized buildings.
- 6.26 A tree planted strip of landscaping is proposed alongside the southern boundary of the site which would provide a buffer between the development and the adjacent housing.

Residential amenity

- 6.27 The site has two noise sensitive boundaries; these are to the south and to the east where there are a handful of dwellings on the opposite side of Weatherhill Road. The new residential development to the southern boundary on Haigh

Way, Haigh Road and Weatherhill View has incorporated an undeveloped buffer along the boundary with the site which provides a degree of separation. However, the much more established residential development on Alderstone Rise directly abuts the site, separated only by an unmarked path (HUD/410/10). Unit P (general industrial) backs onto Alderstone Rise and is separated by at least 25 metres from the nearest dwellings.

- 6.28 The pre-application enquiry is supported by a Noise Impact Assessment (NIA). The objectives of the NIA were to –
- Establish the ambient and background noise levels at the application site and its surrounding environs.
 - Establish the potential noise emissions associated with the proposed development.
 - Assess the potential noise impact of the proposed development on the nearest noise sensitive receptors in accordance with the National Planning Policy Framework (NPPF) and other pertinent guidance.
 - If appropriate, provide recommendations with respect to management and/or structural controls and appropriately worded planning conditions to mitigate and control the potential noise impact of the proposed development.
- 6.29 The report recommends a series of noise mitigation measures including additional internal lining to the cladding of the industrial units to improve their sound insulation. The proposed layout of the site also helps to mitigate the impact of noise on neighbouring residential properties.
- 6.30 The majority of the service yards for the industrial and warehouse units that are located along the southern boundary of the site will be significantly screened by the units themselves. The only exception is Unit F (adjacent to residential dwellings on Haigh Road), which cannot be screened by this unit because of the presence of overhead power lines. The nearest dwellings on Haigh Road are set back by around 50 metres from the service yard. To screen the service yard from the nearest noise sensitive receptors, the NIA recommends that a 4 metre-high close-boarded acoustic fence is installed along the southern boundary of the yard. Additional measures such as forklift trucks in use at Unit F being fitted with white noise (broadband) reverse alarms, rather than tonal reverse alarms, would further mitigate the potential impact.
- 6.31 The NIA indicates that noise from HGV movements and deliveries, including to the retail and leisure uses in the northern part of the site, would be at acceptable levels.
- 6.32 Due regard will also need to be given to noise from external plant although it is considered that appropriate noise control could be achieved by the judicious selection and siting of plant and/or standard noise mitigation techniques.
- 6.33 The report concludes that predicted noise levels associated with internal and external operations at the proposed development would be negligible, even during the night-time.

- 6.34 The NIA has been assessed by Kirklees Environmental Services who agree with the findings of the report. As such, it is likely that noise associated with the proposed development could be satisfactorily mitigated as part of a future planning application.
- 6.35 There is the potential for external artificial lighting to the car parks and outdoor work areas/service yards to cause stray light and glare that could impact on neighbouring residential property. A future planning application should include a detailed lighting specification to enable this to be assessed.
- 6.36 The restaurant and café/takeaway units are set some distance back from surrounding dwellings although they may still generate cooking odours which could affect the amenity of neighbouring residential properties. Details of odour arrestment plant should be provided with any future application or alternatively such details would need to be secured through a planning condition.
- 6.37 There is generally a good degree of physical separation between the proposed units and the nearest houses. Unit P has the closest relationship to neighbouring residential property and section drawings should be provided with a future application to demonstrate the relationship and inform the assessment.

Highway issues

- 6.38 A new vehicular access (simple priority junction) is proposed to be created along Lindley Moor Road to serve the development. Supporting information indicates that an allowance has been made within the proposed development for road widening to Lindley Moor Road.
- 6.40 Lindley Moor Road is subject to a 40mph speed limit. A (forward) site stopping distance of 160m to the proposed access point will need to be demonstrated for both eastbound and westbound traffic. The proposed access junction will also be required to be staggered from the existing Crosland Road and Weatherhill Road junctions onto Lindley Moor Road by a minimum distance of 50m.
- 6.41 The Council's Highways Design section have advised that the proposed simple priority junction may not be suitable from a traffic capacity point of view given the scale of the proposed development. Further information with regards to anticipated trip generation and traffic capacity would be required to determine the appropriate access junction type. A signalised junction or a roundabout may be more appropriate, especially as pedestrian and cyclist facilities can be integrated into it to allow equitable access for all road users.
- 6.42 Traffic analysis and trip generation exercises would be necessary to determine if any of the local highway network in the vicinity of the site should be upgraded as a result of the additional trips generated by the development.

- 6.43 The council's Highway Safety team have highlighted recent accidents on Lindley Moor Road and there have been requests for both traffic calming and signalisation of the junction with Weatherhill Road. A contribution towards improvements to the existing highway network may therefore be appropriate.
- 6.44 Depending on what access type will be utilised swept path analysis using a 16.5m articulated HGV vehicle will need to be demonstrated to ensure the development is accessible for all likely vehicle types.
- 6.45 A pedestrian access link is shown in the south-western corner of the site which provides a link between the development and Weatherhill Road. A pedestrian connection should also be provided to Crosland Road (as shown on the original layout plan but not the amended plan). An internal network of roads and footpaths create links between all areas for vehicular, pedestrian and bicycle users. The Highway Design team have provided detailed advice to the applicant regarding the internal arrangements.
- 6.46 The proposed layout appears to show 431 parking spaces. Although the Local Plan does not set prescriptive parking standards, the previous standards (Unitary Development Plan) remain a good gauge of the likely demand for parking. Based on these previous standards, the development would require 686 spaces, plus additional staff spaces for the shops and dining facilities. These are broken down as follows:
- E(b)/A5 fast food = 79 spaces (plus 1 per 3 staff)
 - E(a) supermarket = 12 spaces (plus 1 per 3 staff)
 - E(b) restaurant = 227 (plus 1 per 3 staff)
 - E(b) café/take-away = 229 (plus 1 per 3 staff)
 - B8 warehouse = 77
 - E(g) office = 17
 - B2 industrial = 45
- 6.47 The proposed levels of parking should be justified by the applicant using empirical data; both TRICs data and surveys of similar, nearby developments should be provided. The parking should also be spread across the site to adequately serve the different use classes.
- 6.48 The provision of a fund for sustainable travel measures, such as Metro cards, for the development should be taken into consideration, WYCA will be consulted at the planning application stage and will recommend a contributory sum accordingly.

Drainage and flood risk issues

- 6.49 The site is in Flood Zone 1 on the Environment Agency's Flood Map for Planning. This means that it is land that is at the lowest risk of flooding from main river sources.

- 6.50 Surface water flood risk maps do not reveal any specific risk on the site itself and there are no reports to the council of flooding to the fields in question, albeit it is highly unlikely that flooding to fields would be reported.
- 6.51 There are historic flooding reports regarding blocked gullies on Lindley Moor Road immediately adjacent to the site. There is also major surface water flood risk on Weatherhill Road in an area that part of this site will naturally drain to; this is identified on flood mapping with two historical incidents being recorded. Further historic records show flooding to rear gardens on Ainley Close and Weatherhill Crescent.
- 6.52 A future planning application will need to be supported by a full Flood Risk Assessment which takes the above into account.
- 6.53 The proposals indicate that sustainable urban drainage principles have been incorporated into the layout, including a linked network of swales running lengthways along the centre of the site and accumulating in a retention basin in the south eastern corner of the site.
- 6.54 The topography of the site means that it will naturally drain in multiple directions. Catchments include a valley to the south where an open watercourse in a distinct valley runs across 3rd party land. The water runs overland in rear gardens for properties at Weatherhill Crescent before entering a watercourse detention basin that utilises a natural valley as part of an earlier Miller Homes development on this mixed-use allocation.
- 6.55 Part of the site (north east) falls to the east where a watercourse emerges in land beyond Weatherhill Road and between Warren House Lane and Ainley Road. An earlier surface water sewer requisition serving Stirling Wood Close discharges to this watercourse. A connection to this sewer through agreement to cross 3rd party land or via sewer requisition is possible.
- 6.56 Although British Geological Survey Data suggests infiltration to be possible in this area, this has not been the experience of developments in the immediate vicinity where perched water/water table has caused issues. Experience of flooding in the locality suggests rapid run-off and a fast-responding catchment. With this in mind, and considering that the site has 1 in 10 gradients on the eastern portion, Kirklees LLFA do not consider that surface water disposal via infiltration techniques would be suitable.
- 6.57 Kirklees LLFA considers that the most appropriate strategy would be for a pro-rata connection directly to the eastern watercourse or indirectly to the surface water public sewer (at a restricted discharge rate) for the developed area that would naturally drain in this direction.
- 6.58 As the site is at a brow of a hill there is no catchment flood route entering the site. The Flood Risk Assessment should look at the natural flood routing and seek to mimic it in the site layout to avoid buildings and pay due care and attenuation to the existing built environment. Analysis of exceedance events of the attenuation tank, blockage scenarios and exceedance events surcharging gullies and manholes should be undertaken. Flood routing should therefore follow road networks and open space and avoid property curtilage.

Ecology

- 6.59 A Preliminary Ecological Appraisal (PEA) has been provided and this concludes that the site is of limited ecological value. The site appears to have been somewhat degraded by agricultural practices and is subject to disturbance from adjacent roads, residential and commercial development. Overall, the site supports a limited number of lower value habitats.
- 6.60 The Ecology Unit considers that the PEA allows a sufficient interpretation of the ecological constraints present on the site. The PEA includes several recommendations for ecological enhancement, and these should be used to inform the final scheme design. It is necessary for new development to achieve a net biodiversity gain and this will need to be demonstrated as part of any future application. This should be set out in an Ecological Impact Assessment

Air quality and contamination issues

- 6.61 Given the scale of development and the fact that the site is located adjacent to an Air Quality Management Area a future planning application will need to include a detailed Air Quality Impact Assessment. This will help to determine the impact that the development would have on local air quality and public health and identify the level of exposure through the change in pollution concentrations, including cumulative impacts from other developments within the area. The Impact Assessment will need to include a calculation of the monetary damages from the development and a fully costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages should be reflected in money spent on the low emission mitigation measures.
- 6.62 The development will be required to provide electric vehicle recharging points which will help to mitigate the impact on air quality and climate change.
- 6.63 Much of the site falls within the Coal Authority's Development High Risk Area. A future application will therefore need to be supported by a coal mining risk assessment.
- 6.64 Supporting information refers to probable shallow coal mine workings and the potential for a coal outcrop below the proposed development. As such there is the potential for mine gas to impact the site and this will require further investigation. As a minimum, a Phase 1 preliminary risk assessment (desktop study) would need to be submitted with a future application. If the Phase 1 report identifies a credible risk from mine gas exposure associated with shallow mine workings and/or other further potential sources of pollution, then a Phase 2 intrusive site investigation would also be required.

Other matters

- 6.65 There are two designated heritage assets in very close proximity to the site. One is a Grade II* signpost (dated 1755) which forms a squat, inscribed stone pillar at the junction of Lindley Moor Road and Crosland Road. The other is Haigh Cross, which is a Grade II listed structure and monolithic pillar with the Coat of Arms of Quarmby dated 1304; this was moved from its original location in 1808 and listed in 1952. Haigh Cross is located within a landscape buffer that forms part of the Mac's Trucks site. There are also a small number of listed buildings within the wider vicinity of the site.
- 6.66 It is not considered that these designated heritage assets pose a significant constraint to the proposed development although a future application should have regard to the impact on these assets and should be supported by a Heritage Impact Assessment.
- 6.67 To the west of the site is a 'Class 2 Archaeological Site' identified as a roman road. This is located within the landscape buffer surrounding the Mac's Trucks site. An archaeological evaluation report dated July 2020 has been submitted. As an external consultee, West Yorkshire Archaeology Advisory Service (WYAAS) has not been consulted on this pre-application enquiry however the applicant has provided an email from WYAAS which indicates that further archaeological investigation on the development site would not be justifiable.
- 6.68 The Police Architectural Liaison Officer (ALO) has raised a number of significant concerns associated with the presence of the fast food outlet/drive-thru in this location.
- 6.69 The concern lies with the fast food outlet attracting criminal and anti-social behaviour. The location of the site on the boundary with Kirklees and Calderdale and close to the M62 junction makes it highly accessible to large numbers of people. There is the potential for large groups to congregate within the car parks leading to anti-social behaviour and requests for the Police to attend. The accessibility of the site also lends itself to use by criminals involved in child sexual exploitation. There are also likely to be problems with litter associated with this use (as well as the two café/takeaways) which would be exacerbated by the site's exposed position.
- 6.70 The Police have highlighted existing issues with anti-social behaviour in this area, for example speeding and aggressive driving around Crosland Road and Lindley Moor Road.
- 6.71 The applicant has sought to respond to some of these concerns by amending the layout of the fast food outlet (unit A) so that the car park is located to the roadside rather than behind the unit. The Police ALO has indicated that this change does not materially alter their original concerns, as it is essentially the principle of the fast food restaurant in this location which is the grounds for concern.

Conclusion

- 6.72 In conclusion, bringing forward the remaining part of this mixed-use allocation is welcomed. The proposed B use class units would provide a mix of modern industrial buildings that are suitable for a range of businesses and situated in a strategic location. This element of the scheme would contribute towards the supply of industrial floorspace in the district and deliver economic benefits through job creation.
- 6.73 The proposal also includes a number of 'employment generating uses' (retail and leisure) which are not in accordance with the land's allocation. The inclusion of these uses restricts the ability of the site to more closely deliver the level of employment floorspace required by this allocation. Nevertheless, it is considered that there is scope for some flexibility with the uses on this site, but this will need to be robustly justified as part of a future planning application. Furthermore, those uses which are defined as main town centre uses will need to be subject to a Sequential Test and Impact Assessment.
- 6.74 The final scheme will need to fully address the urban design issues set out in this report as well as the advice provided by technical consultees.

7.0 Recommendation

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