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

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Tuesday 23 March 2021

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet remotely at **1.00 pm** on **Wednesday 31 March 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".

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 - 8

To approve the Minutes of the meeting of the Committee held on 24 February 2021.

3: Declaration of Interests and Lobbying

9 - 10

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: Deputations/Petitions

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

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

6: A Review of Planning Appeal Decisions 11 - 22

To receive an overview of planning appeal decisions (January to December 2020).

Wards affected: All

Contact: Julia Steadman, Planning Services

7: Planning Applications 23 - 24

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 29 March 2021.

To pre-register, please email governance.planning@kirklees.gov.uk or phone Richard Dunne on 01484 221000 (Extension 74995).

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: 2020/93358 25 - 60

Erection of 52 dwellings Land east of, Abbey Road, Shepley, Huddersfield.

Contact officer: Christopher Carroll, Planning Services.

Ward(s) affected: Kirkburton.

- 9: Planning Application - Application No: 2018/93676** 61 - 82
- Infill of land and formation of access and turning facilities, temporary fence and restoration to agricultural use Land North West, Hog Close Lane, Holmfirth.
- Contact officer: Farzana Tabasum, Planning Services.
- Ward(s) affected: Holme Valley South.
-
- 10: Report - Planning Application 2020/90450** 83 - 108
- To consider a report that sets out the reasons for the Committee's refusal of 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 at the meeting held on 27 January 2021 and to advise of the evidence base for each reason.
- Contact Officer: Mathias Franklin, Head of Planning and Development.
- Ward(s) affected: Dewsbury East
-
- 11: Pre-Application report - Application No: 2020/20364** 109 - 118
- Demolition of some existing buildings and the construction of a new police station at the former Kirklees College, Halifax Road, Dewsbury.
- Contact Officer: Kate Mansell
- Ward(s) affected: Dewsbury East
-
- 12: Pre-Application report - Application No: 2021/20084** 119 - 134
- Part redevelopment of Greenhead College, including part demolition and making good, new building, relocated car parking and site access arrangements, and reconfiguration of sports provision at Greenhead College, Greenhead Road, Huddersfield.
- Contact officer: Nicholas Hirst, Planning Services.
- Ward(s) affected: Greenhead
-

Planning Update

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

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 24th February 2021

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

Observers: Councillor Martyn Bolt
Councillor Susan Lee-Richards
Councillor Vivien Lees-Hamilton
Councillor Alison Munro

Apologies: Councillor Carole Pattison

1 Membership of the Committee

Councillor Mahmood Akhtar substituted for Councillor Carole Pattison.

2 Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting of the Committee held on 21 January 2021 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors Bellamy, Hall, Patrick, Andrew Pinnock, Sokhal and Walker advised that they had been lobbied in relation to Application 2019/91467.

Councillors Bellamy and Patrick advised that they had been lobbied in relation to Application 2019/91105.

Councillor Hall advised that he had been lobbied in relation to Applications 2018/92647 and 2020/20447.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

8 Planning Application - Application No. 2020/92067

The Committee considered Planning Application 2020/92067 relating to the erection of 30 dwellings at the former Stile Common Infant and Nursery School, Plane Street, Newsome, Huddersfield.

RESOLVED –

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions, including those contained within the Committee report, as set out below:

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.

and to secure a Section 106 agreement to cover the following matters:

1. Affordable Housing: 30 units (all) for affordable rent, with the 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 (£88,481) 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).

Strategic Planning Committee - 24 February 2021

In the 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; if so, the Head of Planning and Development be 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 Akhtar, Bellamy, Hall, Patrick, Andrew Pinnock, Sokhal and Walker (7 votes)

9 **Planning Application - Application No: 2018/92647**

The Committee considered Planning Application 2018/92647, a hybrid application for mixed use development of retail/office and 239 residential units (Use Classes C3/A1/A3/B1a) at the former Kirklees College, New North Road, Huddersfield. Full planning permission for the partial demolition of the former Kirklees College, erection of a food retail store with residential above, 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).

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Richard Irving (in support).

Under the provisions of Council Procedure Rule 36 (3) the Committee received a representation from Councillor Susan Lee-Richards.

RESOLVED –

(1) That, subject to a review of the design of the food retail store and the imposition of a condition to require the use of natural stone to all elevations of this building, approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to complete the list of conditions, including those contained within the Committee report and the update, as set out below:

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.

Strategic Planning Committee - 24 February 2021

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 in accordance with the 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 and 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.
32. Land contamination conditions.
33. Detailed landscape plan and long-term management landscape and ecological design (LEDS).
 - full planting specification,
 - hard landscape materials and boundary treatments.
34. Details of where bin storage & bin collection points are required.
35. A revised full Air Quality Impact Assessment shall be submitted to the Local Planning Authority:
 - impact that the development will have on air quality
 - include a calculation of the monetary damages from the development
 - include a fully costed mitigation plan
36. External artificial lighting.
37. Scheme for security measures in the interests of crime prevention.

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.

Strategic Planning Committee - 24 February 2021

9. Details to be submitted subway lighting improvements.
10. Stage 1 safety audit to be submitted.
11. Development to be in accordance with the Bat Survey Report.
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.
18. Development in accordance with noise impact assessment mitigation measures.
19. Land Contamination conditions.
20. Detailed landscape plan and long-term management landscape and ecological design (LEDS):
 - full planting specification,
 - hard landscape materials and boundary treatments.
21. Details of where bin storage & bin collection points are required.
22. A revised full Air Quality Impact Assessment shall be submitted to the Local Planning Authority:
 - impact that the development will have on air quality
 - include a calculation of the monetary damages from the development
 - include a fully costed mitigation plan.
23. External artificial lighting.
24. Scheme for security measures in the interests of crime prevention.

and to secure a Section 106 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).

(2) In the 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; if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

(3) That the Reserved Matters for the outline application be submitted to this Committee.

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

For: Councillors Akhtar, Hall, Sokhal and Walker (4 votes)

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

10 Planning Application - Application No. 2019/91467

The Committee considered Planning Application 2019/91467 in relation to the erection of 67 dwellings with associated access and parking on land to the south of Granny Lane, Mirfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Helen Butler, Cheryl Tyler, Veronica Maher, Andy Kirby, Frances Thompson, Leanne McConnell, Katherine Hall, Keelan Sarjeant, Ian Woolin, Lynda Auty, Mark Eastwood MP, Councillor Martyn Bolt on behalf of Mirfield Town Council (in objection); Geoff Bowman, Ross Oakley and Jonathan Dunbavin (in support).

Under the provisions of Council Procedure Rule 36 (3) the Committee received representations from Councillors Martyn Bolt and Vivien Lees-Hamilton.

RESOLVED –

That the application be refused on the grounds that the position of part of the main vehicular and pedestrian access and egress into the site within Flood Zone 3 would result in the failure of the scheme to deliver safe access and escape routes for all future occupiers of the development at all times.

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

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

Against: Councillors Andrew Pinnock and Walker (2 votes).

11 Planning Application - Application No: 2019/91105

The Committee considered Planning Application 2019/91105 relating to outline permission for the erection of residential development, including means of access to the site, on land to the north of Old Bank Road, Mirfield (63 dwellings).

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

RESOLVED –

That the application be refused for the following reason:

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.

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

For: Councillors Akhtar, Bellamy, Hall, Patrick, Andrew Pinnock, Sokhal and Walker (7 votes)

12 Planning Application - Application No. 2020/91813

The Committee considered Planning Application 2020/91813 in relation to the discharge of Conditions 14 (affordable housing), 15 (public open space) and 16 (education) of Permission 2018/91119; an outline application for the erection of residential development to the rear of 11 Holme Avenue, Dalton, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Steve Riddles (in objection) and Tom Cook (in support).

Under the provisions of Council Procedure Rule 36 (3) the Committee received a representation from Councillor Alison Munro.

RESOLVED –

That approval of the application to discharge Conditions 14,15 and 16 of Permission 2018/91119 be delegated to the Head of Planning and Development, subject to a Section 106 agreement to secure the provision of two starter homes on the site.

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

For: Councillors Akhtar, Bellamy, Hall, Patrick, Andrew Pinnock, Sokhal and Walker (7 votes)

13 Pre-Application Enquiry - 2020/20447

The Committee received a pre-application enquiry report 2020/20447, in respect of a proposed industrial development at land off Lindley Moor Road, Lindley, Huddersfield.

Under the provisions of Council procedure Rule 37, the Committee received representations from David Storrie and Matt Robinson (on behalf of the applicant).

Members asked questions in respect of:

- Potential for the inclusion of a doctor's surgery.
- The potential impact on the amenity of the existing residential properties adjacent to the south east corner of the site.

RESOLVED –

That the contents of the pre-application report be 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.



Name of meeting: STRATEGIC PLANNING COMMITTEE

Date: 31st March 2021

**Title of report: A Review of Planning Appeal Decisions
(January 2020 – December 2020)**

The purpose of the report is to inform Members of planning appeal decisions received throughout the district in 2020.

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

Has GDPR been considered? Yes. There no GDPR implications.

1. Purpose of report

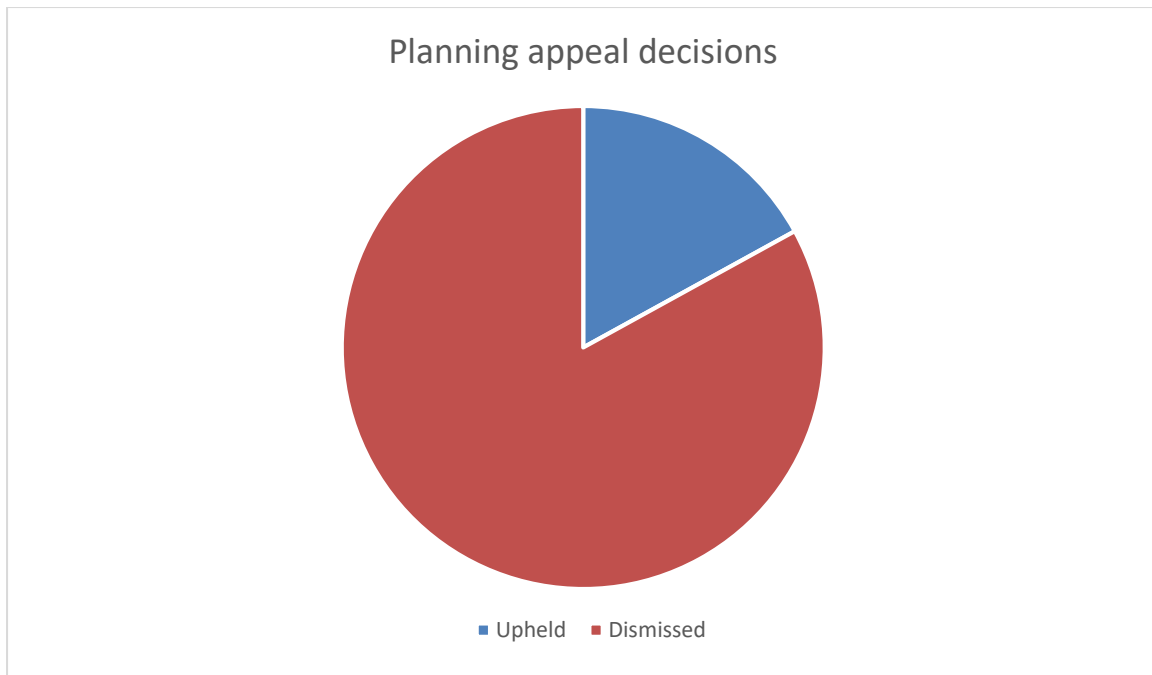
1.1 For information purposes

2. Key Points

Planning Appeals

2.1 Between January and December 2020, the council have received 84 planning appeal decisions in the electoral wards within the Kirklees district. Of these, 83% were dismissed. Appendix 1 provides a list of relevant appeals and the level of the decision.

2.2. Figure 1 below shows a breakdown of planning application appeals (including tree works, certificate of lawfulness and prior notification applications) whether dismissed or upheld



Tree appeals

2.3 Of the 84 planning appeals, there were 7 tree works appeals, 5 of which were dismissed, one upheld (2018/93239) and the other was part upheld/part dismissed (2019/92767).

Application for award for costs

2.4 7 applications for an award of costs were lodged against the council. Of these, 2 have been awarded (2018/93508 & 2019/93993).

Delegated and Committee Decisions

2.5 Of the 84 appeals, 75 were determined under delegated powers. Of these, 63 were dismissed (84%). 9 applications were determined by a planning committee, whereby 6 were dismissed (66%).

Appendix 1 provides a list of relevant appeals.

Council’s appeal performance in relation to Central Government Standards: Criteria for designation (revised 2020)

2.6 The Government measures the performance of local authorities in deciding applications for planning permission, pursuant to section 62B of the Town and Country Planning Act 1990. This includes assessing local planning authorities’ performance on the ‘quality’ of their decisions on applications for major and non-major development. This is measured by the proportion of decisions on applications that are subsequently overturned at appeal. If an authority is ‘designated’ as underperforming, applicants have the option of submitting their applications directly to the Planning Inspectorate (who act on behalf of

the Secretary of State) for determination.

- 2.7 The criteria for designation, as revised in December 2020, sets out the threshold for designation on applications for both major and non-major development above which the local planning authority is eligible for designation. This is 10% of an authority's total number of decisions on applications made during [a specific 2 year period] being overturned at appeal.
- 2.8 To note, the latest published performance tables from the MHCLG (March 2019) provides Experimental Statistics to enable local authorities to validate the information held. Using these tables, for the 24 months to the end of March 2019, a total of 2.1% of decisions on Major applications were overturned at appeal (nationally). Within Kirklees for the same period, 6 decisions on Major applications were overturned on appeal, out of a total of 191 applications. This equates to 3.1% of all decisions at appeal. Of note, this period was almost exclusively before the Local Plan was adopted in February 2019.
- 2.9 The corresponding information for non-major applications was a total of 1.1% of decisions overturned at appeal (nationally). Within Kirklees for the same period, 25 decisions on non-major applications were overturned on appeal, out of a total of 4,331 applications. This equates to 0.6% of all decisions at appeal.

Compliance

3. Between January 2020 and December 2020, Planning Compliance have also served 142 notices throughout the district. A breakdown of each type of notice can be found in table 1 below. Of these, 17 enforcement notice appeals were received within the district, all of which were dismissed, and the enforcement notices upheld in the favour of the council (100%).

Type of Notice	No. served
Enforcement Notice	34
Breach of Condition Notice	21
Planning Contravention Notice	80
Temporary Stop Notice	7
Stop Notice	0
Other	0
Total	142

4. **Implications for the Council**
Not applicable

- 5. Consultees and their opinions**
Not applicable
- 6. Next steps**
Not applicable
- 8. Officer recommendations and reasons**
To note
- 8. Cabinet portfolio holder recommendation**
Not applicable
- 9. Contact officer and relevant papers**
Julia Steadman – Group Leader for Development Management
- 10. Director responsible**
David Shepherd – Strategic Director for Growth and Regeneration

Appendix 1 – List of planning application appeals including tree works decided between January and December 2020

Heavy Woollen Area

1. 2018/92169 adj, 6, Dean Fold, Highburton, Huddersfield, HD8 0QD - Outline application for erection of dwelling (within a Conservation Area) – Officer Decision – Appeal Dismissed
2. 2018/92832 Woodley, 10, Busker Lane, Skelmanthorpe, Huddersfield, HD8 9EP - Outline application for erection of detached dwelling – Officer Decision – Appeal Dismissed
3. 2018/93239 10, Over Hall Road, Mirfield, WF14 9LQ - Works to tree TPO 10/02 – Officer Decision – Appeal Upheld
4. 2018/93471 adj, 301a, Oxford Road, Gomersal, Cleckheaton, BD19 4LA - Erection of detached dwelling – Officer Decision – Appeal Dismissed
5. 2019/90089 46, Leeds Road, Littleton, Liversedge, WF15 6HX - Work to trees TPO 42/80 – Officer Decision -Appeal Dismissed
6. 2019/90498 adj, 41, Stockhill Street, Dewsbury, WF13 2JE - Erection of detached dwelling with integral garage – Officer Decision – Appeal Dismissed
7. 2019/90576 Brownhill Farm, Old Lane, Birkenshaw, BD11 2JL - Outline application for erection of detached dwelling – Officer Decision – Appeal Dismissed
8. 2019/91735 245, Roberttown Lane, Roberttown, Liversedge, WF15 7LJ – Erection of extensions, dormer window to rear, erection of double garage, demolition of existing garage and external alterations - Officer Decision – Appeal Dismissed
9. 2019/91736 29, Back Slaithwaite Road, Thornhill Lees, Dewsbury, WF12 9DS - Erection of single storey extension to front – Officer Decision – Appeal Dismissed
10. 2019/91764 18 B, Wells Road, Thornhill, Dewsbury, WF12 0LE - Erection of one dwelling – Officer Decision – Appeal Dismissed
11. 2019/91831 41, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0PT - Erection of raised terrace to rear – Officer Decision – Appeal Dismissed
12. 2019/91830 adj, 41, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0PT - Outline application for erection of one detached dwelling – Officer Decision – Appeal Dismissed

13. 2019/92734 9, Chapel Fold, Staincliffe, Batley, WF17 7AY - Erection of extensions and dormer windows to front – Committee Decision (councillor request contrary to officer recommendation) – Appeal Dismissed
14. 2019/92767 323B, Bradford Road, Cleckheaton, BD19 3UQ - Work to tree TPO Sp2/70 – Officer Decision – Appeal part upheld/part dismissed
15. 2019/93050 Land Adj, 88, Oakway, Birkenshaw, BD11 2PQ - Erection of one detached dwelling – Officer Decision – Appeal Upheld
16. 2019/93190 Land at, Cliff Hollins Lane, East Bierley, Bradford, BD4 6RQ - Demolition of existing stables and erection of detached dwelling – Officer Decision – Appeal Upheld
17. 2019/93193 2, Lynwood Close, Birkenshaw, Bradford, BD11 2EU – Erection of two storey side and single storey rear extension, conversion of loft to living space - Officer Decision – Appeal Dismissed
18. 2019/93271 Park Farm House, 18, Manor Road, Farnley Tyas, Huddersfield, HD4 6UL - Erection of detached garage, replacement porch and extension, alterations and formation of associated landscaping/parking – Officer Decision – Appeal Upheld
19. 2019/93351 adj, 5, Field Head Farm Court, Shepley, Huddersfield, HD8 8FH - Erection of detached dwelling and formation of vehicle parking and storage – Officer Decision – Appeal Dismissed
20. 2019/93387 91, Marsh Lane, Shepley, Huddersfield, HD8 8AP –Demolition of existing garage utility/store, erection of single storey extension and detached garage - Officer Decision – Appeal Dismissed
21. 2019/93552 4, Green Nook Close, Upper Cumberworth, Huddersfield, HD8 8FR -Erection of detached dwelling with associated parking and garden – Officer Decision – Appeal Dismissed
22. 2019/93670 8, Millers Croft, Birstall, Batley, WF17 0RN - Erection of front and rear dormers – Officer Decision – Appeal Dismissed
23. 2019/93914 Mina House, 47/51, Daisy Hill, Dewsbury, WF13 1LF - Alterations to convert vacant unit (A1) to form 5 apartments (C3) (within a Conservation Area) – Officer Decision – Appeal Dismissed
24. 2019/93944 Woodleigh, Vicarage Road, Savile Town, Dewsbury, WF12 9PD – Change of use of domestic accommodation to consulting rooms and erection of single storey extension to outbuilding - Officer Decision – Appeal Dismissed
25. 2019/93993 Meadowlands, Bristfield Road, Bristfield, Dewsbury, WF12 0PA - Erection of garage to side and garden room to rear – Officer Decision – Appeal Upheld

26. 2019/94069 3 Corn Mill Cottage, Corn Mill Bottom, Long Lane, Shelley, Huddersfield, HD8 8JJ - Formation of sub-terranean garage and alterations to patio – Officer Decision – Appeal Dismissed
27. 2020/90224 125, Oxford Road, Dewsbury, WF13 4EH – Erection of detached dwelling and first floor extension to existing dwelling (modified proposal) - Officer Decision – Appeal Dismissed
28. 2020/90673 11, Oakfield Drive, Lower Hopton, Mirfield, WF14 8PX - Erection of dormer extension with balcony and increase in gable height – Officer Decision – Appeal Dismissed
29. 2020/90898 Walton Cross Paddock, 148A, Windy Bank Lane, Hightown, Liversedge, WF15 8EX - Prior notification for change of use from agricultural building to one dwelling – Officer Decision – Appeal Dismissed
30. 2020/91135 53 , Scarborough Street, Savile Town, Dewsbury, WF12 9AY - Erection of single storey rear extension – Officer Decision – Appeal Upheld
31. 2020/92124 56, Lemans Drive, Dewsbury, WF13 4AL - Erection of extensions, front and rear dormers and exterior alterations- Officer Decision – Appeal Dismissed

Huddersfield Area

32. 2017/93847 land off, Upper Quarry Road and Bradley Road, Bradley, Huddersfield, HD2 1XD - Outline application for erection of 36 dwellings – Committee Decision – Appeal Dismissed (Costs application refused)
33. 2018/92589 Land at, Lancaster Lane, Brockholes, Holmfirth - Reserved matters application in pursuant of outline application 2016/90138 for residential development – Committee Decision – Appeal Upheld
34. 2018/92870 10, Bradfield Close, Bradley, Huddersfield, HD2 1PL - Erection of two storey side extension – Officer Decision – Appeal Dismissed
35. 2018/93112 land at, Thick Hollins Road, Meltham, Holmfirth - Change of use of land for siting of 4 log cabins for holiday let – Officer Decision – Appeal Dismissed
36. 2018/93148 adj, 102, Dunford Road, Holmfirth, HD9 2DT - Outline application for erection of residential development and on site parking – Officer Decision – Appeal Dismissed
37. 2018/93326 Corby, Birkby Road, Birkby, Huddersfield, HD2 2DR - Demolition of existing dwelling and erection of 5 detached dwellings with garages – Committee Decision – Appeal Dismissed

38. 2018/93508 Adj, 1, Spring Lane, Holmfirth, HD9 2LN - Reserved matters application pursuant to outline permission 2016/91502 for erection of one detached dwelling – Committee Decision – Appeal Upheld (Costs application allowed)
39. 2018/93768 land opp, 12, Clough Head Farm, Slaithwaite Gate, Bolster Moor, Huddersfield, HD7 4NW - Alterations and extension to agricultural building to form dwelling – Officer Decision – Appeal Dismissed
40. 2019/90102 16, Dean Street, Oakes, Huddersfield, HD3 3EU - Certificate of lawfulness for proposed erection of garage and formation of access – Officer Decision – Appeal Dismissed
41. 2019/90206 land off, South View, Paddock, Huddersfield, HD1 4UE - Erection of detached dwelling – Officer Decision – Appeal Upheld
42. 2019/90375 73, Prospect Road, Longwood, Huddersfield, HD3 4UY - Erection of attached dwelling – Officer Decision – Appeal Dismissed
43. 2019/90468 Daisy Lea Farm, New Hey Road, Scammonden, Huddersfield, HD3 3FW - Removal of condition 4 (holiday accommodation) on previous permission 2017/93436 for alterations to convert stables to holiday let cottage – Officer Decision – Appeal Dismissed
44. 2019/90664 4, Jim Hill, Chain Road, Slaithwaite, Huddersfield, HD7 5TY - Erection of two storey side extension (Listed Building) – Officer Decision – Appeal Dismissed
45. 2019/90665 4, Jim Hill, Chain Road, Slaithwaite, Huddersfield, HD7 5TY - Listed Building Consent for erection of two storey side extension – Officer Decision – Appeal Dismissed
46. 2019/90931 Upper Edge Farm, Sledgate Lane, Slaithwaite, Huddersfield, HD7 5TZ - Erection of first floor side and single storey rear extension – Officer Decision – Appeal Dismissed
47. 2019/91350 adj, 7, East Street, Jackson Bridge, Holmfirth, HD9 1HY - Erection of detached dwelling – Officer Decision – Appeal Dismissed
48. 2019/91494 9, Weymouth Avenue, Oakes, Huddersfield, HD3 4YJ - Erection of detached dwelling forming annex accommodation associated with 9, Weymouth Avenue, Oakes, Huddersfield, HD3 4YJ – Officer Decision – Appeal Dismissed
49. 2019/91568 65, Colders Lane, Meltham, Holmfirth, HD9 5JL - Demolition of existing bungalow and erection of 3 detached dwellings with integral garages – Officer Decision – Appeal Dismissed
50. 2019/91617 Store adj, 5, Fernside Avenue, Almondbury, Huddersfield, HD5 8NR – Demolition of existing builders store/depot and erection of 5 dwellings,

- formation of new access road and parking area - Officer Decision – Appeal Dismissed
51. 2019/91613 27, King Street, Huddersfield, HD1 2PZ - Telecommunications notification for installation of communications hub – Officer Decision – Appeal Dismissed
 52. 2019/91619 45-47, New Street, Huddersfield, HD1 2BQ - Telecommunications notification for installation of communications hub (within a Conservation Area) – Officer Decision – Appeal Dismissed
 53. 2019/91646 Land adj, 93, Holmfirth Road, Meltham, Huddersfield, HD9 4DD - Work to tree TPO 27/18 – Officer Decision – Appeal Dismissed
 54. 2019/91748 Roselyne, 124, Greenhill Bank Road, Totties, Holmfirth, HD9 1UN - Erection of first floor extension to form two storey dwelling – Officer Decision – Appeal Dismissed
 55. 2019/92016 adj, 7, Manor Houses, Mill Bank Road, Meltham, Holmfirth, HD9 4AU - Erection of detached dwelling – Officer Decision – Appeal Dismissed
 56. 2019/92102 20, Seymour Walk, Meltham, Holmfirth, HD9 4BP - Work to TPO(s) 50/95 – Officer Decision – Appeal Dismissed
 57. 2019/92240 The Sun, 137, Highgate Lane, Lepton, Huddersfield, HD8 0HJ - Change of use of land to pub garden and play area – Committee Decision – Appeal Dismissed
 58. 2019/92251 Mount Pleasant, Burnt Platts Lane, Slaithwaite, Huddersfield, HD7 5UZ Erection of detached garage and outbuildings – Officer Decision – Appeal Dismissed (Costs application refused)
 59. 2019/92714 46 , Golcar Brow Road, Meltham, Holmfirth, HD9 5LD - Erection of single storey extension – Officer Decision – Appeal Upheld
 60. 2019/92788 The Co Operative Food, 91-95, Leymoor Road, Longwood, Huddersfield HD3 4SJ –Conversion and alterations to retail storage roof space to form 4 apartments (C3) with 4 parking spaces - Officer Decision – Appeal Dismissed
 61. 2019/92845 88, Fitzwilliam Street, Huddersfield, HD1 5BB - Work to TPO(s) 23/79 within a conservation area – Officer Decision – Appeal Dismissed
 62. 2019/92861 53, Cobcroft Road, Fartown, Huddersfield, HD1 6EX - Erection of two storey side extension (modified proposal) – Officer Decision – Appeal Upheld
 63. 2019/92927 The Farmhouse, Bradley Hall Farm, Lower Quarry Road, Bradley, Huddersfield, HD2 1FN - Erection of detached garden room – Officer Decision – Appeal Dismissed

64. 2019/92977 5, Scar Top, Golcar, Huddersfield, HD7 4DT – Listed Building Consent for removal and re-build of part of garden wall and excavate to road level to form parking area (within a Conservation Area) - Officer Decision – Appeal Dismissed
65. 2019/93111 1A, Heaton Road, Gledholt, Huddersfield, HD1 4HX - Erection of extensions and alterations to coach house to form dwelling and alteration to highway entrance – Officer Decision – Appeal Dismissed
66. 2019/93148 Mad Nevs, 259, Wakefield Road, Moldgreen, Huddersfield, HD5 9BE – Advertisement Consent for installation of internally illuminated 48-sheet digital display - Officer Decision – Appeal Dismissed
67. 2019/93203 4, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS - Extension of dormer windows to side elevations, erection of two storey side and rear extension and exterior alterations - Officer Decision – Appeal Dismissed (Costs application refused)
68. 2019/93438 land off, Birkby Hall Road, Birkby, Huddersfield, HD2 2XA - land off, Birkby Hall Road, Birkby, Huddersfield, HD2 2XA – Officer Decision – Appeal Dismissed
69. 2019/93449 12, Chapel Street, Scapegoat Hill, Huddersfield, HD7 4NX - Erection of first floor front extension – Officer Decision – Appeal Dismissed
70. 2019/93527 Land to rear of, 330, Leymoor Road, Golcar, Huddersfield, HD7 4QL - Erection of one detached dwelling – Officer Decision – Appeal Dismissed
71. 2019/93596 former mill chimney site, adj, Glenlea, Sheffield Road, New Mill, Holmfirth, HD9 7EL - Erection of 3 dwellings and associated works – Officer Decision – Appeal Dismissed
72. 2019/93688 Lidl, Riverholme Works, Huddersfield Road, Holmfirth, HD9 3TN - Advertisement Consent for erection of one flagpole sign – Officer Decision – Appeal Upheld
73. 2019/94149 22, Ottiwells Terrace, Marsden, Huddersfield, HD7 6HB - Reinstating of garden wall and erection of mesh fencing to form cat cage (within a Conservation Area) – Committee Decision – Appeal Dismissed
74. 2020/90026 Holmfirth Vineyard Ltd, Woodhouse Farm, Woodhouse Lane, Holmbridge, Holmfirth, HD9 2QR - Variation of conditions 5 (opening hours) and 6 (noise management plan) on previous application 2016/94001 for erection of extension to and rebuilding of fire damaged winery building – Committee Decision – Appeal Dismissed

75. 2020/90167 60, High Street, Scapegoat Hill, Huddersfield, HD7 4NJ - Erection of single storey rear extension and first floor extension with balcony – Officer Decision – Appeal Dismissed
76. 2020/90243 61 , Celandine Avenue, Salendine Nook, Huddersfield, HD3 3US - Erection of 2 storey side and rear extensions and internal and external alterations – Officer Decision – Appeal Dismissed
77. 2020/90410 land at, 268, Leeds Road, Huddersfield, HD1 6PD - Erection of illuminated 48 sheet digital advertisement display panel – Officer Decision – Appeal Dismissed
78. 2020/90481 Land adj 468b, Manchester Road, Crosland Moor, Huddersfield, HD4 5BW - Advertisement consent for erection of 48-sheet digital advertising display – Officer Decision – Appeal Dismissed
79. 2020/90595 20, Arnold Street, Birkby, Huddersfield, HD2 2TB - Erection of front and rear dormer windows (within a Conservation Area) - Officer Decision – Appeal Dismissed
80. 2020/90992 53, Parkwood Road, Longwood, Huddersfield, HD3 4TT - Erection of single and two storey side extension with first floor rear balcony– Officer Decision – Appeal Dismissed
81. 2020/91452 23, Skipton Avenue, Fartown, Huddersfield, HD2 2QG - Prior notification for single storey rear extension – Officer Decision – Appeal Dismissed
82. 2019/92457 20, Wellhouse Lane, Kirkheaton, Huddersfield, HD5 0RB - 20, Wellhouse Lane, Kirkheaton, Huddersfield, HD5 0RB – Erection of agricultural building (modified proposal) and cladding of existing building - Committee Decision – Appeal Upheld (Costs application refused)
83. 2020/90422 47, Underbank Old Road, Holmfirth, HD9 1AS - Work to tree TPO 07/80 within a conservation area – Officer Decision – Appeal Dismissed
84. 2020/91444 Salter House, 10, Old Turnpike, Honley, Holmfirth, HD9 6PD - Certificate of lawfulness for existing raised decked area – Officer Decision – Appeal Upheld

Invalid appeals

85. 2019/92674 53 Parkwood Road, Longwood, Huddersfield, HD3 4TT - Erection of single and two storey side extension – Officer Decision – Appeal Invalid

Appeals lodged but subsequently withdrawn

86.2014/91289 7, Lees Avenue, Thornhill Lees, Dewsbury, WF12 0AN – Erection of two storey side and rear extensions, single storey front extension and 2 no. dormers on front elevation - Officer Decision – Appeal Withdraw

Appeals lodged against non-determination

87.2020/90251 6, Sugar Lane, Dewsbury, WF12 7AN - Erection of two storey and single storey side extension with raised terrace – Non determination – Appeal Dismissed

88.2020/90842 Wood Lea, Stretch Gate, Shelley, Huddersfield, HD8 8ES - Wood Lea, Stretch Gate, Shelley, Huddersfield, HD8 8ES – Certificate of lawfulness for proposed erection of out-building -Non- determination – Appeal Dismissed

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: 31-Mar-2021

Subject: Planning Application 2020/93358 Erection of 52 dwellings Land east of, Abbey Road, Shepley, Huddersfield, HD8 8FG

APPLICANT

Stewart Brown, Yorkshire
Country Properties

DATE VALID

16-Oct-2020

TARGET DATE

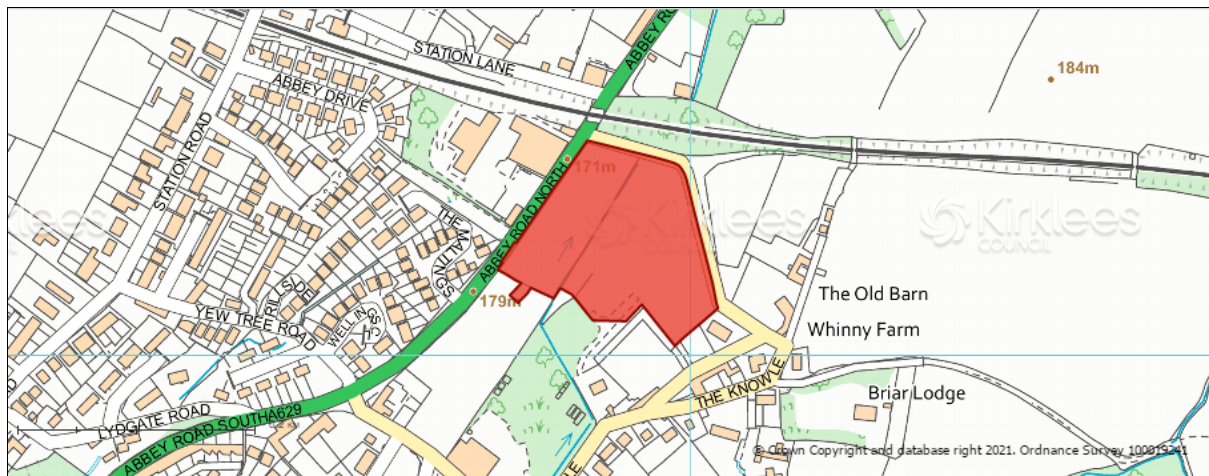
15-Jan-2021

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: Kirkburton

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 secure minor amendments to the layout for Highway adoption requirements, complete the list of conditions including those contained within this report and to secure a Section 106 agreement (giving due consideration to the planning obligations secured within the Section 106 Agreement for planning application reference: 2019/91569) to cover the following matters:

- 1) Affordable housing – 10 affordable dwelling houses of which 5 dwelling houses (1-bed) would be starter homes, 2 dwelling houses (2-bed) would be discounted sale and 3 dwelling houses (1-bed) would be for social/affordable rent.
- 2) Education – £64,537 towards Kirkburton Middle School.
- 3) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £35,240.92 financial contribution, and £10,000 towards Travel Plan monitoring.
- 4) Open space – £62,073 contribution towards off-site provision.
- 5) Biodiversity – £43,400 contribution towards off-site measures to achieve biodiversity net gain.
- 6) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- 7) Adjacent land – Agreement to allow vehicular connection to the adjacent land (within allocated site HS203) without unreasonable hindrance.

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

1.0 INTRODUCTION:

1.1 This is an application for full planning permission, for a residential development of 52 dwellings.

1.2 The application would normally have been presented to the Heavy Woollen Sub-Committee as the site is larger than 0.5 hectares in size but under the 60 dwellings threshold. However, the planning application site forms part of Phase 2 of a housing site allocation (Reference: HS203) and Phase 1 (Reference: 2019/91569) of this site allocation was presented to the Strategic Planning Committee on 24th June 2020. Therefore, for consistency, it has

been decided that this planning application should also be determined at Strategic Planning Committee.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is located to the east of Abbey Road North (the A629) and to the south of the Penistone railway line. The site has a street frontage to The Knowle to the north and abuts the curtilages of existing residential properties also found on the Knowle to the south. To the south-west is a former agricultural field that has recently been approved for 31 dwelling houses (also known as Phase 1) (Reference: 2019/91569). Further afield, there is a partly-wooded area associated with Eastfield Mills site (currently in employment use) and to the north west there is an employment site used by CTS Bridges.
- 2.2 The application site is irregular in shape and measures 1.91 hectares. It consists of two medium-large agricultural fields and predominantly grassland, denoted by dry stone walls and post/wire fencing. Upon visiting the site, it appeared that it was presently being used for growing of Christmas trees. In the central and eastern areas of the site are several small outbuildings and a concrete floor slab to a former building. A single greenhouse is also located in the south east of the site.
- 2.3 The site slopes from south to north at a grade of approximately 1 in 9, from a high point of 183.75m AOD in the south eastern corner towards a low point of 168.80m AOD in the central northern area.
- 2.4 The site is not within a conservation area and there are no designated heritage assets within or adjacent to the site. The nearest listed building is a 19th century milestone close to the junction of Abbey Road South and Lydgate Road, which is Grade II listed.
- 2.5 There are no significant or TPO-protected trees within the application site, however protected trees can be found in the immediate vicinity to the north of The Knowle and to the south. A Bat Alert and Twite buffer zones cover most of the site. All of the site is within an SSSI Impact Risk Zone.
- 2.6 The western field is within a Development Low Risk Area as defined by the Coal Authority, whilst the eastern field is within a Development High Risk Area. The 250m buffer zone of a historic landfill site (north of The Knowle) covers all of the site.
- 2.7 No public rights of way cross the application site.
- 2.8 Overhead electricity lines start in the north west and head eastwards adjacent the northern boundary. A second set of overhead electricity lines start adjacent the western boundary and head southwards.
- 2.9 A watercourse dissects the site, following the line of a stone wall that divides the two fields and exits the site to the north beneath Knowle Road before being culverted beneath the railway embankment.
- 2.10 The application site is part of a larger site allocated for housing development in the Local Plan (Reference: HS203). The adjacent Eastfield Mills site is also allocated for residential development (site allocation HS197).

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of 52 dwellings.
- 3.2 A single vehicular access to the site is proposed off Abbey Road North, from which a new estate road would extend north-eastwards. The proposed access would eventually be the main access point for the recently approved housing development to the south west. The proposed estate road consists of a hierarchy of streets, with a standard carriageway design with two footways at the site access, which would in turn connect to streets defined by shared principles, some of which connect to private driveways. Footpath links are proposed to the north west and south east corners with Abbey Road North and the Knowle, respectively.
- 3.3 Dwellings would be arranged around the new estate road. There are 10 one-bedroom terrace, 1 two-bedroom bungalow, 13 three-bedroom semi-detached/terrace, 8 three-bedroom detached, 16 four-bedroom detached and 4 five-bedroom detached dwelling houses. Majority of the proposed dwelling houses are two storeys in height (some with attic rooms). To the south eastern corner of the site 7 two/three storey split level dwelling units are proposed. Pitched roofs, gables, quoin and kneeler detailing, chimneys and other features are proposed.
- 3.4 In relation to affordable housing, the applicant has proposed 10 affordable dwelling houses. These would comprise of eight 1-bed dwellings and two 2-bed dwellings located between the site's frontage with Abbey Road and adjacent to the watercourse.
- 3.5 All dwellings would have off-street parking, provided in driveways and garages. The site layout shows how 13 visitor parking spaces would be able to be accommodated within either designated bays and within the carriageway.
- 3.6 Publicly-accessible open spaces are proposed between the site entrance and Phase 1, along the proposed un-culverted watercourse, as well as to the north of the site at The Knowle - Abbey Road intersection.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 For this particular application site:

2010/92063 - Application for planning permission for erection of an agricultural Polytunnel (retrospective application). Conditional Full Permission (15/10/2010)

98/90858 - Outline Application For The Erection Of Extension And Formation Of Site Access. Withdrawn (02/06/1998)

97/91773 - Outline Application For Erection Of Extension And Formation Of Site Access. Withdrawn (10/7/1997)

4.2 For the neighbouring site to the south (Phase 1):

2020/93577 - Discharge of conditions 3 (Construction (Environmental) Management Plan), 5 (internal adoptable road and widened footway) and 11 (Arboricultural Method Statement and Tree Protection Plan) of previous permission ref: 2019/91569 for erection of 31 dwellings. Pending Consideration.

2020/94396 - Discharge of conditions 9 (electric vehicle charging), 10 (waste storage and collection), 12 (drainage scheme), 14 (remediation strategy), 17 (sound insulation), 18 (crime prevention) and 19 (external materials) of previous permission 2019/91569 for erection of 31 dwellings. Pending Consideration.

2020/94398 - Discharge of condition 24 (biodiversity net gain) of previous permission 2019/91569 for erection of 31 dwellings. Pending Consideration.

2021/90188 - Non material amendment to previous permission 2019/91569 for erection of 31 dwellings. Pending Consideration.

2021/90204 - Non material amendment to previous permission 2019/91569 for erection of 31 dwellings. Pending Consideration.

2019/91569 - Erection of 31 dwellings. Section 106 Full Permission (30/09/2020)

4.3 There is a number of minor planning applications and certificate of lawfulness made on land to the south west of the site. However, none are considered relevant for this particular planning application.

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

5.1 The applicant requested pre application advice on 22nd July 2020 (Reference: 2020/20323). Advice was provided by email correspondence in July 2020. In summary the following key points were raised:

- Consultation - Ward Members should be involved in pre-application discussions.
- Masterplanning - Any masterplan should have buy-in from all parties. Depending on the nature of the deals you have with landowners, those parties may need to be involved in discussions.
- Highways - The emerging proposals would benefit from early input on Highways Section 38 matters from relevant colleagues, and options for through-routes, arrangements for punching a vehicular connection through the north end of the current application site, re-provision of any on-street visitor parking displaced by this connection, and other matters. Highways Development Management have provided the following comments:
 - Visitor parking should be demonstrated to total 21 spaces over the site.
 - Inter-visibility should be shown around the bends, particularly in front of 53 and 62.
 - Swept-path analysis of a car and a refuse vehicle freely passing around the same bends should be provided. Localised widening may be required if this is not currently achievable.

- Affordable housing provision – Reference to paragraph 10.49 of committee report for Phase 1 (Reference: 2019/91569), which notes that a wider range of affordable housing tenures will be required for the larger part of the allocated site. Whilst there is a place for starter homes in the borough's southern villages, there is also a need for social/affordable rent homes, and major developments are expected to include these tenures within their affordable housing provisions.
- Section 106 matters, particularly in relation to how contributions would be apportioned across the permissions.
- Drainage matters – Technical input from the Lead Local Flood Authority would be helpful.
- Open space provision across the site – Depending on the number of units proposed, requirements for specific types of on-site playspace may be triggered.
- Biodiversity matters – Requirements for biodiversity net gains now apply, and every effort should be made to achieve this on-site (and compensatory measures designed into a scheme) before off-site provision or contributions can be considered.
- Local public consultation at pre-application stage – Although this is not mandatory, it is strongly encouraged, particularly for major developments of this scale. Cllr John Taylor has previously mentioned that the village magazine could be used to publicise work on a masterplan, and that a public meeting would be useful.
- Nationally Described Space Standards – In phase II, all units should be compliant (The Starter Homes in the 31-unit scheme were undersized, which is unlikely to be considered acceptable in future proposals).

5.2 The submitted Design and Access Statement, explains that in August 2020 the applicant provided local residents with a mailshot containing a letter of introduction and explanation of proposals for part of the allocated site. This included a satellite image with a red line boundary identifying the parcel of land under consideration, and an early sketched scheme. The letter provided contact details for the applicant. Details of responses from local residents have not been summarised in the application submission.

5.3 During the life of the current application, the applicant has held numerous virtual meetings with officers to discuss masterplanning, highways, biodiversity, affordable housing and other planning matters relevant to the application. Additional information relating to unit sizes, climate change and sustainability, drainage, parking, waste provision and collection and open space were submitted.

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 (2019):

6.2 The application site is part of a larger site allocated for residential development in the Local Plan (site allocation HS203). HS203 relates to 3.54 hectares (gross) / 2.61 hectares (net, excluding a since-removed pond, protected trees, existing development and a watercourse from the developable area), sets out an indicative housing capacity of 91 dwellings, and identifies the following constraints:

- The provision of a wider pedestrian footway is required across the site frontage
- Within a Source Protection Zone
- Surface water issues
- Noise source near site – railway noise and noise from industrial uses
- Part of this site lies within a UK BAP priority habitat
- Part/all of the site is within a High- Risk Coal Referral Area
- Protected trees on part of the site

6.3 The site allocation also identifies the following other site-specific consideration:

- Pond to be retained (UK BAP priority habitat)

6.4 Of note, not all of the above constraints and considerations apply to the application site.

6.5 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
- LP35 – Historic environment
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- 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 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 Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)

Climate change

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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

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 are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making 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 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 – national described space standard (2015, updated 2016)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised as a major development.

7.2 The application has been advertised via five site notices posted on 21/10/2020, an advertisement in the local press dated 31/05/2019, and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for this initial publicity was 06/11/2021.

7.3 Fourteen letters of representations were received and redacted versions can be found online. The following is a summary of the points raised:

- Unacceptable increase in numbers of children to Shepley First School that is currently full
- Unacceptable increase in numbers on local doctors surgery
- Unacceptable impact on local dentists
- Electricity supply in this area has continual problems with repeated power failures what work is planned to increase capacity and reliability
- Water and sewerage supplies are also on the limits of capacity
- Impact on drainage
- Serious increase in traffic load with risk of increase in accidents with entry/exit almost opposite entry to Maltings. Alternative entry exit is opposite Yew Tree Road which also has visibility problems and HGV use to Shepley Springs
- Unacceptable increase in traffic
- An extra junction onto Abbey Road
- Only 6 visitor parking spaces for 60+ houses
- Request for a 'service corridor' between an existing residents fence/wall and the proposed properties
- Yorkshire Country Properties build in natural stone with stone slate roofs in keeping with the village. Their site at Netherthong is an absolute credit to them showing caring detail to build a dry stone walled entrance which is very attractive. This would be a great improvement to the entrance to the village.
- As a resident on The Knowle I understand the preference to avoid the interference of village building work, I do however believe the end result will be worth it.

- With the multiple ownerships of the site, the small areas of land have never been economically viable for anything and are unsightly and depressing as people drive on the A629 corridor into Huddersfield.
- The combined development of 80+ houses surely warrants a decent playground. Or alternatively, a considerable contribution should be made to completely re-do the playground next to Shepley school
- Complete lack of engagement from the developer with locals and lack of awareness of this development.
- The development will have an effect on the neighbouring properties with the number of proposed dwellings and subsequent impact on highway safety and traffic
- As usual, this development scheme squeezes as many houses it can into the space available
- The development contains the minimum number of smaller properties and only includes one bungalow which is the only 2 bedroom property. Given the need for more suitable accommodation in the area for the elderly who may wish to downsize (subsequently freeing up more houses appropriate for families) and the disabled. Consideration should be given to include more appropriate bungalows in the plans.
- The plans do not appear to follow appropriate planning guidance as they have placed all the one-bedroom properties together. Existing tenure proposals do not match local need.
- Considering the character of the Knowle and surrounding areas, previous developments nearby are more in keeping with the kind of dwellings historically built in the area. It is clear that more consideration has been given to the profitable outcome in developing the land above the benefits of such a development to the area
- It is also our understanding that proposed sites of over 51 dwellings requires some provision of a play area which is not listed on the proposed plans
- The plan shows a direct footpath from the development onto the lane marked as the Knowle, which would be very dangerous as it is near to the corner of the lane. This lane is required to remain open as it is the only other access road to the Knowle in the case of an emergency. If any changes were to be made regarding the safety of the road it should be one way coming from Abbey Road and marked unsuitable for heavy goods
- In heavy and persistent rain this road as a flow of water equal to any fast flowing stream which results in the lane near to Abbey road entrance being flooded. Highways repairs the road due to the rains and flow of water washing away the sides of the road. Surface water is a major problem in this area and is not appropriately noted in the submission documents of the plans.
- The current submission does not have an appropriate ecological assessment of the watercourse.
- Proposal to elevate the plots adjacent to the Knowle lane by 2m above current road level as more of an impact on the landscape and the surrounding properties. It would also add to the run off of surface water down to the area where water currently collects
- One of the submitted reports suggests that there is a flood risk to the north of the development on the Knowle of a potential depth of 1m above existing road level

- Currently the lane noted on the maps as the Knowle is edged with a drystone wall and it is not clear if this will be retained and the fencing of the proposed house gardens will go on the inside of the wall which runs from the top of the lane down to Abbey road and proceeds up Abbey road. This is an old wall and should be retained and repaired in keeping with the area
- The causeway on Abbey road in front of the development is narrow and the plans show a direct pedestrian footpath onto Abbey road which if used by children could result in fatalities
- It is already noted in the submission documents that the proposed site is a UK BAP priority habitat. Presently much wild life can be seen on the land and the surrounding countryside which would be greatly impacted on with the number of proposed dwellings. I have noted that a previous request from Phase 1 is still outstanding for an appropriate updated EclA and EPS surveys and is very relevant to the phase 2 proposed development area.
- The plans of the proposed development show an access road to the edge of the development below the existing property attached to the land near to the marked containers. It appears on the plan that this road is connected to the Knowle and could be interpreted as potential for future development. It should be clearly marked why this access road has been made
- The planning application is accompanied by Phase 1 Geo-environmental Report, October 2020, prepared for the proposed development in phase 2. Appendix B includes a Coal authority report stating a detailed stage 11 ground investigation for the proposed development. Maps included in this section highlight Phase 1 area which are not accurate and needs clarifying
- In the site layout the houses on the lane are described as 'Detached dwellings and changes in topography distinguish 'The Lane' from other character areas. Each dwelling will step up or down responding to ground levels and road gradient as levels change in this steep part of the site'. We would like to understand how this effects views from current surrounding properties and how this may be affected following the investigation of coal seams and potential ground work. The proposal of a series of split-level dwellings arranged along the south east boundary will also have a big impact on adjacent properties and their present outlook.
- I live on The Knowle, very close to the above application, and have no issues with the planned development from information provided. I would actively support it as an improvement to the area. I have never had issue on the side road by viaduct discussed in the comments; I occasionally drive along it and regularly walk along here with my family.
- Firstly, I am relieved to see that the proposed development will not permit vehicular entrance or exit between The Knowle and the new development itself. However, pedestrian access to and from the new development is proposed into the single track tarmac roadway (which I think of as an extension to The Knowle) which leads from The Knowle down to the main road, A629, adjacent to the railway bridge virtually opposite the Cask & Spindle public house.
- This roadway is narrow & the single track road would not be safe usage for pedestrians if they were able to utilise it from the new development. Either pedestrian access to the roadway should not be permitted in the interests of safety, or alternatively, vehicle usage of this single track entry/exit to The Knowle should be stopped with bollards at the bottom by the A629 & a suitable sign at the top indicating no through way for vehicles. In any event, it is already dangerous for traffic to use this roadway as a means of

gaining access to the A629 due to the "blind bend" created by the railway bridge structure itself

- Adverse impact on sunlight and daylight and privacy of neighbouring property with the building of seven split level semi detached houses right up to the boundary and no access channel being afforded
- There are some overhanging trees within the proposed development that are within 3 to 4 metres of my bedroom window which needs to be addressed.
- The noise, dust and general disturbance it will cause will have a significant impact on my family
- The development will have an adverse impact on the character of the most respected and residential area of Shepley
- The impact it may have on traffic could be fatal as speeding vans and cars use the lane as a shortcut and speed onto a blind corner where just below a new footpath is proposed which would be extremely dangerous – serious consideration should be given into making that part of the road from Holmlea to the Bridge pedestrian only.
- The planning application does not meet national and local validation requirements and should be invalid.
- Concerns regarding the modelling and professional assessment within the Flood Risk Assessment, Transport Statement and Geo Desk Study. There is a risk of substantial harm to road users of all modes, a risk to life and property in terms of flood risk from fluvial and groundwater and a risk of harm to human health and controlled waters.
- We like the general concept, as new housing is needed, that there are some smaller properties, the good mix of sizes and styles, the areas of open space, the through walkways, to encourage walking access.
- Concerns: there is insufficient parking, especially for Visitors; Households with adult children (a growing trend) which may have 3 or 4 cars; smaller / starter homes; Road and pavement widths are insufficient to accommodate extra vehicles. The development may meet a minimum standard, but does not reflect reality.

7.4 An adjacent landowner has been in contact with the case officer to discuss masterplanning of the wider allocated site, and to ensure that the future development of his land is not prejudiced by the current proposals. Concerns have been raised in particular about the potential of the creation of a 'ransom strip' situation.

7.5 Ward Cllrs have been consulted as part of this application and Cllr John Taylor has been involved in discussions with officers and the applicant team. During the course of the application Cllr John Taylor has raised the following matters:

- The planning application should include The Knowle and assess whether it should be closed to vehicular traffic to help improve highway safety with the Abbey Road North and to help prevent 'fly tipping' opportunities.
- The masterplan does not show the approved vehicular access to Phase 1 being closed off, if and when Phase 2 is developed.
- Use and design of the public open space.
- Can the proposed transport contributions be used to enhance local footpaths and cycle routes.
- With reference to 'How good is our place' initiative demonstrates that Shepley is in need of affordable starter homes for young adults.

- 7.6 Kirkburton Parish Council – No comment.
- 7.7 Amendments made to the proposals during the life of the current application, and additional information submitted by the applicant, did not necessitate re-consultation.
- 7.8 Responses to the above comments are set out later in this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – No objections, subject to further amendments to plot 60 with regards to forward visibility and further details for the footpath link with The Knowle. The proposed development constitutes the second phase of a residential scheme on land allocated for this use in the adopted local plan. The first phase for 31 dwellings was conditionally approved in September 2020.

KC Lead Local Flood Authority – No objection, subject to the imposition of conditions requiring drainage details, separate drainage systems, watercourse piping, flood risk runoff assessment, overland flow routing and construction phase surface water flood risk and pollution prevention plan. There should also be a planning obligation to secure the necessary management and maintenance of surface water drainage systems.

The Coal Authority – No objection, subject to the imposition of condition requiring intrusive site investigation works, any remediation works and/or mitigation measures to address land instability.

8.2 Non-statutory:

KC Ecology – No objection, subject to securing the necessary planning conditions and obligations.

KC Conservation and Design – The impact of the proposed development on the setting of the Shepley Conservation Area, has been considered and there would be no harm. Conservation and Design therefore have no concerns about the proposed development on heritage grounds. With regards to the general design of the proposed development, Conservation and Design have no particular concerns, the proposals respond suitably to local character.

KC Education – £64,537 education contribution required.

KC Environmental Health – Unable to support the current layout due to likely excessive noise levels at outdoor amenity areas at some plots. Conditions recommended with regards to noise, land contamination, securing electric vehicle charging points, as well as securing a Construction Environmental Management Plan.

KC Landscape – No objection, subject to planning conditions securing the necessary hard and soft landscaping details as well as a financial contribution of £62,073 towards off-site open space provision (taking into account 2,134 sqm proposed on-site). The off-site lump sum will go to existing facilities in the vicinity such as Shepley Rec and/or Jos Lane.

KC Planning Policy – Principle of development on the site for residential is accepted, as the site is allocated for housing development in the Local Plan. The site is part of a wider housing allocation, and it should be planned comprehensively in conjunction with neighbouring parts of the housing allocation, in accordance with policy LP5. Further detailed advice provided regarding other relevant policies.

KC Public Rights of Way – No objection. Welcomes the path link to The Knowle and would welcome the protection of this as part of the adoption process.

KC Strategic Housing – No objection. There is considerable demand for 1 and 2 bed homes in the area. The applicant is now proposing 8 x 1 bed homes and 2 x 2 bed homes as the affordable allocation, which is acceptable.

KC Trees – No objection. There are no protected trees affected by this proposal and none that would meet the criteria for a new tree preservation order to be served. On that basis there are no objections, however we do need to see a detailed landscaping scheme to include a scheme of new tree planting.

KC Waste Strategy – No objection, subject to a condition requiring

Northern Gas – No objection.

The Coal Authority – No objection subject to the imposition of conditions to secure the necessary site investigation and remediation work.

West Yorkshire Police Designing Out Crime Officer – Supports the proposal in principle but requests a planning condition to provide further details regarding boundary treatments and gates for rear gardens, street lighting, panting and vegetation. Specific advice provided regarding proposed windows, fences and lighting. General advice provided regarding footpaths, boundary treatments, open space, planting, lighting, doors, windows, parking, CCTV and alarms.

West Yorkshire Archaeology Service – No objection. The West Yorkshire Historic Environment Record has been checked and there are no apparent archaeological implications to the proposed works.

Yorkshire Water – No objection.

Yorkshire Wildlife Trust – Queries raised regarding the ecological information provided and have requested that the proposal should demonstrate a 'measurable' net gain in biodiversity.

9.0 MAIN ISSUES

- Land use and principle of development
- Climate change and sustainability
- Urban design issues
- Residential amenity and quality
- Noise

- Housing mix and affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Trees and ecological considerations
- Environmental and public health
- Ground conditions
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL

Land use and 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 Full weight can be given to site allocation HS203, which covers the application site and other land to the north and northeast, and which allocates the site for housing. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land was also demonstrated to be necessary in order to meet development needs. Regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector (referring to the site when it was numbered H652) stated:
- “...site H652 mainly comprises a series of open fields, but is contained by development on three sides, and by a railway line and strong field boundaries to the north. As such its relationship with the open countryside is limited. In this context, and having regard to the sustainability of the location and identified housing needs, I conclude that exceptional circumstances exist to justify the release of [this site] from the Green Belt”.*
- 10.4 Given the above, it is considered that the proposed residential use, and the principle of residential development at this site, is policy-compliant.
- 10.5 The 52 dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan.

Climate change and sustainability

10.6 The applicant's Design and Access Statement briefly refers to relevant planning policies that mention sustainability, but does not explain how the proposed development would help to address or combat climate change effects. In response to an officer request, the applicant provided the following further information in relation to climate change and sustainability:

- *Plots have been orientated to maximum sunlight.*
- *Garages are 6m x 3m allowing for cycle storage.*
- *The wall and roof finishes will be in natural materials which are to be sourced locally.*
- *Other materials will be locally sourced where possible. This will apply mainly to generic and natural materials.*
- *The buildings will be designed to achieve excellent air tightness and use low U-value materials which will reduce heat loss and require less energy to heat the home.*
- *Good design and workmanship will lead to reduced thermal bridging. Thermal bridging can have a detrimental effect on the thermal efficiency of a building.*
- *Any recyclable materials will be properly dealt with on site to reduce waste being sent to landfill.*
- *Take-back schemes will reduce waste materials on site and reduce the requirement of landfills. These materials can then be recycled back into the production process making normally unsustainable materials more sustainable.*
- *Concrete will be used, however this provides dwellings with a source of heating energy through its thermal mass, reducing the energy input from the heating source.*
- *Surface water drainage will be attenuated on site making no greater demand on the existing mains drainage system.*

10.6 Some positive weight can be attached to the above information, although this weight is limited by the fact that some of the proposed measures don't go further than the requirements of the Building Regulations and/or could not be secured through the council's decision on the current planning application. Furthermore, the applicant has not provided figures for the amount of energy, water and materials that would be saved, nor confirmed how energy-efficient or close to zero carbon the development would be.

10.7 Officers note, however, that measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage for residents) and electric vehicle charging points would be secured by condition, should planning permission be granted. 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 will need to account for climate change.

10.8 The application site is a sustainable location for residential development, as it is relatively accessible and is adjacent to an existing, established settlement that is served by public transport and other facilities.

- 10.9 Shepley currently has a convenience shop, a pub, a library, a post office, a health centre, a primary school, places of worship and other facilities, such that many of the daily, 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 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 issues

- 10.11 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24 are relevant to the proposed development in relation to urban design, as is the National Design Guide.
- 10.12 The application site is subject to constraints relevant to design. The site is highly visible from Shepley's main road, and also from The Knowle. The visibility of the site from public vantagepoints is further enabled and enhanced by its topography (The application site has a steady fall of approximately 15m from south to north) and the low dry stone wall that encloses it. The amenities of existing neighbouring residents, existing watercourse, drainage and adjacent allocated land (and the need for a masterplanned approach to the wider allocated site) are also factors and constraints that will (or should) influence the design of any development at this site.
- 10.13 The Local Plan Inspector in her report of 30/01/2019 noted that the wider allocated site is contained by development on three sides, and by a railway line and strong field boundaries to the north, and as such its relationship with the open countryside is limited. Although the application site does not extend as far north as the railway line, it still has a degree of enclosure and containment from the open countryside beyond Shepley, it is located at the edge of the settlement's main built-up area, and development of this site would not significantly erode important green spacing between settlements or result in unacceptable sprawl. Although the proposed development would inevitably bring about change to the landscape and character of this part of Shepley, it is considered that the site can be developed without causing significant landscape harm.
- 10.14 Local Plan policy LP5 (regarding masterplanning) is relevant to this application, not least given that land immediately to the north and northeast of the application site is within the same site allocation, and adjacent land to the southeast is also allocated for residential development. Local Plan policy LP7 is also relevant, and states that, to ensure the best use of land and buildings, proposals must allow for access to adjoining undeveloped land so it may subsequently be developed. Paragraph 6.41 of the Local Plan states that the council will continue to positively support measures to ensure the best use of land and buildings, including through the application of relevant policies to ensure land is not sterilised for development.
- 10.15 A masterplanning approach has been applied by officers when assessing the proposed development. Ideally, a single application would have been submitted for the entire allocated site (and, if possible, for the adjacent allocation site ref: HS197). However it must be noted that Local Plan policy LP5 in some cases will need to be applied flexibly where allocated sites are in

fragmented ownership, where different landowners and developers may be working to different timeframes, and where acceptable (yet separately-designed) schemes are (or could be) brought forward in accordance with an indicative masterplan. In this particular case, the council cannot reasonably insist that the various parts of the allocated site be developed simultaneously by the same developer. A co-ordinated, complimentary development, that makes the best and most efficient use of the land, and that does not sterilise (or otherwise compromise) any other part of the allocated site, is considered essential.

- 10.16 The applicant has responded positively to the requirements of Local Plan policy LP5 and has entered into negotiations with the other owners of land within site allocation HS203. The applicant has prepared an indicative masterplan of the majority of the allocated site which illustrates how the wider development could be accessed from a single vehicular entrance off Abbey Road North. The indicative masterplan also allows for later development of the small part of the allocated site which one of the landowners is currently not willing to release. Crucially, in relation to the current application, the indicative masterplan confirms that the current 52-unit scheme can form an integrated part of the wider development and can be built so that it does not sterilise or otherwise compromise any other part of the allocated site.
- 10.17 As previously mentioned, the applicant has already had recent planning permission for a site within the same site allocation to the south west of the site for 31 dwelling houses (Reference: 2019/91569). The masterplan labels this development as Phase 1. If this planning application is approved, the approved vehicular access for Phase 1 would be closed to vehicular traffic. The proposed masterplan and site plan both show a vehicular connection would be established between Phase 1 and the application site, which is recognised as phase 2. This masterplanning approach is consistent with the agreed vehicular permeability, secured by Section 106 Agreement as part of Phase 1. This approach would not compromise highway safety. It would also trigger further financial contributions for public open space, education and travel plan monitoring for this particular phase.
- 10.18 Provision has been made in the current proposals for a future vehicular connection with the rest of the site allocation, to the west between plots 79 to 83. It is considered that there is sufficient space to establish an adoptable access road which would be acceptable from a highway safety perspective. The applicant is willing to include planning obligations in a Section 106 agreement to ensure that the creation of this vehicular connection would not be unreasonably hindered and as such would be compliant with Local Plan policy LP5.
- 10.19 For the 52-unit scheme currently before the council, an acceptable layout has been proposed. The proposal would introduce a loop estate road with a number of private drives and parking. Information has been submitted to demonstrate that this layout would be able to be safely used by refuse collection vehicles. The proposed layout is legible, and includes pedestrian connections between Abbey Road North and The Knowle, via the new estate road. This proposed pedestrian connection accords with Local Plan policies LP20, LP24dii and LP47e, and would eventually provide a convenient route (away from the traffic of Abbey Road North) for residents of Knowle Park Avenue (and other streets) moving to and from Shepley railway station via the existing footpath between Abbey Road North and Abbey Drive.

- 10.20 The proposed site layout has been arranged into several perimeter blocks and units 71 to 78 would appropriately be sited so that the rear gardens faced the rear gardens of existing properties to the south. In the main, the proposal would ensure that streets and spaces would benefit from natural surveillance and activity, with the exposure of vulnerable rear garden boundary treatments to public access kept to a minimum. However, it is acknowledged that the rear gardens of plots 63 to 70 adjacent to the Knowle and plots 82 to 83 would face the public realm. Plans show that a 0.9m dry stone wall with a 1.8m close boarded fence with lattice set behind would define plots 64 to 71 with the Knowle. However, it is unclear as to the proposed relationship between the two boundary treatments and whether there needs to be a suitable soft landscaping buffer between the two boundary treatments. This boundary edge is already defined by a dwarf dry stone wall which in places is in need of repair and it is unclear if this is the applicant's intention. As such, a condition requiring the submission of full details of all boundary treatments is recommended.
- 10.21 Outdoor areas that are not proposed within garden curtilages would need to be defined, landscaped and managed to ensure they do not become ambiguous, leftover spaces at risk of anti-social behaviour such as fly-tipping. This consideration applies to the proposed open spaces, and a number of small landscaped spaces adjacent to footpath links and visitor parking spaces. A condition related to crime and anti-social behaviour prevention measures is recommended.
- 10.22 Some neighbour representations have raised concerns about the number of dwelling houses proposed and the impact this will have on Shepley. 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. Site allocation HS203 sets out an indicative housing capacity of 91 dwellings within a developable (net) area of 2.61 hectares.
- 10.23 With 52 units proposed in a site of 1.91 hectares, a gross density of 27 units per hectare would be achieved. The exclusion of the watercourse would result in a net density of around 30 dwellings per hectare. The applicant has explained how the site's topographical constraints and footpath links has further reduced the net developable area, which are acknowledged. The delivery of 52 units on this site, combined with the delivery of 31 units on the neighbouring site would result in the development of 83 units in total. There would be 0.43 hectares of land remaining as part of this site allocation to be developed. Although, there are a number of tree preservation orders on this remaining area of land, officers believe that an additional 8 units could still be delivered. Therefore, the indicative development of 91 units across the entire site allocation is achievable and as such it is considered that an appropriate density has been proposed in accordance with Local Plan policy LP7.
- 10.24 The site layout has been arranged to work with the site levels to enable the provision of access into the site, usable gardens and acceptable gradients for the development's adoptable highways. The greatest change in levels in the shortest distance can be found to the south east of the site. The proposal

addresses this constraint with a series of two/three storey split level dwelling houses (plots 72 to 78) along the south east boundary. Officers welcome the developers approach to try to work with the existing topography rather than radically re-shape it.

- 10.25 The proposed development's estate road layout would help prevent surface water running into or pooling within residential curtilages, and ground levels and kerbs will need to be designed to direct any surface water flow away from building thresholds.
- 10.26 Like Phase 1, the proposed dwellings would visually respond reasonably well to Abbey Road North, which is the most important area of public realm that these dwellings would abut. Units 41 to 45 would face this road and would have garden gates at the back of its footway. Units 32, 46 and 50 would side onto the road but the proposed side elevations would have habitable room windows which would add the necessary visual interest and natural surveillance. Plans also show that inactive garden boundary edges for plots 32, 46 and 50 would benefit from attractive stone walls and planting areas.
- 10.27 A car parking courtyard is proposed for plots 36 to 45 to enable dwelling houses to provide a strong building frontage with Abbey Road and the watercourse. The car parking courtyard would benefit from natural surveillance from plots 47 and 48 and areas of soft landscaping would also help to break up the visual obtrusiveness of the parked car. Off-site parking is proposed for other dwelling houses in front and side driveways, and in integral or semi-detached/detached garages. With appropriate landscaping, the proposed car parking would not have an over-dominant or otherwise harmful visual or streetscape impact.
- 10.28 Fourteen house types are proposed, and variations to some of those house types are also illustrated in the applicant's submission. There are 10 one-bedroom terrace, 1 two-bedroom bungalow, 13 three-bedroom semi-detached/terrace, 8 three-bedroom detached, 16 four-bedroom detached and 4 five-bedroom detached dwelling houses. Majority of the proposed dwelling houses are two storeys in height (some with attic rooms). As mentioned earlier to take advantage of the level difference a two/three storey split level units are found along the site's southern eastern edge. The proposed mix of unit types and sizes, and the proposed predominate two storeys, would be suitably reflective of existing development nearby and typically found in settlements in southern Kirklees. Conventional massing, roof forms and elevational treatments are proposed. The number of, and variations to, house types would add interest to the proposed street scenes. Pitched roofs, gables, quoin and kneeler detailing, chimneys and other features are proposed, and these details are considered acceptable.
- 10.29 Acceptable materials (natural stone, slate, uPVC and glass-reinforced polyester) are proposed, however a condition requiring details and samples of all external materials is recommended.
- 10.30 Although some information has been submitted by the applicant, a condition requiring the submission of full details of all boundary treatments is recommended. The use of 1.8m timber fencing in locations visible from the public realm would not be considered acceptable, such as plots 80, 82 and 83. The reuse of stone from the existing, attractive dry stone walls that enclose the site would be required. Of note, the existing, attractive dry stone

wall along Abbey Road North and The Knowle. Several neighbour representations have requested that this feature should be retained and repaired, which officers agree. However, adjacent to Abbey Road North, the wall may need to be rebuilt along a new alignment to allow for widening of the footway to 2m, in accordance with the requirements of site allocation HS203, and to accommodate the required visibility splays.

- 10.31 The application site does not have a direct relationship with the nearest listed building (the 19th century milestone close to the junction of Abbey Road South and Lydgate Road, which is Grade II listed) nor the Shepley Conservation Area and does not form a significant part of their settings. It is considered that the proposed development would not cause unacceptable harm to the significance of these heritage assets. No concerns have been raised by Conservation and Design, who consider the proposals to respond suitably to local character.
- 10.32 In light of the above assessments, it is considered that the relevant requirements of chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24, would be sufficiently complied with. There would also be an acceptable level of compliance with guidance set out in the National Design Guide.

Residential amenity and quality

- 10.33 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. Some neighbour representations have raised concerns that the proposed development will have an adverse impact on residential amenity, with an existing property known as Holmlea particularly named.
- 10.34 Officers consider that acceptable separation distances are proposed between the proposed dwellings and existing neighbouring properties. The proposed distances would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook. The nearest existing property abuts the site's southern boundary and is a detached bungalow set on higher ground to the site and known as Holmlea. It is proposed that plots 72 –78, which are two/three storey split level dwelling units would present a two-storey rear elevation adjacent to Holmlea and other existing properties at The Knowle to the south. The side elevation of Holmlea consists of a window, door and conservatory. It is also partially screened by boundary vegetation. The proposed dwellings would be sited at 18.5m, which is considered by officers to be an acceptable separation distance in protecting residential amenity.
- 10.35 Some neighbour representations have raised concerns that the proposed development would mean an unacceptable additional noise, dust and general disturbance. Although, residential development would increase activity and movements to and from the site, given the quantum of development proposed, the location of the proposed site entrance, and the site's location on the relatively busy Abbey Road North, it is not considered that neighbouring residents would be significantly impacted. Furthermore, the proposed residential use is not inherently incompatible with existing surrounding uses.

- 10.36 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. Details of dust suppression measures and temporary drainage arrangements would need to be included in the C(E)MP, as would arrangements relating to construction traffic (as requested by Highways Development Management officers). An informative regarding hours of noisy construction work is recommended.
- 10.37 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.38 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	House Type Description	Number of units	Sqm (GIA)	NDSS (GIA)
Affordable				
A1	1-Bedroom Terrace House	8	58.2	58.0
B	2-Bedroom Semi-Detached House	2	71.8	70.0
Market				
A1	1-Bedroom Terrace House	2	58.2	58.0
BU	2-Bedroom Detached Bungalow	1	90.3	79.0
C	3-Bedroom Semi-Detached House	4	85.5	84.0
C2	3-Bedroom Semi-Detached House (RIR)	2	101.0	99.0
D	3-Bedroom Detached House	6	114.1	106.0
D1	3-Bedroom Detached House	3	87.6	84.0
L1	5-Bedroom Detached House	2	186.5	134.0
N	4-Bedroom Detached House	3	164.0	124.0
P	4-Bedroom Detached House	4	146.5	124.0
S	4-Bedroom Detached House	2	145.5	124.0

T	5-Bedroom Detached House (RIR)	2	195.7	130.0
U	4-Bedroom Detached House	2	117.5	106.0
W	3-Bedroom Split Level Detached House	7	130.4	99.0
V	4-Bedroom Semi Detached House	2	129.6	115.0

- 10.39 All of the proposed dwellings would benefit from dual aspect, and would be provided with adequate outlook, privacy and natural light. Adequate distances would be provided within the proposed development between new dwellings.
- 10.40 All dwellings would have WCs at their entrance level, providing convenience for visitors with certain disabilities. No dwellings would have bedrooms on their entrance level, although several units would have habitable rooms at ground floor level that could be converted to bedrooms.
- 10.41 All of the proposed dwellings would be provided with adequate private outdoor amenity space, commensurate to the scale of their host dwellings.
- 10.42 Public open space measuring 2,043sqm in total is proposed at the site entrance and Phase 1, along the proposed un-culverted watercourse, as well as to the north of the site at The Knowle - Abbey Road intersection. The proposal does trigger Local Plan policy LP63 requiring a variety of green space typologies, totalling 5,253.04sqm. The Kirkburton ward is deficient in recreational grounds and natural and semi-natural greenspace. As such, an off-site financial contribution of £62,073 would be required to make up the shortfall in certain public open space typologies. This can be secured by Section 106 Agreement, in accordance with Local Plan policy LP63.
- 10.43 Although some details of landscaping proposals have been shown on the applicant's drawings, a condition is recommended, requiring further details of the development's outdoor spaces and their purpose, design, landscaping, boundary treatment and management.

Noise

- 10.44 A Background Noise Assessment by Clover Acoustics dated 03 Aug 2020 (ref: 4423-R1) has been submitted. The report details an assessment of the existing noise levels at the site which is based on measurements made on 23 & 24 July 2020 at two monitoring locations and includes a 24-hour monitoring period. Road traffic was found to be the main source of noise. The report advises that to achieve satisfactory indoor sound levels noise mitigation measures are required.
- 10.45 Environmental Health have reviewed the report and consider it to make a satisfactory assessment of the existing noise climate and provides satisfactory recommendations for the general noise mitigation measures that will be necessary. However, Environmental Health have explained that the proposed recommended noise mitigation measures only relate to the two monitoring locations and do not consider what specification of noise mitigation, if any, is required across the whole of the site or even for which facades the mitigation

measures are necessary. Therefore, a detailed noise mitigation specification for each plot, where considered necessary will be required, which can be secured by the relevant planning conditions.

- 10.46 The report also considers the noise levels at external amenity areas and advises that the measured levels exceed the guide levels at the Abbey Road boundary of the site. It refers to plots 50 and 44 which are adjacent to this boundary and recommends that these will require acoustic screening with a close boarded fence which will reduce the measured 65dB to around 54dB, just below the 55dB criterion of serious annoyance.
- 10.47 Environmental Health have raised concerns that plots 32, 46 and 50 all have their main outdoor amenity areas immediately adjacent to the Abbey Road boundary. From the monitoring data provided in the report it appears these areas may be exposed to noise levels that exceed the recommended 50dB, even with acoustic screening. It is acknowledged that guidance considers an upper guidance level of 55dB, but this is not considered appropriate when 50dB could be achieved with an improved layout.
- 10.48 Development Management acknowledge Environmental Health concerns. The applicant has explained that the concerned plots are found within perimeter blocks where their design is restricted by either the site's proposed access, an open watercourse and a public open space accommodating the drainage attenuation facilities. Alternative layouts were presented to Development Management by the applicant to address Environmental Health concerns. However, such designs resulted in problems of achieving an efficient use of land and natural surveillance of all streets and spaces. Officers note that this issue relates to a small number of dwelling houses and the Council has already approved similar dwelling plot orientations relative to Abbey Road North at Phase 1. Therefore, Development Management do not consider the concerns raised by Environmental Health to warrant a refusal. In addition, Development Management consider that planning conditions would secure the necessary noise mitigation measures to achieve the appropriate living conditions that accorded with Local Plan policies LP24 and LP52.

Housing mix and affordable housing

- 10.49 Local Plan policies LP5 and LP11 requires masterplanned developments to provide for a mix of housing that addresses the range of local housing needs and encourages community cohesion. Neighbour representations claim the proposed development does not properly cater for the elderly who may wish to downsize nor the disabled. However, the above table demonstrates that overall the proposal would have a sufficiently varied mix of unit sizes that would cater for a range of household sizes. Thus, the proposal would help create a mixed and balanced community and would help to avoid visual monotony across the site, in accordance with these policy objectives.
- 10.50 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. The policy states that the affordable housing provision should:
- “a. cater for the type of affordable need identified in the latest housing evidence in terms type, tenure, size and suitability to meet the needs of specific groups;*

b. incorporate appropriate arrangements to retain the benefits of affordability for initial and subsequent occupiers or for the subsidy to be recycled for alternative affordable housing provision; and
c. be indistinguishable from market housing in terms of achieving the same high quality of design.”

- 10.51 The 20% policy requirement would be equivalent to 10.4 affordable units, therefore this 52-unit development would normally necessitate the provision of 10 affordable units in accordance with the Council's Interim Affordable Housing Policy.
- 10.52 Within Phase 1 six 1-bed affordable dwelling units were secured, all of which would be starter homes. The applicant initially proposed to provide ten 1-bed affordable dwelling units that would all be starter homes for this phase as well. The applicant was informed that this would be contrary to the council's preferred tenure mix of 55% social or affordable rent / 45% intermediate but that this was negotiable. Some of the applicant's justification for the proposed tenure mix relates to the applicant's preferred business model and carries no material planning weight, however the applicant has also argued that starter homes are appropriate in the borough's southern villages as they enable already-local people to get on the property ladder in locations where options may be limited. The applicant has stated that most of the interest in the starter homes under construction at the applicant's site in Miry Lane, Netherthong has been from younger members of existing local families. These points are noted, and it is accepted that providing housing of specific tenures can help foster social sustainability by enabling existing residents to stay local and maintain community. It is also noted that starter homes are indeed a form of affordable housing. That said, it has been negotiated that out of the proposed 10 affordable dwelling houses, 5 dwelling houses (1-bed) would be starter homes, 2 dwelling houses (2-bed) would be discounted sale and 3 dwelling houses (1-bed) would be for social/affordable rent.
- 10.53 All affordable housing would need to be provided in perpetuity.
- 10.54 The proposed size and locations of the affordable housing (units 38 – 45 and 50 - 51) are considered acceptable. It is noted that some neighbour representations have raised concerns regarding the location of the proposed affordable housing. Although the units are found within two development blocks they are located in prominent positions within the development, which will ensure that residents are able to form part of a sustainable community. Similar detailing and the same materials are proposed for all dwellings, which would help ensure that the ten affordable units would not be visually distinguishable from the development's market units.

Highway and transportation issues

- 10.55 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.

- 10.56 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 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.
- 10.57 The application site is located on Abbey Road North (the A629), a relatively busy road with footways on both side of the carriageway, central white line markings, and no yellow markings restricting on-street parking. A 30mph speed restriction applies to the A629 where it passes through Shepley. The site is also abutted by The Knowle to the north, which provides access to a number of residential properties.
- 10.58 The planning application is supported by a Transport Statement and highway related plans, prepared by Via Solutions. Visibility splays from the proposed new access of 2.4m x 90m in both directions along Abbey Road North have been demonstrated by the applicant and are deemed acceptable. A condition, requiring the provision of adequate visibility prior to construction works commencing, is recommended.
- 10.59 The Transport Statement claims that there would be no conflict and highway safety concerns between the proposed access point and the access point with Phase 1. Some neighbour representations have raised highway safety concerns about the proposed number of new junctions with Abbey Road North and the potential conflict with other existing road junctions, including adjacent businesses, which generate some HGV traffic. However, once access to the application site from Abbey Road North has been constructed, the applicant will have to close the vehicular access point at Phase 1. This was part of the agreed planning obligation secured by a Section 106 Agreement for planning application reference: 2019/91569. The proposed access would eventually serve all of the dwellings associated with site allocation reference: HS203. The supporting Transport Statement demonstrates that the proposed single access point with Abbey Road North would be able to support all vehicular traffic associated with the site allocation. Highways Development Management have not raised any issues with the proposed location of the junction nor object on highway safety concerns with potential conflict with other existing junctions and neighbouring land uses.
- 10.60 Plans show an appropriately designed access road with Phase 1. In addition, plans show sufficient space for an appropriate access road to be constructed in the future to serve the dwellings on the remaining land not yet released for development but within the site allocation. To accord with paragraph 3.5 of the Highways Design Guide SPD this area of land would either have to form part of the adoptable highway or there would need to be a planning obligation to allow for vehicular connection to the adjacent land (within allocated site HS203) without unreasonable hindrance. This will ensure that this area of land did not preclude future development.

- 10.61 The footway of Abbey Road North would be widened in accordance with the requirements of site allocation HS203. This would involve the dismantling and rebuilding of the existing dry-stone wall at the back of the footway, where considered necessary.
- 10.62 Plans show that the proposal would result in two footpath links with Abbey Road North and a footpath link with The Knowle. As such, the proposed development responds positively to Local Plan policies LP20, LP24dii and LP47e, which promote and require the creation of safer pedestrian environments, walkable neighbourhoods, good connectivity and permeability, and layouts that encourage active and sustainable travel. The footpath link at the south-eastern end of the application site would meet The Knowle at a location where there is no existing footway. Appropriate boundary details and surface treatments will be required to ensure that pedestrians stop and check for oncoming traffic before using The Knowle. These matters can be secured by the necessary planning conditions for boundary treatments and landscaping. During the course of the planning application, some representations were received requesting that the planning application seek The Knowle to be partially closed or restricted to vehicular traffic due to highway safety concerns and fly-tipping. A representation was received welcoming that The Knowle was not going to be considered for any such restrictions. Officers consider that any such restrictions would not be necessary for the determination of this planning application. The applicant has provisionally agreed with the Ward Councillor that they would look into this matter and work with the local community on a Traffic Regulation Order (TRO), if considered necessary. However, officers consider that the TRO would not be necessary as part of this planning application.
- 10.63 The Transport Statement has used industry standard TRICS database to forecast traffic flows for 90 dwelling houses, which is one dwelling short of the indicative site allocation number. The Transport Statement forecasts that there would be an anticipated 67 two way movements during the morning peak period and 75 two way movements during the evening peak period (and measured at robust 0.75 and 0.83 trip generation rates, respectively). Some neighbour representations have stated that the proposed development would generate an unacceptable increase in traffic. However, officers consider that the proposed traffic generated by the development (as well as the other phases) can be accommodated by the existing highway network without causing severe impacts.
- 10.64 Having regard to paragraph 5.19 of the council's Highway Design Guide SPD, the proposed development necessitates the submission of a Travel Plan. However, this can be secured as part of a planning condition. The Travel Plan would be applicable to this development and Phase 1. A contribution towards Travel Plan monitoring would need to be made. It is recommended that relevant planning obligations be secured via a Section 106 Agreement.
- 10.65 The West Yorkshire Combined Authority (WYCA) have requested contributions totalling £35,240.92 to promote sustainable travel initiatives, such as Metro cards for train travel. The amount requested by WYCA may alternatively be put to effective use in improving station facilities (such as cycle parking), pedestrian routes to Shepley station, or other measures related to train travel, all subject to consultation with Ward Members.

- 10.66 Some neighbour representations have raised concerns about insufficient parking for each dwelling. However, officers consider that an acceptable off-street parking has been proposed for each of the proposed residential units, in accordance with council's Highway Design Guide SPD.
- 10.67 Neighbour representations have raised concerns about the development's lack of visitor parking and its potential adverse impact on highway safety. As detailed in paragraph 8.1, Highways Development Management have requested minor changes to the proposed site layout plan. In the most recent proposed site layout, the applicant has illustrated how 13 visitor parking spaces would be able to be accommodated within designated bays or within the proposed carriageway. The applicant has submitted swept paths diagrams illustrating that the manoeuvring of an 11.85m refuse vehicle would not be obstructed by these spaces. The provision of visitor parking across the site is considered adequate and in accordance with the Highways Design Guide SPD.
- 10.68 Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition.
- 10.69 Conditions are recommended requiring details of a road safety audit, the surfacing and drainage of areas to be used by vehicles and pedestrians, details of internal adoptable roads, and highways structures.
- 10.70 A more recent site layout plan has showed suitable storage and collection space for bins for all dwelling houses, which is considered acceptable by KC Waste and can be secured by condition, if necessary. A condition is required to secure details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction

Flood risk and drainage issues

- 10.71 The planning application is supported by a Flood Risk Assessment (FRA), prepared by Haigh Huddleston and Associates. The application site is within Flood Zone 1. A watercourse dissects the site and runs in a north western direction and a highway drain runs beneath the footway of Abbey Road North. The application site access point to Phase 1 partially falls within a source protection zone relating to water extraction.
- 10.72 The surface water flood risk map indicates flood routes through the site along the line of the existing shallow existing watercourse and there is a risk of The Knowle to the north flooding to a potential depth of 1m above existing road levels. It is proposed to create a flood route through the central portion of the site. The proposed finished floor levels adjacent to the Knowle have also been proposed to be raised. Any overland flows are therefore not considered to be a flood risk to the site. The FRA recommends that an overland flood route is provided through the site to cater for extreme events, as is normal under the sewers for adoption criteria, and floor levels are to be based a minimum of 300mm above existing ground levels. The current layout includes for this as there is an area of public open space in the northern corner of the site, on the access road into the site where any flood water could gather before discharging into the existing watercourse as is the current situation.

- 10.73 The FRA explains how soakaway testing has been carried out on the adjacent (Phase 1) site. This has demonstrated that infiltration techniques for the site will be unviable. Further testing is planned for the proposed Phase 2 investigation works, however, this is likely to discount soakaways. As such, the proposed indicative drainage strategy shows how surface water run-off could be discharged to an attenuation tank measuring 440m³, located underneath the proposed public open space to the north east of the site. Surface water would then be carried at an attenuated design flow rate of 4.5 litres per second to the watercourse that flows to the north underneath The Knowle. This approach would follow the drainage hierarchy outlined in Paragraph: 080 Reference ID: 7-080-20150323 of the Planning Practice Guidance.
- 10.74 The FRA and plans show that the existing watercourse will have to be re-graded and cascaded to form a suitable route for the watercourse with sufficient capacity (to be able to accommodate Phase 1 and Phase 2 surface water) and to achieve a proposed culvert level at The Knowle. The FRA explains how further investigation works are required to confirm the size of the culvert and that the headwalls will need to be designed to avoid blockages and siltation ponds introduced to assist future maintenance.
- 10.75 The Lead Local Flood Authority has reviewed all of the information and has raised no objections subject to conditions securing: full drainage details, separate drainage systems, watercourse piping, flood risk and runoff assessment, overland flow routing, construction phase surface water flood risk and pollution prevention plan. Furthermore, the necessary planning obligations are required for the long term management and maintenance of the waterbody, which can be secured within a Section 106 Agreement.
- 10.76 Foul water from the proposed development would discharge to the existing combined public sewer beneath Abbey Road North. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.
- 10.77 With adequate arrangements for the collection and disposal of foul, land and surface water from the development, the source protection zone (relating to water extraction) should not be adversely affected. Therefore, subject to the necessary conditions the proposal would accord with Local Plan policies LP27, LP28 and LP29.

Trees and ecological considerations

- 10.78 The application is supported by a Tree Survey, prepared by Iain Tavendale Arboricultural Consultant. There are no significant or TPO-protected trees within the application site. However, trees adjacent to The Knowle are the subject of TPO 43/95/w1 and 43/95/w2. Also, trees to the south east of the site are subject of TPO 06/82/g4. The proposal would not affect these trees and no objections have been raised by the Tree Officer subject to a detailed landscaping scheme to include a scheme of new tree planting, which can be secured by planning condition.
- 10.79 A Bat Alert and Twite buffer zones cover most of the site. All of the site is within an SSSI Impact Risk Zone. An Ecological Impact Assessment (EclA), prepared by MAB Environment and Ecology Ltd. has been provided which identifies likely negative ecological impacts and makes recommendations for mitigative measures to avoid these. A series of conditions will be required in order to secure these measures.

- 10.80 The Yorkshire Wildlife Trust raised concerns about the EclA. The council's Ecologist requested additional information to determine the likely impacts of culverting the watercourse on site based on proposed the submitted layout plans. In addition, a completed Biodiversity Metric of the site was sought in order to quantify the change in biodiversity pre and post development.
- 10.81 Subsequently, a further update to the EclA and a Biodiversity Impact Assessment (BIA) prepared by Futures Ecology were submitted, which includes assessment of the watercourse and mitigative measures to be implemented post development. This information concludes that although some sections of the watercourse are to be culverted, the majority of the length is to be enhanced via native planting and the creation of new pond habitat. Details of the creation and future management of these will need to be secured within a Biodiversity Enhancement Management Plan. An assessment of the habitats on site has also now been included utilising the Biodiversity Metric 2.0.
- 10.82 The proposed development would unavoidably result in a biodiversity net loss (contrary to Local Plan policy LP30 and chapter 15 of the NPPF). To achieve a measurable net gain of 10% on the site, the development has been quantified as resulting in a total net unit change of -2.17 Habitat Units. A cost of £20,000 per biodiversity unit is considered to be an acceptable sum. As such, the applicant has agreed with officers on a proposed financial contribution of £43,400 towards off-site measures to achieve a measurable biodiversity net gain.

Environmental and public health

- 10.83 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of electric vehicle charging points. In addition, measures to discourage high emission vehicle use and encourage modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, would be secured via the recommended Section 106 obligations.
- 10.84 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed dwelling sizes, affordable housing, pedestrian connections (which can help facilitate active travel), measures to be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health.
- 10.85 Regarding the social infrastructure currently provided and available in Shepley and the surrounding area (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local GP provision, there is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

10.86 Local Plan policy LP49 and Kirklees Council Policy Guidance: 'Providing for Education Needs Generated by New Housing' both state that the need for the provision of additional school places will be a material consideration when proposals for new housing developments are considered. The Council will negotiate with developers for a financial contribution to cover the cost of additional school places where the local school has insufficient assessed capacity within available accommodation for the places likely to be generated. The site falls within the catchment areas of Shelley First School, Kirkburton Middle School and Shelley College. Based on a series of calculations, the School Organisational and Planning Team have sought £64,537 for Kirkburton Middle School as a result of a school place deficit and the number of dwellings proposed. No contributions are sought for any other local schools and there are no objections from the School Organisational and Planning Team subject to securing this planning obligation, which can be secured as part of a Section 106 Agreement.

Ground conditions

10.87 A Phase 1 Geo-environmental Report by Haigh Huddleston dated Oct 2020 (ref: E19/7465/R003) supports the planning application, which has been reviewed by Environmental Health. Although the site has been recorded as open fields since the 1850s, the surrounding historic land uses, and underlying geology have been identified as possible pollutant pathways with may impact the site. Namely, there is a landfill situated 10m northeast at The Knowle and probable shallow mine workings beneath the eastern two thirds of the site. These are identified as sources of landfill and ground gas. The report concludes by recommending a detailed Phase 2 investigation. This is to include rotary boreholes to assess ground conditions, ground gas monitoring and soil sample analysis. In light of its findings, the necessary land contamination conditions are recommended.

10.88 The Coal Authority have also reviewed and concur the Geo-environmental Report findings. The report recognises that there currently is a potential risk to the proposed development from unrecorded shallow coal mining beneath the eastern two thirds of the site. The Coal Authority have raised no objections subject to conditions securing intrusive site investigations to establish the risks posed to the development by past coal mining activity and securing any remediation works and/or mitigation measures to address land instability arising from coal mining legacy.

10.89 The site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.

Representations

10.90 A total of fourteen representations were received from occupants of neighbouring properties. The material planning considerations raised in the comments have been addressed in this report. Other matters raised are addressed as follows:

- Electricity supply in this area has continual problems with repeated power failures what work is planned to increase capacity and reliability.
- Water and sewerage supplies are also on the limits of capacity.
Officer response: Noted. The developer would carry out the relevant assessments/ investigations and liaise with the appropriate utility providers to ensure the development can be carried out and accommodated without overburdening the surrounding infrastructure/services.
- Request for a 'service corridor' between an existing residents fence/wall and the proposed properties.
Officer response: Each new home owner will have access to the existing wall to facilitate maintenance.
- With the multiple ownerships of the site, the small areas of land have never been economically viable for anything and are unsightly and depressing as people drive on the A629 corridor into Huddersfield.
- Complete lack of engagement from the developer with locals and lack of awareness of this development.
Officer response: Concerns noted.
- The planning application does not meet national and local validation requirements and should be invalid.
Officer response: The representative has not stated the plan or document which they think should have been provided to invalidate the planning application. Officers can only require information considered to be reasonable having regards to the nature and scale of the development; and to relate to matters that it is reasonable to think will be a material consideration in the determination of the application. During the course of the planning application officers sought additional plans and documents, primarily in relation to consultee concerns. In addition, some documentation not provided but considered not to materially impact the determination of the application, can be secured by planning condition.
- Concerns regarding the modelling and professional assessment within the Flood Risk Assessment, Transport Statement and Geo Desk Study. There is a risk of substantial harm to road users of all modes, a risk to life and property in terms of flood risk from fluvial and groundwater and a risk of harm to human health and controlled waters.
Officer response: Consultees have assessed all of the relevant plans and supporting information, where necessary requested additional information to address their concerns. No concerns have been raised regarding the above matters.

Planning obligations

10.91 To mitigate the impacts of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:

- 1) Affordable housing – 10 affordable dwelling houses of which 5 dwelling houses (1-bed) would be starter homes, 2 dwelling houses (2-bed) would be discounted sale and 3 dwelling houses (1-bed) would be for social/affordable rent.
- 2) Education – £64,537 towards Kirkburton Middle School.

3) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £35,240.92 financial contribution, and £10,000 towards Travel Plan monitoring.

4) Open space – £62,073 contribution towards off-site provision.

5) Biodiversity – £43,400 contribution towards off-site measures to achieve biodiversity net gain.

6) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

7) Adjacent land – Agreement to allow vehicular connection to the adjacent land (within allocated site HS203) without unreasonable hindrance.

10.92 The above Heads of Terms have been agreed with the applicant. The Section 106 Agreement will need to give due consideration to the planning obligations secured within the Section 106 Agreement for planning application reference: 2019/91569.

10.93 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and although the proposed development does not meet the relevant threshold (housing developments which would deliver 60 dwellings or more), any agreement by the applicant to provide a training or apprenticeship programme to improve skills and education would be welcomed. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided.

Other planning matters

10.94 A condition removing permitted development rights from some of the proposed dwellings is recommended. This is considered particularly necessary for the dwellings adjacent to Holmlea due to the level difference. In addition, it is considered necessary for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree.

11.0 CONCLUSION

11.1 The application site is allocated for residential development under site allocation HS203, 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, watercourse, drainage and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage. The applicant has proposed an appropriate quantum of development and an acceptable layout, and has demonstrated that the proposals would not sterilise adjacent allocated land and can form an integral part of a wider, masterplanned development. The proposals respond appropriately to the character and appearance of the surrounding area, and the quality of residential accommodation is considered acceptable. The provision of 52 residential units at this site (including the provision of ten affordable housing units) would contribute towards meeting the housing delivery targets of the Local Plan, and are welcomed. Approval of full planning permission is

recommended, subject to conditions and planning obligations to be secured 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 is therefore recommended for approval.

12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Submission of a Construction (Environmental) Management Plan (including temporary surface water drainage arrangements).
4. Provision of visibility splays.
5. Submission of details relating to internal adoptable roads.
6. Submission of a Full Travel Plan.
7. Submission of a Road Safety Audit.
8. Submission of details of surfacing and drainage of parking spaces.
9. Submission of details of highways structures.
10. Cycle parking provision prior to occupation.
11. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).
12. Submission of temporary waste storage and collection.
13. Submission of details of any retaining walls.
14. Submission of drainage details (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate)
15. The site shall be developed with separate systems of drainage for foul and surface water on and off site
16. Submission of a scheme detailing the piping of the watercourse at the point(s) of access or within the site
17. The development shall only be carried out in accordance with the approved Flood Risk Assessment
18. Submission of an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions
19. Submission of a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip)
20. Submission of a scheme of intrusive site investigations and any remediation works and/or mitigation measures to address land stability
21. Submission of a noise impact assessment with the necessary mitigation measures for identified dwelling plots
22. Submission of an intrusive site investigation report (phase II report).
23. Submission of a remediation strategy.

24. Submission of a validation report.
25. Submission of site investigation and remediation works to address risks posed to the development by past coal mining activity.
26. Submission of details of sound insulation measures.
27. Submission of details of crime prevention measures.
28. External materials (details and samples to be submitted).
29. Submission of details of boundary treatments.
30. Submission of details of external lighting.
31. Submission of a full landscaping scheme and Landscape and Ecological Management Plan.
32. Restriction on removal of trees and hedgerows during nesting season.
33. Removal of permitted development rights for extensions and outbuildings for plots 36-45 and 72-73.

Background Papers:

Application and history files

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f93358>

Certificate of Ownership – Certificate B signed

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 31-Mar-2021

Subject: Planning Application 2018/93676 Infill of land and formation of access and turning facilities, temporary fence and restoration to agricultural use Land North West, Hog Close Lane, Holmfirth, HD9 7TE

APPLICANT

P Turner

DATE VALID

04-Feb-2019

TARGET DATE

06-May-2019

EXTENSION EXPIRY DATE

15-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: Holme Valley South

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION: REFUSE

1. The Council has sufficient landfill capacity in the district for meeting the needs of Construction, Demolition and Excavation waste as set out in the Kirklees Waste Needs Assessment 2016.

The submitted information fails to demonstrate and justify:

- i) why the waste cannot be met by treatment higher in the waste hierarchy,
- ii) the use of allocated safeguarded waste sites shown on the Policies Map and all other options (restoration of any quarry void) and,
- iii) that there is a genuine justifiable proven need for additional landfill capacity.

The proposals for landfill at the application site are contrary to the requirements of Kirklees Local Plan Policies LP43(a) and LP46, the National Planning Policy for Waste 2014 and Kirklees Waste Needs Assessment 2016

1.0 INTRODUCTION:

- 1.1 This application is brought to the Strategic Planning Committee as the proposal involves development which is non-residential and the site exceeds 0.5ha in area.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site currently comprises agricultural pastureland, a void in the form of a gully which extends into two fields and an existing farm track comprising of approximately 1.93ha of land, stated to be in association with Martins Nest Farm. The site is bordered to the north, south and west by open land and to the east by Slack Top Lane. Access into the site is taken from the existing track, off Hog Close Lane.
- 2.2 The character of the area is predominantly rural with isolated residential properties and farmsteads, the nearest of which is a residential property on Grime Lane, approximately 200m to the south east, at Martins Nest Farm and Upper Woodroyd Barn which is a similar distance to the south. The site is immediately adjacent to the Barnsley Metropolitan district with Hog Close Lane and Slack Top Lane forming the boundary between the two districts.

3.0 PROPOSAL:

- 3.1 The proposals are submitted in full for landfill operations with inert and clean demolition material, realignment of approximately 25m length of the start of the existing farm track and for the provision of an on-site turning area for large vehicles which would consist of hard surfacing. The associated works will involve:

- Infill of a gully with a total volume of 29, 207 cubic metres, consisting of 19,258 cubic metres of inert waste, 7,106.5 cubic metres of clay cap and 2,843 cubic metres of topsoil
 - Widening and realignment of the entrance of the existing access track and provision of an on-site turning area
 - Erection of a temporary 1.2m high mesh perimeter fence and gates to secure the site during the fill and restoration phases.
 - Restoration of the site to agricultural use, after landfilling is complete
 - Compensatory works to replace the permanent loss of high value habitat, to encourage biodiversity on and off site
 - Diversion of a water course, and
 - a series of perforated pipes within the landfill area
- 3.2 The supporting statement states that the purpose of the development is to help diversify the income of the farm and provide additional revenue to invest in the overall agricultural business. The applicant asserts that by filling the void with inert and clean demolition waste material then restoring the land to integrate with levels of the surrounding farmland, it will help make the land more productive and usable for agricultural purposes.
- 3.3 Waste material is proposed to be brought to the site on 4 axel tipper trucks, capable of carrying 20t loads. Loads are proposed to be limited to approximately 8 per day (i.e. 8 in and 8 out. A total of 16 vehicle movements per day).
- 3.4 It is proposed to operate the site for 5.5 days per week (i.e. –8am –5pm weekdays and 8am –12 noon on Saturdays). The supporting information states that approximately 1245 deliveries will be required to infill the site and import sub-soil for the clay cap.
- 3.5 The application is accompanied with a number of reports/plans, most of which were submitted during the course of the application between May 2019 – February 2021, to address issues raised by a number of consultees, through the consultation process. These include:
- Private water supply surveys (x2)
 - Ecology impact assessments
 - Compensatory biodiversity net gain proposals
 - Maintenance & management plan (habitat enhancement)
 - Drainage assessments
 - Phase 1 Geotechnical report
 - Planning justification statement
 - Additional Planning justification statement

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

2013/91569 - Erection of 15kW wind turbine on a 15m mast (approved 13.2.14)

2015/91241 – Installation of 1 no.85kW wind turbine on a 24m monopole mast (approved 29.9.15)

2016/93948 - Formation of landfill incorporating access and turning facilities and erection of temporary fencing- Withdrawn

Enforcement:

COMP/17/0051- the Alleged unauthorised material change of use to deposit waste material. The file was closed as it was found there was no evidence of a breach. Case officers notes on file state:

'Small amount of tipped material consisting of largely scrap timber sheeting, general building debris and discarded timber adjacent wind turbine. Appearance of fly tipping rather than any attempt to infill the adjacent clough'

No further complaints or recent complaints have been received since this file was closed.

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

- 5.1 Revisions requested to include reed bed within a wetland area. Also proposals to include compensatory replacement of Heathland and Woodland (high value habitat of importance) which would be lost within the application site, as a result of the proposed landfill operations. The replacement of these high important habitat features is to be provided (conditioned/S106) within an area shown in control of the applicant, within the blue line.
- 5.2 Revised biodiversity metric calculation and plan showing areas on and off site proposals to accord with biodiversity metric calculation - received 10/02/20.
- 5.3 Draft S106 agreement for the long term maintenance and management of the proposed on and off site biodiversity net gains - received 15/02/21
- 5.4 Additional statement requested by Officers, to set out consideration of Local Plan Policies LP43 and LP46.
- 5.5 Letter from PMW Quarries.co.uk stating local tipping facilities are required to reduce travel to sites outside Kirklees – received 18/03/21

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 LP21 – Highway Safety and Access
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP37 – Site restoration and aftercare
- LP43 – Waste management hierarchy
- LP46 – Waste disposal
- LP52 - Protection and improvement of environmental quality
- LP53 – contaminated and unstable land

6.3 Supplementary Planning Guidance / Documents:

National Planning Policy for Waste 2014
Kirklees Waste Needs Assessment 2016 (Growth Forecasts and Assessment of Future Capacity Requirements)

6.4 National Planning Policy Framework:

Section 6 - Building a strong, competitive economy
Section 13 - Protecting Green Belt land
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application was publicised by site notices in the vicinity of the site, neighbour letters and an advertisement in the local press. This resulted in the receipt of 10 representations being received from members of the public including the Peak & Northern Footpaths Society. The issues raised can be summarised as follows:

Flooding/drainage private water supply:

- Land adjacent to gully and drains are flooded in winter months
- Considerable water travels down the gully and collects within the site
- Proposed wetland area would be no different to current area of wetland on site
- Concerns, that water in the area could become contaminated and effect wildlife & humans including any properties served by natural spring water
- Could be disastrous if contaminants enter stream and rivers at Cat Clough

Impact on amenity and character of area:

- Removal of drystone walls & felling of considerable number of trees prior to submission of application
- Loss of habitat to birds
- The provision of small area of agricultural land does not outweigh the detrimental impact on local wildlife including included protected species and their habitat/foraging from the loss of this gully/feature
- Tipping has taken place on site for the last 2 years consisting of clean fill, top soil and white goods
- Will effect the natural environment of the area and the green belt “to allow this further desecration of green belt land should not even be considered”
- The site is visible from surrounding public rights of way (PROW) & would affect public enjoyment and the safety of PROW users
- Noise, dust, odour and heavy traffic associated with this development would be detrimental to the amenity of the area.
- A detailed restoration scheme should be submitted indicating finished land levels and landscaping.

Highway/safety issues:

- The local highway network does not have the capacity to cope with this proposal HGV's and access to site is on brow of hill could cause accidents.
- How will debris/mud on highway to be managed
- A new footpath or road widening the length of Hog Close Lane could help
- The proposed security arrangements (fence & signs) would be insufficient
- How will the infill operations, to ensure what is being deposited into landfill and vehicle trips be monitored?

Other issues:

- Concerns over accuracy of information within the private water supply report
- much development in our area; and this is another unacceptable commercial application being submitted
- Inconsistencies with the submitted information

Reference is also made to the reasoning given for a survey being undertaken by residents.

Response: Not aware of any survey undertaken by the Council.

Ward Councillors were advised of the proposals on receipt. To date, no comments or queries have been received.

8.0 CONSULTATION RESPONSES:**8.1 Statutory:**

K.C. Highways DM – No objections subject to conditions

Environment Agency – No objections raised, although the EA advises an Environmental Permit would be required from the EA and that the proposed landfill activities must comply with the provisions of the Landfill Directive (99/31/EC). (A Footnote is to be included on the decision notice, providing a link to the website where full advice of the EA can be accessed)

Barnsley MBC – states that the proposed site is very close to several houses within the Barnsley Borough and asks the question “what proposals do the applicants have to mitigate the adverse effects from noise and dust from the development to the houses which are adjacent.
(Addressed below under ‘Local amenity’)

8.2 Non-statutory:

K.C. Environmental Health – initial objection withdrawn, subject to restricting the hours of operation and conditioning the requirement of a reed bed along the course of the existing water course.

K.C. Biodiversity Officer – Support on the basis of biodiversity net gain is achieved and the long-term maintenance and management of such areas be secured by S106.

K.C. Lead Local Flood Authority – support subject to the suggested conditions.

9.0 MAIN ISSUES

- Principle of development (Green Belt & Waste Management/disposal)
- Supporting Rural Diversification
- Character and Appearance
- Ecological/biodiversity issues
- Local amenity
- Highway issues
- Private water supply
- Drainage/flood and ground stability issues
- Climate Change
- Representations
- Other matters

10.0 APPRAISAL

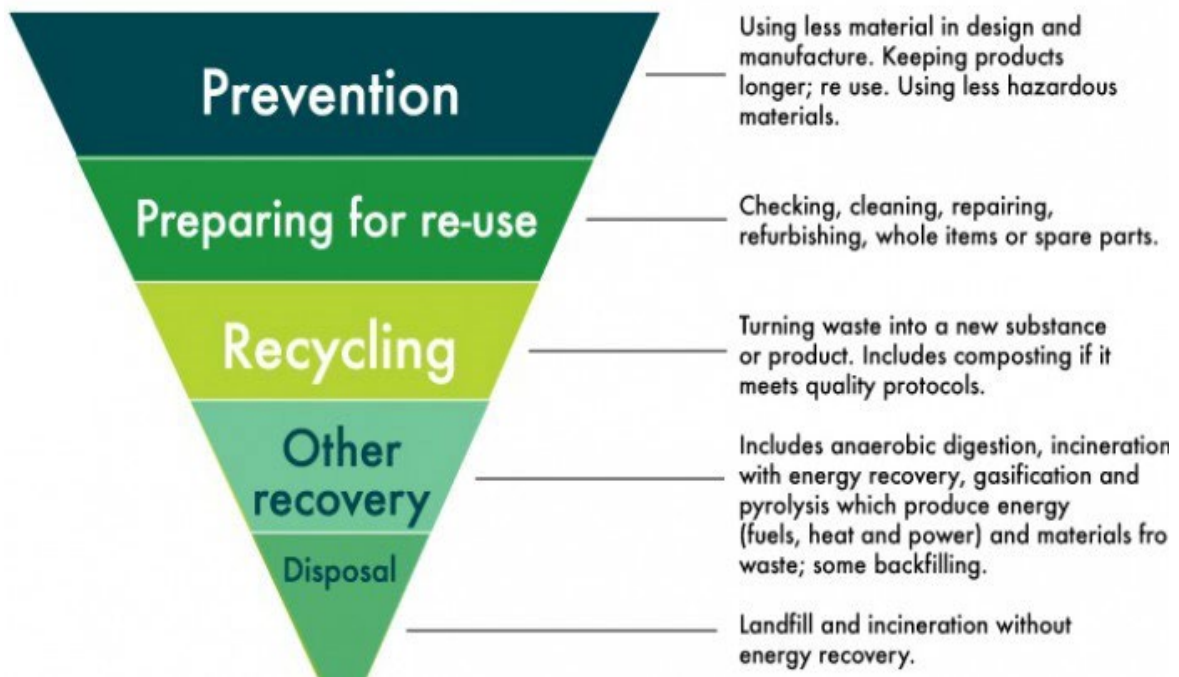
Principle of development - Green Belt

- 10.1 The application site comprises of agricultural pastureland and a void in the form of a gully with natural habitat of high importance. The landfill proposals can be considered as engineering operations which would involve the importation of approximately 29, 207 cubic metres of inert, clean demolition and topsoil (all waste) to re-profile and restore land to agricultural use.
- 10.2 It is not disputed, that due to the deep void and nature of the gully this prevents the full and proper working for agricultural use on this part of the site.
- 10.3 The starting point is paragraph 146 of the National Planning Policy Framework (NPPF) which sets out amongst other forms of development that engineering operations is not inappropriate in the Green Belt provided it preserves the openness of the Green Belt and do not conflict with the purpose of including land within it.
- 10.4 The sectional drawings accompanying the application indicate the extent of profiling required to form the desired land levels after completely filling in the gully with waste materials. On completion, it is considered whilst the proposals would take the effect of an engineered embankment at the northern end of the site, the final contouring after infilling would allow the site area to integrate with wider surrounding landscape of undulating fields. Views into the site from the north, looking back towards the site would, in time be mitigated by the off-site proposals to create an additional area of woodland which is proposed to compensate for the loss of biodiversity interests as a result of the proposals (discussed in more detail below).
- 10.5 The applicant states the landfill and restoration proposals are to be carried out no more than over a period of 3 years, 6 months of which to restore the site. As set out above, it is anticipated to generate an average of 96 HGV movements onto and off the site each week. The impact on highway safety is considered below, however it is important to assess the impact on the openness of the Green Belt from the length of time and level of activity to be carried out in association with the proposed development.

- 10.6 The NPPF indicates that openness and permanence are the essential characteristics of the green belt. There is no definition of openness in the NPPF in the green belt context. However, in a recent appeal decision (ref: 2018/94092, Emily Fields Liley Lane) which was reported at the Strategic Committee meeting on 23rd January 2020, the Inspector refers to, in the green belt context, *“it is generally held to refer to freedom from, or the absence of, development”*. Comparisons can be drawn with the appeal and application site proposals, in that both sites after engineering operations, are to be carried over short period of time. The Inspector, in coming to his conclusion also took into account that during the carrying out of the engineering works, it would result in disruption to the landform and there would inevitably be an increased level of activity at the site and surrounding highway network, as a consequence of the associated HGV’s. Nonetheless, the inspector concluded that the openness of the green belt would be preserved following completion of works.
- 10.7 Similarly, the proposals before Members are stated to be carried out over a short period (3 years), includes engineering operations albeit after infilling the gully and on completion of restoration works is considered would remain open.
- 10.8 Turning to the works proposed to the existing track, should Members be minded to approve the proposals, this could be conditioned to be returned to its original state, on completion of land fill operations to ensure the openness of the Green Belt is preserved. Furthermore, in the interests of preserving the openness, it would be reasonable to condition that the waste fill material brought onto site, be used on arrival and not be stockpiled as was the case in the appeal.
- 10.9 To summarise on green belt matters, it is considered that the proposed development involves engineering operations over a short period of time and as the openness of the green belt (subject to conditions) would be preserved, it is therefore, not considered to be inappropriate development in the green belt nor would it conflict with the five purposes of the green belt. The site is currently open and free from development and this would continue on completion of the landfill, engineering and restoration works to be completed within a short period of time, in accordance with paragraph 146 of the NPPF.

Principle of development - Waste Management & Disposal

- 10.10 Turning to the management of waste, The National Planning Policy for Waste sets out its commitments to the aims for sustainable waste management which are summarised in the ‘waste hierarchy’ see figure below. Although this indicates that the most effective environmental solution to the generation of waste is waste prevention, it also indicates that the re-use and recycling of materials are the next best options, with the least desirable and unsustainable solution being landfill disposal. This is echoed in Local Plan Policies LP43 and LP46.
- 10.11 Waste Planning Authorities are therefore encouraged to take a positive approach towards dealing with waste in a way which moves its treatment up the hierarchy, by making provision for the management of various streams of waste, including inert and clean demolition waste material.



10.12 In order to inform the Council on the requirements of Kirklees with regard to the management of waste within the district over the plan period, a comprehensive Waste Needs Assessment (WNA) has been produced. This examines in detail the current quantities of waste generated and managed in the Kirklees district, the projected growth of waste to be managed over the plan period and the associated future capacity requirements, which forms the evidence base for Policy LP46

10.13 It should also be noted that Kirklees Council works collaboratively at both the regional and sub-regional level with the West Yorkshire Combined Authority (WYCA) to understand the relevant waste management needs. This is a regional matter therefore expected that waste can be imported and exported regionally throughout the neighbouring WY authorities and nationally when essential and necessary.

10.14 Currently the WNA identifies sufficient land capacity for demolition waste through the allocation of safeguarded waste sites in Kirklees for the plan period and beyond.

10.15 As the proposals would result in waste disposal, Local Plan Policy LP46 states:

- sites for disposal of waste will only be permitted where they cannot be met by treatment higher in the waste hierarchy
- If it can be demonstrated that there is a proven need for additional landfill capacity because all other options are not suitable or feasible, this will be provided at existing or former quarry sites shown on the Policies Map.
- If all of these quarry sites are unavailable, land raising using inert materials only, may be considered provided it can be demonstrated that this would not divert material away from the restoration of any quarry void.

10.16 A lot of waste can be re-used and re-purposed, it is a way of moving it up the waste hierarchy instead of putting it in landfill. In this case, it is proposed to dispose of into landfill which is at the bottom of the hierarchy.

10.17 With regards to these policies, **the applicant's case sets out:**

"Policy LP46 also links to Policy LP20 (Sustainable Travel) in that the Council aims to reduce travel distances

Waste is defined as:

" a material, substance, or by-product eliminated or discarded as no longer useful or required after the completion of a process" It therefore suggests it has no future useful benefit in its current form. However, Waste that can be recycled or that can be put to another beneficial use ceases to become waste at this point."

this is not a commercial waste operation. The applicant is a farmer wishing to reclaim and restore a piece of land and return it to productive farmland. It will use inert fill to beneficial use and it is therefore not waste.

It is accepted that at the foot of the gully there is an area of shrub and small trees that will be lost through the engineering operations. However, this is a small element of the scheme and compensation measures through the creation of new heathland and tree planting have been agreed as acceptable compensation measures.

.....The gully (formed by previous mining activity) is unstable and suffers from erosion. It also poses a hazard to livestock and farm operatives.

The void will be filled with excavation waste, sourced locally where this is practically possible.

There is no designated waste site within 3km of the site. It is therefore argued that inert waste disposed at Hog Close Lane will help reduce transportation distances and thus meet Local Plan Policy LP20 (sustainable travel).

In addition, it should be recognised that the Government has announced that post Covid19 that there will be a significant increase in the level of investment in infrastructure projects and these will be accelerated to speed up economic recovery. Thus, there will be a greater demand for disposal sites for inert fill over and above the projections made in 2016."

RESPONSE TO THE APPLICANTS CASE:

10.18 The primary aim of Policy LP20 is to ensure all new developments generating significant new vehicle trips, is located in accessible locations with convenient connections to public transport networks, cycling and walking routes. This is to ensure the need to travel is reduced and essential travel needs can be met by forms of sustainable transport other than private vehicles. Policy LP20 is not of relevance in this case as it is accepted that the management of waste would result in importation and exportation regionally and national when required, as stated in paragraph 10.12 above.

- 10.19 The use of inert and clean demolition waste to landfill disposal for the benefit of making the site area more productive to farmland, cannot simply be inferred that it is not waste. Furthermore, the meaning of re-use in the context of Policy LP43 means waste that has been checked and cleaned with the end result being a product that can be re-used (i.e aggregates from clean demolition waste). Crucially, in order to, adapt to and mitigate against, climate change impacts, the management of waste will need to be considered further up the waste hierarchy before consideration of disposal through landfill, which is not sustainable.
- 10.20 The submitted information states “*this is not a commercial waste operation*”, and it will enable the applicant “who is a farmer” to use the land for productive farmland. Although agricultural farmland takes many forms, it is not disputed that the end result will make the application site area more productive for farmland in comparison to its current form. However, despite requesting for details and evidence of the current farming operations/activities, none of have been forthcoming to demonstrate a real justifiable genuine need, to substantiate the applicant’s case, in that the proposals are critical to the applicant’s agricultural business needs. i.e. how will not obtaining permission for the proposed landfill operations be detrimental to the applicant’s existing agricultural business.
- 10.21 With respect to the applicant stating “*there is no designated waste site within 3km of the site, it is therefore argued that inert waste disposed at Hog Close Lane will help reduce transportation distances*”, as stated previously, consideration of the management and disposal of waste is a regional and national matter, whereby the importation and exportation of waste is expected. Therefore, the argument “*reduction of transportation distances*” together with the lack of evidence to support the genuine justifiable need for the applicant’s agricultural business, does not address the need for additional landfill sites, over and above the allocated safeguarded waste sites within the Kirklees Local Plan, for which there is sufficient remaining capacity for the plan period and beyond.
- 10.22 The submitted information states that “*the excavation waste will be sourced locally where this is practically possible*”. In support of this, the agent has also provided a letter from a contractor based in the Hepworth area, who states they are forced to travel to export inert waste outside of Kirklees, thereby increasing the carbon footprint and that local tipping facilities are required. The contractor refers to two sites within Kirklees which have been considered, one of which is a hazardous landfill site and the other, a mineral extraction site (a safeguarded waste site) which is stated to be discounted “*as it opens periodically and charges more than the marketplace will accept making pricing jobs difficult*”. These are not considered sufficient reasons to discount the mineral extraction area.
- 10.23 The nearest allocated safeguarded waste sites from the application site are Hillhouse Edge approximately 4.9km, north west of the site and Carr Hill Quarry 2.7km to north east. However, there are a number of active mineral workings in the area in the following locations:
- Ox Lee Quarry (1.5km south west)
 - Appleton Quarry (3.2 km north east)
 - Sovereign Quarry (3.5 km north east)

- 10.24 In summary with regard to Local Plan Policy LP46, the applicant has not demonstrated or justified why this waste cannot be met by treatment higher in the waste hierarchy, why all other options are not suitable or feasible and that this proposed landfill operation would not divert material away from the restoration of any quarry void. No genuine justifiable need has been evidenced to demonstrate that there is a proven need for additional landfill capacity in addition to the allocated safeguarded waste sites for this type of waste in the district. The proposals are therefore contrary to Kirklees Local Plan Policies LP43(a) and LP46, the National Planning Policy for Waste 2014 and Kirklees Waste Needs Assessment 2016
- 10.25 Finally, the Government's intention to speed up economic recovery is acknowledged, nevertheless, the need for additional landfill sites would need to be evidenced, in accordance with the Policies set out above.

Supporting rural diversification

- 10.26 The additional statement received on 11th March 2021, introduces a case with reference to Local Plan Policy LP10 (f) which specifically relates to Supporting the rural economy. Point (f) of the Policy LP10 states:

f. supporting farm diversification schemes, where the proposal would not adversely affect the management and viability of any farm holding, and in the case of farm shops, the goods to be sold are primarily those which are produced on the host farm or neighbouring farms.

- 10.27 The NPPF and Local Plan Policy LP10 seeks to support a prosperous rural economy. The proposals would not adversely affect the management and viability of any farm holding, as on the contrary it would provide financial gain for the applicant. Whilst it could be argued that the proposal would allow diversification of the applicants' farm business, by utilising land that currently may have no useful purpose for agriculture and would represent a more efficient use of the land, it is not considered to be farm diversification in its true sense of this Policy.

Character and Appearance

- 10.28 The site is located within an area which is largely rural in character consisting of wooded areas, in depressions and on varying contours, rolling fields of open farmland with pockets of residential and agricultural buildings. Whilst it can be argued that the gulley within the site, is formed by previous colliery works, it has over time established landscaping and forms a distinguished feature which contributes to the rural setting of the area. The proposed contour levels as shown on drawing no. EWE/2078/01 Rev C would ensure a transitional slope and allow the continuation of rolling fields (which is only one form of agricultural land use) from one field to the next. In addition, the restoration proposals for the whole of the site, by returning it to grassland would ensure the site, over time, integrates with the wider surrounding character of rolling open fields, in accordance with Policy LP32 of the KLP.
- 10.29 To mitigate the potential effect of the proposed engineered operations, particularly when looking back at the site from the north, negotiations have resulted in the requirement of creating a new woodland area, immediately beyond the northern boundary. This is shown on drawing titled 'Fig A

Compensation Proposals' and would be on land in control of the applicant. The new woodland area would also contribute to the overall biodiversity net gains to be achieved (discussed further below). Should Members be minded to approve the application, this matter can be dealt with by condition and the long term maintenance and management of such areas will be secured through a S106 agreement.

Ecology/Biodiversity issues

- 10.30 Policy LP30 of the KLP refers to Habitat of Principle Importance (those habitats listed under the provisions of Section 41 of the Natural Environment and Rural Communities Act 2006), which occur within the proposed footprint of works and will be lost as a result of the proposals. These habitats include the woodland within the site (marked as TN1 within the EclA report) and the heathland within the site (marked as TN8 within the report). Policy LP30 requires proposals to protect these habitats 'unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.
- 10.31 *Kirklees Wildlife Habitat Network* - The proposals would also result in the loss of approximately 0.6ha of the Kirklees Wildlife Habitat Network.
- 10.32 The Council seeks a net biodiversity gain of 10% on development sites. This can either be through the detailed landscaping scheme and/or off-site enhancement – on land owned by the developer.
- 10.33 The Biodiversity Metric calculation was submitted during the course of the application as the method to demonstrate a measurable biodiversity net gain in accordance with Policy LP30(ii) and NPPF. The information presented has now addressed previous objections raised by the Council's Ecology unit. The proposals as revised would include both on and off site habitats as set out in the metric and drawing titled 'Fig A Compensation Proposals', which indicates 0.75ha of Heathland restoration, 0.1ha reed bed filtration, creation of 0.14ha of woodland and on site restoration of neutral grassland.
- 10.34 In summary, the Council's Ecology unit, notwithstanding the loss of a 'small terminal section' of the KWHN, which is considered does not represent harm to the function and connectivity of the network, is satisfied on the basis that the revised proposals now put forward would provide a net biodiversity gain of 17.86%.
- 10.35 The compensatory measures are to be secured through a Section 106 agreement in accordance with Policy LP30. In this respect, a draft long term maintenance and management plan is received along with a draft S106 which is being considered by both the Council's Ecology Unit and Legal Officers. Subject to the long term maintenance and management plan demonstrating the security of the ecological being provided on and off site, biodiversity matters would be addressed sufficiently. Should Members conclude that the benefits of the development outweigh the existing biodiversity interests of the site, the compensatory proposals put forward would address this matter. The views of the Council's Biodiversity Officer in relation to the long term maintenance and management plan can be reported to Members in the update or on the day of committee.

Local Amenity

- 10.36 At present the site comprises two fields of open pasture divided by a deep steep sided clough. This provides a pleasant rural setting within the wider area. Public Right of Way (PROW) Hol/134/20 runs to the north of the site and this would allow users of this route views of the site at relatively close quarters and be affected to some extent by the proposed works. This PROW links with other PROWs in the area and it is considered that the surrounding landscape enhances the experience of users of this route and therefore acts to attract walkers and visitors to the area, providing an attractive recreational facility. The proposals are to be carried out over a period of 3 years, which can be deemed a short period in terms of landfilling and as such it is considered that the proposed works would not prejudice the function and continuity of the core walking routes, in accordance with KLP Policy LP23.
- 10.37 With regards to waste being transferred to the site by HGV's including open skip and tipper lorries. This will inevitably result in additional noise generated by the vehicles themselves and during the unloading and working of the waste. The nearest residential properties are located between approximately 200 to 250 metres away from the proposed development. To mitigate against any associated impact and to protect the amenities of nearby residents from any potential noise/disturbance during unsociable hours, conditions can be imposed restricting the number of vehicle movements (in and out of the site per day) and hours of operation in accordance with those suggested by the Environmental Health Officer. Consequently, the proposal would accord with KLP Policy LP24 and Section 11 of the NPPF with regard to potential noise nuisance.
- 10.38 The potential emissions of dust to the atmosphere from tipping and landform operations such as those proposed at the application site would arise from three main sources:-
- Vehicle movements to and from the site.
 - Operational processes including the tipping of waste and its subsequent working and placement and compaction.
 - Exhaust's from operational plant/equipment.
- 10.39 The degree to which significant dust emissions are capable of causing nuisance from a particular site depends upon various factors, including:
- Time of year and climatic conditions, with dry conditions and high wind speeds being conducive to dust generation.
 - Surface characteristics, with vegetation cover making material in bunds less susceptible to dispersion
- 10.40 However, it is considered that problems associated with dust could be adequately dealt with through the implementation of measures on site which could include:
- All lorries delivering waste to the site being sheeted
 - Internal haul routes would be defined and dampened as necessary
 - Upswept exhausts used on site vehicles
 - Dampening of surface of filling areas when necessary
 - The suspension of operations in extreme windy conditions
 - Speed restrictions on site

- 10.41 To summarise, should Members be minded to accept the principle of development in terms of waste disposal, the above suggested measures could be required via appropriately worded dust suppression planning conditions, to comply with KLP Policy LP52 as well as guidance contained in Section 15 of the NPPF,

Highway issues

- 10.42 DM Highway Officers initial assessment is set out below:

“that access is to be taken from an existing track off Hogg Lane that serves the application site. The access is to be upgraded to incorporate 7m radii and realigned to allow a 21m straight alignment for vehicles to pass. The access will be widened to 8m in width. The geometric characteristics are considered acceptable and the proposal is acceptable in this regard. Internally to the site a turning head for large vehicles is proposed.

The application is supported by swept-path analysis of large vehicles passing and being able to access and exit in a forward gear. Visibility splays and the location of the proposed gate are also demonstrated on drawing no. MJC 172-05E (as a consequence of further revisions, this plan is superseded by drawing MJC 172-05G).

It should be noted that the council’s Highway Safety department raised concerns regarding the suitability of the local road network. However, given the proposals would produce around 16 vehicle movements per day, and for a temporary period of 24-30 months, Highways DM feel that the proposals are acceptable on balance. These proposals remain acceptable from a highways perspective, and Highways DM wish to raise no objection to the scheme. No specific conditions are deemed necessary.

- 10.43 As set out above, it is anticipated the proposals would generate an average of 96 HGV movements per week. It is considered reasonable and necessary to restrict the number of HGV movements (by condition) in and out of the site to those proposed, (8 in and 8 out, 16 in total a day).
- 10.44 Taking account of the Council’s Highway Safety department, DM Highway Officers follow up advice is that a pre commencement condition requiring a survey which highlights the existing condition of the highway Hog Close Lane should be imposed. The condition will require the applicant, before development is commenced, to monitor the condition of Hog close Lane, (followed by subsequent annual monitoring) until completion of the proposals. In the event Hog Close Lane results in any defects, a scheme to reinstate the defects will be required to be carried out at the expense of the applicant. The applicant is agreeable to this.
- 10.45 Hog Close Lane falls within Barnsley district, therefore any remedial works required to Hog Close Lane as a result in defects caused by the use of HGV’s in association with the proposals, would need to be approved by entering into a Section 278 agreement with the relevant Highway Authority. This can be addressed by condition, should the application be approved.

10.46 It is therefore considered, subject to appropriate conditions being imposed and the proposals being carried out over a period of 3 years this development would accord with KLP Policy LP21 with regards to its impact on the local highway network. On site wheel wash facilities will also need to be conditioned to prevent HGVs depositing material on the highway.

Private water supply

10.47 Council historic maps for the valley, indicate that the area proposed to be filled is spring fed which is typical of watercourses in the area. This was not fully captured in the applicant's initial design or reports. Significant concerns were also raised by Environmental Health Officers, regarding the sourcing and composition of the infill matter and the effect it could have on nearby groundwater and surface waters, on the private water supplies downstream from the site in question that may be affected.

10.48 According to records, nearby properties could potentially be served through these private water supplies. At the request of the Council details of a hydrology survey undertaken on behalf of the applicant has been received during the course of the application. This identifies private water supplies in the immediate area, so that the potential impact of the development could be considered. This survey checked 31 properties, of these 5 had private water supplies. Of these 5 only one is still claimed to be used, the other 4 have converted to mains supply and the private supply has already, or is in the process of being abandoned, and capped. An assessment of the potential impact of the development has now been completed and for completeness the potential impact on the private supplies, was assessed as part of the survey.

10.49 The survey states the infilling of the gully should not contain any soluble contaminants and the springs feeding the clough are to be diverted round the filled site. This would reduce the risk of pollution of private water supplies. In addition water arising from the site is proposed to be drained separately and passed through a reed bed and ponding area as shown on drawing no. MJC 172-P07 dated September 2019. It is acknowledged that the 'inert' fill should not contain any biodegradable matter and as advised by the applicant, the reed bed is purely there as a safeguard mechanism to extract any bio-degradable matter that might escape the waste screening and certification process. The reed bed and ponding area will ensure that all suspended solids are removed, and the reed bed will treat any biodegradable matter. It is concluded that the filling of the gully will have minimal or no impact on the private water supply to neighbouring properties

10.50 Subject to the provision of the reed bed being formed and installed to protect the groundwater from any potential contamination associated with the infill, Environmental Health Officers would have no objections. The applicant is amenable to this and can be addressed by a pre commencement condition, in the event the application is approved, in accordance with KLP Policy LP52 and guidance within the NPPF.

Drainage/flood and ground stability issues

10.51 The LLFA consider the information provided with regard to the proposed drainage systems, (which will comprise of a series of perforated pipes within the landfill area, diversion of the existing surface water course and formation of reed bed/wetland areas) is sufficient in principle. Subject to further design,

calculation and phasing which can be secured by the suggested conditions set out in the consultation response from LLFA dated 4th June 2020, drainage and flood matters can be addressed to accord with KLP Policy LP28 and guidance in the NPPF.

- 10.52 With regards to ground stability, water management on steep slopes can be a fundamental issue and should be considered particularly when introducing new material, such as is proposed. The design needs to consider the geotechnical suitability of the proposals including interaction with existing ground, reinforcement required of the retaining face to prevent mobilisation and potential for settlement and any ground preparation required. The operation of plant and weight of material could lead to mobilisation of sediments which needs to be assessed.
- 10.53 Paragraph nos. 178 and 179 of the NPPF sets out clearly that where a site is affected by land stability issues, responsibility for securing a safe development should rest with the developer and/or the landowner. Moreover, any proposals should be accompanied by adequate site investigation information, prepared by competent person taking into account of ground conditions and any risks arising from land instability.
- 10.54 The LLFA does not generally lead on geotechnical considerations, however, due to the interaction with the watercourse, in this instance it was a matter for consideration. Given the high risks, Officers considered it necessary to request a full geotechnical site appraisal to establish whether the proposed methods are suitable and safe before the principle of such works is considered acceptable and to ensure such works can be deliverable without potential harm to people or the environment, in accordance with KLP Policy LP53. The geotechnical report has been independently assessed on behalf of the Council. The outcome of which concludes further technical information is required including an intrusive ground investigation report, a method statement for the proposed valley reprofiling and details of proposed gravity earth bund on face of landfill, prior to development commencing. This can be addressed by pre commencement conditions. Subject to the works being carried out in complete accordance with the recommendations in any subsequent reports, the issue of ground stability can be addressed, in accordance with KLP Policy LP53 and guidance within the NPPF.

Climate Change

- 10.55 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.

10.56 Uncontrolled release of greenhouse gasses from traditional waste disposal methods are inextricably linked to climate change. Crucially, in order to adapt to and mitigate against climate change impacts, the management of waste will need to be considered further up the waste hierarchy before consideration of disposal through landfill, which is the least sustainable way to manage waste. Furthermore, the application site is not an identified allocated safeguarded waste site in the Local Plan. The approval of such proposals fails to meet the objectives of reducing the release of greenhouse emissions into the atmosphere, contrary to Local Plan Policies LP43(a) and government guidance.

Representations

10.57 Flooding/drainage private water supply:

- Land adjacent to gully and drains are flooded in winter months
- Considerable water travels down the gully and collects within the site
- Proposed wetland area would be no different to current area of wetland on site
- Concerns, that water in the area could become contaminated and effect wildlife & humans including any properties served by natural spring water
- Could cause contamination or enter stream and rivers at Cat Clough

Response: Addressed in preceding paragraphs. With regard to the potential contamination, this would be limited as the proposals would use inert material/waste.

10.58 Impact on amenity and character of area:

- Removal of drystone walls & felling of considerable number of trees prior to submission of application

Response: Noted.

- Loss of habitat to birds
- The provision of small area of agricultural land does not outweigh the detrimental impact on local wildlife including included protected species and their habitat/foraging from the loss of this gully/feature
- Will affect the natural environment of the area and the green belt “to allow this further desecration of green belt land should not even be considered”
- The site is visible from surrounding public rights of way (PROW) & would affect public enjoyment and the safety of PROW users
- Noise, dust, odour and heavy traffic associated with this development would be detrimental to the amenity of the area.

Response: addressed in preceding paragraphs

- Tipping has taken place on site for the last 2 years consisting of clean fill, topsoil and white goods

Response: See Enforcement notes above, under section 4 of the report

- A detailed restoration scheme should be submitted indicating finished land levels and landscaping.

Response: A detailed restoration scheme to include finished ground levels can be secured by planning condition should planning permission be granted.

10.59 Highway/safety issues:

- The local highway network does not have the capacity to cope with this proposal HGV's and access to site is on brow of hill could cause accidents.
- How will debris/mud on highway to be managed

Response: addressed above

- A new footpath or road widening the length of Hog Close Lane could help

Response: On consideration of the proposals, Highway Officers have not deemed such provisions necessary in this instance

- How will the infill operations, to ensure what is being deposited into landfill and vehicle trips be monitored?

Response: The applicant would need to obtain an Environmental Permit from the Environment Agency to ensure that the proposed landfill activities comply with the provisions of the Landfill Directive (99/31/EC). The vehicles trips can be restricted by condition.

10.60 Other issues:

- Concerns over accuracy of information within the private water supply report

Response: A revised Private water report was received (January 2020) and publicised on the website. No new representations were received in relation to this matter

- much development in our area; and this is another unacceptable commercial application being submitted

Response: noted

- Inconsistencies with the submitted information

Response: noted

10.61 With regards to odour issues, the proposal would involve inert waste only and problems associated with odours would not therefore be an issue.

Other Matters

10.62 Whilst potential land stability issues and flood risk, as a result of the proposals are addressed above, the additional information submitted received 11th March 2021, introduces claims in support of the applicant's proposals which states:

"The gully (formed by previous mining activity) is unstable and suffers from erosion. It also poses a hazard to livestock and farm operatives...The exposed clay and shale and the steep sides of the gully also lead to rapid water run-off into local watercourses and into the river system. Filling the void and restoring the site to agricultural use will remove this hazard in accordance with Policy LP53."

10.63 The submitted geotechnical report (sections 6.2 and 6.3) concludes that the risk of ground water flooding at the site is negligible and that based on the topography of the surrounding area, surface waters would be expected to drain towards the various surface water courses which lie in the bottom of the respective valley features. With respect to the impact on surrounding watercourses from the proposed landfill operations, the drainage scheme proposed would ensure and alleviate concerns, removing the risk of contributing to localised flooding downstream.

- 10.64 With respect to the gulley being stated to be unstable and suffering from erosion, the geotechnical report does identify 'indicative small-scale ground movements/slippages'. However, the report also states "*it is likely these have resulted due to the steepness of the existing valley sides and soil erosion by surface waters flowing down the valley sides*". It must be noted that the geotechnical report was commissioned for the reason set out above, in paragraph 10.54, to demonstrate that there would be no concerns in relation to ground stability as a result of the proposed development, not to address any instability land issues, which pose a risk to the environment or people.
- 10.65 Finally, to address concerns in relation to the site "*posing a hazard to livestock and farm operatives*" appropriate fencing (stock proof/dry stone) or walling can be considered. In any case, it is recognised that farmers/operators of the site will have a duty of care to ensure appropriate measures are in place to protect the welfare of animals and anyone using the site under health and safety and other relevant regulations in which they will be required to adhere to.

11.0 CONCLUSION:

- 11.1 The National Planning Policy for Waste sets out its commitments to the aims for sustainable waste management to take a positive approach towards dealing with waste in a way which moves its treatment up the 'waste hierarchy'. The Councils Waste Needs Assessment (WNA) has been produced which details the quantities of waste generated and managed in the Kirklees district, the projected growth of waste to be managed over the plan period and the associated future capacity requirements.
- 11.2 The information submitted fails to demonstrate why the waste cannot be treated up the 'waste hierarchy'. Nor has evidence been provided to support the genuine need for use of this site for landfill operations that is critical to the applicants existing agricultural business, prior to the use of allocated safeguarded sites, for which there is a sufficient capacity for the plan period and beyond. The proposals are therefore recommended for refusal.

12.0 REASONS FOR REFUSAL

1. The Council has sufficient landfill capacity in the district for meeting the needs of Construction, Demolition and Excavation waste as set out in the Kirklees Waste Needs Assessment 2016. The submitted information fails to demonstrate and justify:

- i) why the waste cannot be met by treatment higher in the waste hierarchy,
- ii) the use of allocated safeguarded waste sites shown on the Policies Map and all other options (restoration of any quarry void) and,
- iii) that there is a genuine justifiable proven need for additional landfill capacity.

The proposals for landfill at the application site are contrary to the requirements of Kirklees Local Plan Policies LP43 (a) and LP46, the National Planning Policy for Waste 2014 and Kirklees Waste Needs Assessment 2016

Background Papers:

Application and history files: set out in the above report under sub heading 'Relevant Planning History'

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93676>

Certificate of Ownership –Certificate A signed by the agent on behalf of the applicant

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Name of meeting: STRATEGIC PLANNING COMMITTEE

Date: 31 March 2021

Title of report: 2020/90450 - Land at, Owl Lane, John Ormsby V C Way, Shaw Cross, Dewsbury, WF12 7RQ

Erection of a restaurant with drive thru, car parking, landscaping and associated works, including customer order displays (COD) and a play frame

The purpose of the report is to set out the reasons for refusal decided upon by Members at the Strategic Planning Committee held on 27th January 2021 and to advise members of the evidence base for each reason.

Electoral wards affected: Dewsbury East

Ward councillors consulted: No

Public or private: Public

Has GDPR been considered? Yes. There no GDPR implications.

1. Summary

- 1.1 Application ref 2020/90450 relates to the erection of a restaurant with drive thru, car parking, landscaping and associated works, including customer order displays (COD) and a play frame. Members of the Strategic Planning Committee resolved to refuse the application at the Committee meeting held on 27th January 2021, contrary to Officer recommendation.
- 1.2 This report sets out the reasons for refusal which Members of the Strategic Planning Committee decided upon at the Committee held on 27th January 2021. For each reason for refusal, Officers set out the evidence base to support each of these.

2. Site Context & Planning History

2.1



Map not to scale – for identification purposes only

- 2.2 The site comprises an area of 0.35ha and is located at the junction of Leeds Road and John Ormsby VC Way, Shaw Cross, currently characterised by scrub land and containing a number of trees. The site lies adjacent to residential properties to the east, and a detached two storey office building to the south west. The northern and western boundaries of the site adjoin the road network of Leeds Road and John Ormsby VC Way.
- 2.3 The immediate locality is characterised by residential and commercial development, with the existing commercial development having a strong presence to the south of the site
- 2.4 The relevant planning history of planning applications are illustrated in Appendix 1, contained within the previous Committee Report.

3. Reasons for Refusal

- 3.1 Members have resolved to refuse the application contrary to Officer recommendation for the following reasons:
1. *The proposed development would have a detrimental impact upon the amenity of occupiers of adjacent residential properties, by reason of noise disturbance, contrary to Policies LP 24 and LP 53 of the Kirklees Local Plan.*
 2. *The proposed development would result in an increased likelihood of anti-social behaviour, undermining the quality of life of the local community. To approve the application would be contrary to Policy LP 16 of the Kirklees Local Plan and the aims of Chapter 8 of the National Planning Policy Framework.*
 3. *The proposed development would have a detrimental impact upon the volume of traffic on the existing highway network, resulting in congestion at the junction of Leeds Road and John Ormsby VC Way. This would not be in the interests of highway safety or efficiency, contrary to Policy LP 21 of the Kirklees Local Plan*

4. *The addition of the proposed restaurant and drive thru, in an area where there are higher levels of deprivation combined with high levels of overweight or obese children and adults, would not be in the interests of ensuring healthy, active and safe lifestyles in so far as resisting the location of fast food establishments in areas of poor health, contrary to Policy LP 47 of the Kirklees Local Plan and the aims of Chapter 8 of the National Planning Policy Framework.*

4. Evidence to support the reasons for refusal

- 4.1 In relation to the above proposed reasons for refusal, Members are advised that with respect to Reasons 1-3, there would be little evidence to substantiate these at appeal. These matters are considered in turn:

Noise Disturbance

- 4.2 For this application, a noise impact assessment was submitted which detailed the potential noises that would be generated from the proposed use, assessed their likely impact on nearby residents and provided recommendations to address any issues. KC Environmental Health considered the conclusions and recommendations of this assessment to be acceptable.
- 4.3 Notwithstanding the above, since the Strategic Planning Committee on 27th January 2021, the applicant has confirmed that they would be willing to amend the hours of opening from the previously proposed 5am until midnight, 7 days a week to 6am until 11pm, 7 days a week. This would reduce the extent of night-time opening to one hour only before 'daytime' starts and can be secured by condition.

Anti-Social Behaviour

- 4.4 In respect of anti-social behaviour, there are no current issues in the area from anti-social behaviour according to West Yorkshire Police. Local Police officers have been active in the surrounding area within the community and have not highlighted any recent concerns.
- 4.5 Applicants and management for this kind of establishment are encouraged to engage with the Neighbourhood Policing Team Officers, where advice and assistance can be sought where appropriate. In addition, KC Environmental Health rarely receive complaints about noise in the context of anti-social behaviour from McDonald's sites within Kirklees including those that are close to residential properties.

Highway Safety

- 4.6 At the Strategic Planning Committee on 27th January 2021, members raised concerns regarding the potential for congestion around the Owl Lane and Leeds Road junctions as a result of the development. Based on the submitted information which has been assessed by KC Highways DM, there would be little evidence for refusing the application in respect of traffic impact on the network or congestion at the junction. In terms of traffic impact at the Shawcross junction, traffic generated by

the McDonalds restaurant/drive thru has been tested using the Council's Shawcross junction model which indicates that traffic associated with the application site can be accommodated without having a material impact on the operation of the junction. In addition, based on surveys of existing McDonalds sites, Officers are satisfied that the drive thru lane and car park can accommodate the predicted demand and servicing can be undertaken on site.

- 4.7 To summarise, in operational terms, the proposals provide sufficient capacity for deliveries, drive thru customers and parking. Officer assessment indicates that traffic generated by the development will have no material impact on the operation of the local highway network.

Public Health

- 4.8 The proposed reason for refusal based on Public Health grounds is supported by Policy LP 47 (Healthy, Active and Safe Lifestyles) of the KLP which places emphasis on the creation of an environment which supports healthy, active and safe communities and reduces inequality.
- 4.9 Since the Strategic Planning Committee on 27th January 2021, the applicant has submitted comments in relation to Members' concerns regarding public health, and those stated in representations in relation to public health and litter. In relation to this proposed reason for refusal, they state:

"We have built our strategy on three core principles: choice, information and improving the nutritional profile of existing products. That means:

- 1. Providing people with a range of food that allows them to make a choice appropriate for any occasion, whether that is a treat or a healthy everyday option.*
- 2. Providing information to help customers understand what they are eating.*
- 3. Reformulating our products to reduce saturated fat, sugar and salt, while not compromising on flavour"*

- 4.10 Members are advised that the applicant has made reference to the previous planning permission for restaurant and retail units in addition to several appeal decisions including APP/U2370/W/19/3226028 - July 2019 for McDonalds restaurants with drive-thrus in which the Inspector concluded that there was little evidence to substantiate why the proposal would have an adverse effect upon the health and well-being of local residents, particularly given the availability of healthier menu choices. Whilst previous planning history and case law are material considerations in the assessment of planning applications, in this case, based on the information before Officers, there are sufficient grounds to refuse on public health grounds.

5. Implications for the Council

- 5.1 Officers consider that there is a policy background to support a reason for refusal on public health grounds. Notwithstanding this, Members are advised that there is little evidence to support reasons for refusal 1-3. Members should consider the reasonableness of refusing the application on these grounds and the likelihood of an appeal being upheld in addition to the award of costs to the appellant.

6. Consultees and their opinions

Consultees have been asked to provide input in relation to each of the reasons for refusal. Their advice is incorporated into section 4 above.

7. Next steps

Issue the decision

8. Officer recommendations and reasons

To note

11. Cabinet portfolio holder recommendation

Not applicable

12. Contact officer

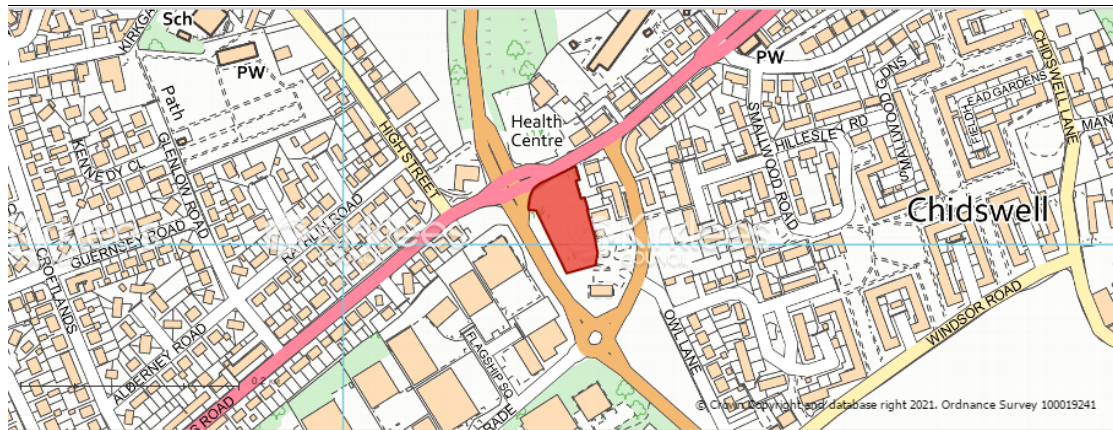
Mathias Franklin – Head of Planning and Development (01484 221000)
mathias.franklin@kirklees.gov.uk

13. Background Papers and History of Decisions

Committee Report and update from 27th Strategic Committee Report attached

APPENDIX I

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury East

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 The application is brought to Strategic Planning Committee at the request of Councillor Eric Firth who states:

“I have some concerns re the traffic and the impact on local residents on Owl Lane”

1.2 The application site is located adjacent to the Leeds Road/John Ormsby VC Way Junction where a strategic transport infrastructure project is proposed as set out within the Kirklees Local Plan (Site TS5).

1.3 In addition to the above, a significant number of representations have been received as a result of site publicity.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises an area of 0.35ha and is located at the junction of Leeds Road and John Ormsby VC Way, Shaw Cross, currently characterised by scrub land and containing a number of trees. The site lies adjacent to residential properties to the east, and a detached two

storey office building to the south west. The northern and western boundaries of the site adjoin the road network of Leeds Road and John Ormsby VC Way.

- 2.2 The immediate locality is characterised by residential and commercial development, with the existing commercial development having a strong presence to the south of the site.

3.0 PROPOSAL:

- 3.1 The submitted proposals relate to the erection of a restaurant with drive thru, car parking, landscaping and associated works, including customer order displays (COD) and a play frame.
- 3.2 Access would be taken from Owl Lane to the south east, leading to the associated car park containing 38 parking spaces, and internal circulation areas.
- 3.3 The proposed restaurant building would be located on the northern part of the site with drive thru lane(s) running alongside the eastern and western elevations of the building.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2020/90443 – Advertisement consent for erection of illuminated sign – pending consideration
- 2020/90444 – Advertisement consent for erection of illuminated and non-illuminated signs – pending consideration
- 2020/90445 – Advertisement consent for erection of illuminated signs and booth lettering
- 2019/20147 – Pre-application enquiry for erection of a restaurant with drive thru – advice given
- 2016/92953 – Outline application for erection of restaurant and hot food outlets – conditional outline permission
- 2015/93898 – Outline application for erection of restaurant, retail outlet and hotel – Withdrawn
- 2010/92846 – Removal of Condition 3 on previous application ref 2004/90778 for outline application for erection of hotel – refused
- 2006/92257 - Reserved Matters Application for erection of Hotel with Restaurant – approval of reserved matters
- 2004/90778 – Outline application for erection of hotel – conditional outline permission

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

- 5.1 Through the course of the application, negotiations have taken place with respect to highway matters specifically relating to the proposed Leeds Road/John Ormsby VC Way junction improvements, whilst additional and amended information has been received following consultation responses from KC Environmental Health and KC Ecology.

6.0 PLANNING POLICY:

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

6.2 Kirklees Local Plan (2019):

The site is allocated as Priority Employment Area on the Local Plan.

LP1 – Presumption in favour of sustainable development

LP2– Place shaping

LP8 – Safeguarding Employment Land and Premises

LP13 – Town Centre Uses

LP16 – Food and drink uses and the evening economy

LP19 – Strategic Transport Infrastructure

LP20 – Sustainable Travel

LP21 – Highways and Access

LP22 – Parking

LP24 – Design

LP27 – Flood Risk

LP28 – Drainage

LP30 – Biodiversity and Geodiversity

LP33 - Trees

LP34 – Conserving and enhancing the water environment

LP47 – Healthy, Active and Safe Lifestyles

LP52 – Protection and improvement of environmental quality

LP53 – Contaminated and Unstable Land

6.3 Supplementary Planning Guidance / Documents (SPD):

- Highway Design Guide Supplementary Planning Document
- Draft Hot Food Takeaway SPD - The Council started to prepare a Hot food Takeaway SPD to consider the location and impact of new takeaways and add further guidance to Local Plan policies. The preparation of this guidance is on hold due to the relaxation of planning restrictions on restaurants providing takeaway services in the Covid-19 situation and is likely to be revisited in late 2021. The

emerging SPD carries no weight in decision making at this stage and Local Plan policies should continue to be used to determine applications for new Hot Food Takeaways.

6.4 National Planning Guidance:

Chapter 6 – Building a strong, competitive economy

Chapter 7 – Ensuring the vitality of town centres

Chapter 8 – Promoting health and safe communities

Chapter 9 – Promoting sustainable transport

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

6.5 Climate Change

On 12 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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application was publicised by site notice and neighbour notification letter. 70 representations were received in relation to the initial round of site publicity. Of these, 60 representations were in objection to the application, whilst 10 were in support or a general comment. The objections received are summarised as follows:

Residential Amenity

- The development would result in noise disturbance
- The development would result in odour
- The speeding up and down Leeds Road and Owl Lane on an evening by anti social drivers would likely increase with an additional place to congregate in McDonalds car park
- The development would result in additional air pollution
- The development will attract vermin
- This is a residential area, not commercial
- Do not want high walls blocking sunlight to neighbouring houses

Visual Amenity

- The appearance of the development would not be acceptable
- The corner could be further developed as open space as per on the opposite side of the road

Highway Safety

- Current traffic management is bad at peak times; this development will add to that
- Concerns about highway and pedestrian safety around the site access
- The location would be more suitable to a more traditional restaurant without a drive through and hence less traffic and less of a negative environmental affect in the local area
- Proposed car parking provision is inadequate

Drainage/Flood Risk

- The site is currently green and permeable which undoubtedly helps ensure all precipitation does not run off. The roundabout is often flooded during periods of any persistent rain

Other Matters

- The development would attract litter
- There is a McDonalds down the road in Wakefield
- McDonalds should be located in the Town Centre to encourage people to visit and shop there
- The development promotes fast food in an area close to several primary schools and sporting venues
- The development will have a negative impact on the proposed plans for future residential development in the area
- The development would have a detrimental impact upon local cafes in the area
- It would be better if the Council encouraged alternative proposals to serve the planned increase in homes in this area; adding some form of infrastructure would be more beneficial, e,g shops, post office, doctors surgery, chemist, park.
- Refer to KC Healthy Eating Initiative
- House values will decrease
- Was previously advised that the site was earmarked for a hotel development and would never be used for a fast food takeaway and restaurant

7.2 The general/supporting comments received in response to site publicity are summarised as follows:

- There isn't much around this area; consider that they will get a lot of custom, especially on game days
- Would be nice to have a new business in the area that takes the place of
- the overgrown wasteland that has been there for years.

- The development would create new jobs and opportunities for young people in the area
- Healthy eating is the pure responsibility of individuals and not the responsibility of the Council and/or the proposer
- Support the proposal; suggest that consideration should be given to resurfacing the surrounding approach roads due to the increase in traffic resulting from the development

7.3 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 30 November 2020 for a period of 14 days. A further 12 representations were received in response (11 in objection and one in support). The comments received echo those set out above.

7.4 The Dewsbury East ward members were notified of the application. Councillor Eric Firth responded to state *"I have some concerns re the traffic and the impact on local residents on Owl Lane"*. Councillor Firth requested a Committee decision, should Officers be recommending approval of the application.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM: No objections

KC Environmental Services: Recommend imposition of conditions

KC Trees: No objections subject to imposition of condition

8.2 Non-statutory:

Yorkshire Water: No objection subject to imposition of condition

KC Planning Policy: No objection

KC Ecology: Response awaited in relation to most recent information submitted in January 2020.

West Yorkshire Police Architectural Liaison Officer: Recommends crime prevention measures to be incorporated into the development

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Landscape issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 The site is allocated as part of a larger Priority Employment Area (PEA28) on the Kirklees Local Plan (KLP), and therefore consideration has to be given to Policy LP8 of the Kirklees Local Plan. Priority Employment Areas house established businesses and industry sites that warrant protection from changes of use.

10.2 Policy LP 8, criterion 1, of the KLP applies in this case:

“Proposals for development or re-development for employment generating uses (as defined in the Glossary) in Priority Employment Areas will be supported where there is no conflict with the established employment uses (as defined in the Glossary) in the area. In instances where the site is out of centre and the proposal includes main town centre uses then policy LP 13 will need to be applied”.

10.3 The proposed restaurant use is an employment generating use, as defined in the glossary ‘*And enterprises which provide jobs, for example, retail, hotel, assembly and leisure and certain non-residential Sui Generis uses (such as clubs, cash and carry businesses and builders merchants)*’. Therefore, as long as there will be no conflict between the proposed use and the existing employment uses in the area, the proposal would comply with Policy LP 8 of the KLP.

10.4 In this instance, the proposal is an employment generating use (with 65 jobs proposed) and it is considered that there would be no conflict with existing business uses. As such, it is considered that the proposed development would accord with Policy LP 8 of the KLP.

Sequential Test

10.5 The proposal comprises a main town centre use on a site located outside of the town centre of Dewsbury. In accordance with Policy LP13 of the KLP, main town centres uses shall be located within defined centres. Proposals for main town centre uses located outside of the defined centre boundaries require the submission of a Sequential Test to demonstrate that there are no suitable sites within existing centres. Main town centre uses shall be first located in the defined centres, then edge of centre locations and only if there are no suitable sites shall out of centre locations be considered.

10.6 As required, the applicant has submitted a supporting statement which includes a sequential test for the proposed development. The applicant sets out their business model and parameters for the sequential test which are;

- approx. 0.3ha of available space
- space required to successfully operate including sufficient parking to meet the operational needs of the proposal.
- Generally, a single drive-thru requires 20,000 passing traffic movements for a roadside location or other ‘attractors’.

- 10.7 The catchment for the proposal is focused on Dewsbury Town Centre and around the wider surrounding area to the north, east and west of the centre. The applicant states that there are no suitable sites within or on the edge of Dewsbury Town Centre. Bradford Road to Batley Town Centre and to the north has also been considered in addition to Halifax Road to the north of Dewsbury Town Centre and Savile Road and Thornhill Road to the south. No sequentially preferable sites have been identified.
- 10.8 The applicant also refers to supermarket car parks and that none have available or surplus land or car parks in the wider area. There is currently a planning application (2019/94107) for the erection of a drive-thru coffee shop in the car park of Asda at Mill Street West Dewsbury. The site area is 0.27 ha and this is in an edge of centre location. The application has been made by Euro Garages Ltd in conjunction with Asda stores for a new coffee shop drive thru. It is considered therefore that this site is not available due to the proposed development.
- 10.9 The Council is not aware of any sequentially preferable sites in, on the edge or in accessible out of centre locations within the catchment that would be suitable for the proposal. Therefore, the sequential test has been passed.
- 10.10 Outline planning permission was previously granted on this site for a restaurant and hot food outlets in May 2017. This has now lapsed.
- 10.11 The proposal is located immediately adjacent to a highway junction where road improvements have been identified in the Local Plan on the Mirfield to Dewsbury to Leeds and North Kirklees growth zone transport scheme site TS5.
- 10.12 Policy LP19 of the KLP states that proposals that may prejudice the future of development of identified highways improvements will not be permitted. The details of Site TS5 are set out in the Local Plan allocations and designations document. In relation to the Shaw Cross junction, it states that;
- ‘There will be improvements along the A653 corridor between Dewsbury and Leeds, in particular, at the junction of the A653 and B6128 (Shaw Cross) to facilitate improvements to bus and car journey times between Dewsbury and Leeds proving more efficient journeys to Leeds city centre. White Rose, Aire Valley and the M62 corridor and to accommodate a major mixed-use allocation Chidswell.’*
- 10.13 The proposed development must not prejudice the future development of this identified highways improvement. Negotiations have taken place in respect of this matter throughout the course of the application and this is expanded upon below.

Urban Design issues

- 10.14 The application site comprises an area of scrubland containing a number of trees. The immediate locality is characterised by residential and commercial development, with the existing commercial development having a strong presence to the south of the site. Neighbouring residential properties are located to the east of the site, predominantly of terraced stone construction, with some examples of later detached properties.
- 10.15. The proposed restaurant would be single storey in scale, faced in a combination of materials comprising mixed timber effect, contemporary grey block and stone effect panels in addition to a glazed customer area addressing the frontage of the site. The drive-thru element would be located on the north western part of the site.
- 10.16 There are no objections to the proposed design of the building which would preserve the visual amenity of this mixed use area which is not characterised by one particular built-form/use of materials.
- 10.17 Some areas of landscaping are proposed along the boundaries of the site. It is considered that these areas would add some visual interest within the site and are welcomed.
- 10.18 In summary, the proposals are considered acceptable from a visual amenity perspective and would accord with the aims of Policy LP24 of the KLP and chapter 12 of the NPPF.

Residential Amenity

- 10.19 Policy LP16 of the KLP states proposals for food and drink uses should take into account the impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas. The surrounding area is a mixed use area with the nearest neighbouring residential properties being located to the east of the site: 732 -738 Leeds Road, and 18-18A Owl Lane.
- 10.20 It should be noted that a previous outline permission was granted in 2017 for restaurant and hot food outlets. This has now lapsed, although it established at the time that a similar use would be compatible with residential development, subject to appropriate mitigation.
- 10.21 No specific details have been supplied in respect of the proposed hours of opening to customers. Whilst it is noted that a number of developments incorporating Drive-thrus may operate 24 hours a day, in this instance, due to the presence of existing residential properties to the east, a 24 hour operation would not be considered to be in the interests of residential amenity. As such a specific condition is necessary to restrict the hours of opening to customers (05:00 until midnight on any day) with a separate condition relating to hours of deliveries (09:00 until 22:00 Monday to Saturday). The applicant's agent has confirmed their agreement to the recommended conditions, should approval be granted.

Noise and Odour

- 10.22 The site is located on a busy junction where some existing noise from road traffic will currently be experienced by residents adjacent the site, however the proposed development would introduce an element of additional noise and odour. Commercial cooking odour in particular will be introduced into the area where it is not currently experienced. A Noise Impact Assessment and Odour Control Assessment have therefore been submitted as part of the application.
- 10.23 The submitted Noise Report makes an assessment of the main noise sources at the site taking into consideration the noise attenuation that will be provided by a 4.6m high acoustic barrier to be installed along part of the site boundary, which was also proposed at the time of the 2017 approval (and formed the basis of a planning condition). The Report also considers the impact of noise from external plant, vehicles within the car park, noise from car doors slamming, in addition to deliveries which are expected to occur around 3 times a week with an approximate 30 minute duration. The report predicts that, at nearby properties, the rating noise level from these deliveries will be less than the background noise levels and will therefore have no more than a low impact.
- 10.24 KC Environmental Health consider that the Noise Report makes a satisfactory assessment of the likely noise from the site and the impact that noise will have on nearby noise sensitive premises. Conditions, in line with the conclusions of the above-mentioned Noise Assessment and Response Statement, are necessary to ensure that noise from the site continues to be effectively controlled, in accordance with Policies LP 16 and LP 52 of the KLP and Chapter 15 of the NPPF.
- 10.25 With respect to odour, the submitted Odour Assessment includes a risk assessment based on the DEFRA and EMAQ Guidance on 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. The overall odour risk rating of the proposed restaurant has then been used to determine the level of odour control to be installed, which indicated that a very high level of odour control was required. The report details the different types of filter that are to be installed, to remove grease and odours and the maintenance schedule for each of the corresponding components. The report also states that the kitchen exhaust will terminate at the highest point of the building, exiting via an un-restricted vertically high velocity discharge terminal to provide the effective dispersal to atmosphere. KC Environmental Health consider the content and conclusions of the report to be acceptable, subject to the imposition of a condition to ensure that odour from the site continues to be effectively controlled, in accordance with Policies LP16 and LP 52 of the KLP and Chapter 52 of the NPPF.
- 10.26 A Construction Management Plan has been submitted by Glanville (Ref:MD4190299/CP/013) (Dated 7th September 2020). This report details the measures that are to be implemented to control, noise, dust, site security and hours of working during the construction phase. Deliveries and dispatches to and from the site are to be programmed to be as efficient as possible to minimise vehicle movements and journey distances to reduce the impact of the development on the amenity of neighbouring residents. This can be controlled by condition.

- 10.27 With regard to the built form of the development, due to the scale and siting of the building relative to the neighbouring dwellings, in addition to the separation distance that would be retained between the proposed building and the residential properties, there would be no undue harm caused to the residential amenity of these occupants by virtue of either overbearing or overlooking impact, in accordance with the aims of Policy LP24 of the KLP.
- 10.28 To summarise, subject to the inclusion of appropriate conditions, the proposals are considered acceptable from a residential amenity perspective, in accordance with policies LP16, LP24 and LP52 of the KLP as well as Chapter 15 of the NPPF.

Highway issues

- 10.29 The site is located directly south east of the signalised junction of the A653 Leeds Road and the B6128 (Challenge Way to the north of the junction and John Ormsby VC Way to the south of the junction). Access to the site is from Owl Lane via an existing adopted access road.
- 10.30 The application is supported by a Transport Statement prepared by ADL Traffic and Highways Engineering Ltd.
- 10.31 The proposed layout includes a total of 38 No. car parking spaces, inclusive of 2 no. accessible bays, 4 no. electric vehicle charging point (EVCP) and 2 no. Grill Bays, with provision for 4 no. sheltered cycle stands for 8 no. cycle parking and 4 no. Motorcycle bays.
- 10.32 Pedestrian access to the restaurant would be from the access road and a further point of access for pedestrians is proposed from John Ormsby VC Way at the north west corner of the site, providing access to the store via a zebra crossing across the drive thru lane, providing direct access to the patio area.
- 10.33 The applicant states that Restaurants such as this typically receive three deliveries per week. On the day of the delivery the GPS system will automatically email the restaurant 30-minutes prior to the vehicle's arrival. Staff can then prepare for the delivery arrival and cone off the delivery vehicle loading area. The goods are delivered by articulated lorry, typically 16.5m in length. This is typically parked for between 15 minutes – 1 hour.
- 10.34 Refuse collection would be collected by a private contractor 3 times per week and would occur outside of peak hours.
- 10.35 A stage 1 Road Safety Audit has been undertaken for the site access junction from Owl Lane and internal layout and this has not highlighted any issues that cannot be resolved at the detailed design stage. The proposed site access and internal layout arrangements are considered acceptable and in accordance with Policies LP 21 and LP 22 of the KLP.

Junction Improvements

- 10.36 The application site is located immediately adjacent to a highway junction where road improvements have been identified in the KLP on the Mirfield to Dewsbury to Leeds and North Kirklees growth zone transport scheme site TS5.
- 10.37 Policy LP 19 states that proposals that may prejudice the future of development of identified highways improvements will not be permitted. The details of Site TS5 are set out in the Local Plan allocations and designations document. In relation to the Shaw Cross junction, it states that;
- ‘There will be improvements along the A653 corridor between Dewsbury and Leeds, in particular, at the junction of the A653 and B6128 (Shaw Cross) to facilitate improvements to bus and car journey times between Dewsbury and Leeds proving more efficient journeys to Leeds city centre, White Rose, Aire Valley and the M62 corridor and to accommodate a major mixed-use allocation Chidswell’.*
- 10.38 The applicant has recently submitted an amended site layout which takes the above highways improvements into account. This has been produced following negotiation with applicant’s highways consultant and KC Highways DM. KC Highways DM have been re-consulted on this and raise no objections, as the proposed highway improvement works fall within land outside of the applicant’s red line boundary. The proposed development would not prejudice the future development of these highway improvement works, in accordance with Policy LP 19 of the KLP. Furthermore, Officers consider that traffic associated with the proposed McDonalds will not have a material or severe impact on the operation of the local highway network.

Landscape Issues

- 10.39 The application is accompanied by a Landscape Maintenance and Management Plan and Landscape Plan, which feeds into the Biodiversity Enhancement Plan. A condition would be necessary, should permission be granted, requiring the development to be carried out in accordance with the submitted information, and thereafter retained for a period of 5 years.

Flood Risk and Drainage issues

- 10.40 The site is located within Flood Zone 1 and therefore at low risk of flooding.
- 10.41 The applicant has submitted a Drainage Statement which states that
- a) foul water will discharge to public combined sewer in Owl Lane pumped at 2 litres/second with the utilisation of grease traps;
 - b) sub-soil conditions do not support the use of soakaways;
 - c) the site is remote from watercourse; and
 - d) as a result, surface water will discharge to public combined sewer via storage with restricted discharge of 2.2 litres/second

10.42 On the basis of the above, the applicant has demonstrated that they have considered the hierarchy of sustainable drainage, and as a result, the proposals would accord with Policy LP 28 of the KLP.

Representations

10.43 A total of 82 representations were received in relation to this application. The comments in support are noted at Paragraph 7.2. The issues raised in the objections are addressed as follows:

10.44 Residential Amenity

- The development would result in noise disturbance

Response: The application is accompanied by a Noise Assessment which

considers the impact of noise from external plant, vehicles within the car park, noise from car doors slamming, in addition to deliveries which are expected to occur around 3 times a week with an approximate 30 minute duration. The submitted report has been assessed by KC Environmental Health who conclude that the report makes a satisfactory assessment of the likely noise from the site and the impact that noise will have on nearby noise sensitive premises. Conditions, in line with the conclusions Noise Assessment and Response Statement, are considered necessary to ensure that noise from the site continues to be effectively controlled

- The development would result in odour

Response: The application is accompanied by an Odour Control Assessment, the conclusions of which are accepted by KC Environmental Health. A condition is recommended to ensure that the kitchen extract system is installed in accordance with the details contained within the Odour Control Assessment.

- The speeding up and down Leeds Road and Owl Lane on an evening by anti social drivers would likely increase with an additional place to congregate in McDonalds car park.

Response: This existing issue is noted. The West Yorkshire Police Architectural Liaison officer has made recommendations regarding the development with respect to site security and surveillance.

- The development would result in additional air pollution

Response: As set out within the 'Other Matters' section of the report, provision is included within the proposed site layout for the installation of electric vehicle charging points which would contribute to meeting the aims of the West Yorkshire Low Emissions Strategy.

- The development will attract vermin

Response: The application is accompanied by a refuse storage and recycling statement and litter management plan. Refuse is proposed to be stored within a corral and covered refuse store in addition to regular litter patrols daily.

- This is a residential area, not commercial

Response: The area in which the application site is located is considered to be a mixed use area comprising both residential and commercial uses.

- Do not want high walls blocking sunlight to neighbouring house

Response: The proposals include the provision of an acoustic fence part way along the eastern boundary to protect adjacent occupiers from noise disturbance. This would particularly relate to 18 and 18a Owl Lane. This same arrangement was considered acceptable at the time of granting the previous permission in 2017. The fence is located to the side of the dwellings and not at affecting their front or rear aspects. These 2 dwellings have very little external amenity space, and were built next to an industrial location. As such, whilst visually the height of the fence is unusual, the noise protection it would afford in this case is considered to outweigh the impact resulting from its height.

10.45 Visual Amenity

- The appearance of the development would not be acceptable

Response: This is addressed within the visual amenity section of the report.

- The corner could be further developed as open space as per on the opposite side of the road

Response: The site is allocated as part of a wider Priority Employment Area where the principle of employment generating uses is considered to be acceptable.

10.46 Highway Safety

- Current traffic management is bad at peak times; this development will add to that

Response: The application has been assessed by KC Highways DM who consider the highways impacts of the development to be acceptable.

- Concerns about highway and pedestrian safety around the site access

Response: A Road Safety Audit focusing on the site access and internal layout of the site has been undertaken, to which KC Highways DM raise no objections

- The location would be more suitable to a more traditional restaurant without a drive through and hence less traffic and less of a negative environmental affect in the local area

Response: : The application has been assessed by KC Highways DM who consider the highways impacts of the development to be acceptable.

- Proposed car parking provision is inadequate

Response: The parking provision proposed to serve the development is considered to be acceptable from a highways perspective.

10.47 Drainage/Flood Risk

- The site is currently green and permeable which undoubtedly helps ensure all precipitation does not run off. The roundabout is often flooded during periods of any persistent rain

10.48 Other Matters

- The development would attract litter

Response: The application is accompanied by a refuse storage and recycling statement and litter management plan which sets out details of the method of storage and removal of refuse, and frequency and extent of litter patrols around the site and its surroundings. This states that the Management of the Restaurant are responsible for reviewing and updating the plan and recording litter patrols.

- There is a McDonalds down the road in Wakefield

Response: This is noted

- McDonalds should be located in the Town Centre to encourage people to visit and shop there

Response: The applicant has demonstrated that they have undertaken the sequential test and this is addressed within the report

- The development promotes fast food in an area close to several primary schools and sporting venues

Response: This is noted, however the site is located within a priority employment area and therefore also in close proximity to industrial development which it could also be expected to serve.

- The development will have a negative impact on the proposed plans for future residential development in the area

Response: The nature of the proposed development is considered to be acceptable on this land which is allocated as part of a wider Priority Employment Area

- The development would have a detrimental impact upon local cafes in the area

Response: This is noted, however perceived competition between similar uses is not a material planning consideration.

- It would be better if the Council encouraged alternative proposals to serve the planned increase in homes in this area; adding some form of infrastructure would be more beneficial, e.g shops, post office, doctors surgery, chemist, park.

Response: The nature of the proposed development is considered to be acceptable on this land which is allocated as part of a wider Priority Employment Area

- House values will decrease

Response: This is not a material planning consideration

- Was previously advised that the site was earmarked for a hotel development and would never be used for a fast food takeaway and restaurant

Response: Each application is assessed on its own merits, having regard to the Development Plan and policies contained within it. The Council can only assess the suitability of a proposal at the time it is put forward.

Other Matters

10.49 Contaminated Land

The site located within a Low Risk Area as defined by the Coal Authority, with respect to coal mining legacy, however is identified on the Council's mapping system as potentially contaminated land due to its previous uses relating to mining, colliery tipping and refuse/slag heap. The applicant has submitted a combined Phase I and Phase II Ground Investigation Report in respect of the development.

- 10.50 Whilst KC Environmental Health generally agree with the Phase I element of the submitted report, they consider the Phase II element to be insufficient and as such, conditions are recommended with respect to further site investigations and remediation. This would ensure that the development accords with Policy LP 53 of the KLP and Chapter 15 of the NPPF.

Air Quality

- 10.51 Guidance set out within the NPPF and the West Yorkshire Low Emissions Strategy (WYLES) seeks to encourage the use of sustainable forms of transport including ultra-low emission vehicles, the use of such vehicles in turn help to improve air quality. Provision is included within the site layout for the provision of electric vehicle charging points, and it would be reasonable to impose a condition, should permission be granted, requiring the retention of these, in accordance with the aims off the West Yorkshire Low Emission Strategy.

Crime Prevention Issues

- 10.52 The West Yorkshire Police Liaison Architectural officer raises no objections to the proposed scheme. They make a number of recommendations regarding external lighting and surveillance which will be made available to the applicant. The proposal is considered to comply with the aims of chapter 8 of the NPPF in that crime and disorder, and the fear of crime, would not undermine the quality of life or community cohesion (paragraph 91 of the NPPF).

Ecology

- 10.53 The site is located within the Kirklees Wildlife Habitat Network (KWHN) and therefore provides ecological connectivity to the wider landscape. Although development within the KWHN is not precluded, development is required to "*safeguard and enhance the function and connectivity*" and

“establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist” in accordance with Local Plan Policy LP30.

- 10.54 A Biodiversity Enhancement Plan has been submitted with the application, produced in conjunction with the Landscape Maintenance and Management Plan and Landscape Plan. The applicant was asked to provide additional information to mitigate and enhance the KWHN and achieve a net gain in biodiversity. Some information has been recently received and the Council’s Ecology officer has been re-consulted, with their final comments awaited.

Trees

- 10.55 There are no objections in principle to the development. Whilst the trees shown to be retained are not formally protected, Officers consider that they do contribute to the visual amenity of the area. On this basis, Officers consider that the imposition of a condition is necessary, should permission be granted, requiring a scheme of replacement planting, in the event of those trees being removed, in accordance with Policy LP 33 of the KLP.

11.0 CONCLUSION

- 11.1 In summary, on the basis of the evidence provided it is considered that the sequential test for the location of retail businesses has been met and there are no objections in principle to the proposed siting of a restaurant with drive thru lane in this location. The proposal will provide an anticipated 65 jobs and will support economic growth in accordance with Chapter 6 of the NPPF. There would be no detrimental impact on highway safety, visual amenity or residential amenity, subject to the imposition of conditions.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Time scale for implementation (three years)
2. Development to be carried out in accordance with approved plans
3. Samples of facing and roofing materials to be submitted
4. Submission of Phase II Intrusive Site Investigation Report
5. Submission of Remediation Strategy
6. Implementation of Remediation Strategy
7. Submission of Validation Report
8. Control of noise from fixed plant and equipment

9. Control Hours of opening for customers (05:00 until midnight)
10. Control Hours of use for deliveries (09:00 until 20:00 Mondays to Saturdays)
11. External Artificial Lighting Scheme to be submitted
12. Development to be carried out in accordance with submitted Noise Assessment
13. Development to be carried out in accordance with submitted Odour Assessment
14. Installation of Electric Vehicle Charging Points
15. Development to be carried out in accordance with submitted Drainage Statement
9. Car Park to be laid out, surfaced and drained
10. Implementation of the Construction Management Plan
11. Development to be carried out in accordance with submitted Landscape Maintenance and Management Plan/Landscape Plan
12. Development to be carried out in accordance with Biodiversity Enhancement Plan
13. Scheme of replacement planting to be submitted
14. Erection of acoustic fence along eastern boundary in accordance with submitted details

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f90450>

Certificate of Ownership – Certificate B signed: 10 February 2020

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

STRATEGIC PLANNING COMMITTEE

27 JANUARY 2021

Planning Application 2020/90450 Item 14 – Page 235

Erection of restaurant with drive thru, car parking, landscaping, play frame, customer order displays and associated works

land at, Owl Lane, John Ormsby V C Way, Shaw Cross, Dewsbury, WF12 7RQ

7.0 PUBLIC/LOCAL RESPONSE

Since the publication of the Committee Report, one additional representation has been received. The comments received are summarised as follows:

- The development will make existing traffic problems worse
- The development will result in increased noise pollution
- The development will result in nuisance in the evenings
- The development will encourage rats if there is no rubbish control
- The site is located on a flood plain; concern over where the excess water will go

The concerns raised have been addressed in the report. With respect to the matter of flooding, the site is not located on a flood plain it is in Flood Zone 1 which is the most preferable from a flood risk perspective.

8.0 CONSULTATION RESPONSES

Following submission of revised and additional information, the following final consultation responses have been received from consultees:

KC Ecology: No objections subject to all works being carried out in accordance with the revised Biodiversity Compensation and Enhancement Plan, Landscape plan and maintenance regime

KC Highways DM: Conditions relating to layout, access and parking, retaining walls, and a schedule of the means of access to the site for construction traffic are recommended.

KC Public Health have been consulted on the application and have provided the following comments:

KC Public Health: KC Public Health has developed a tool which will support the decision-making process for new applications. The tool uses a range of local data in order to assess which areas have multiple risk factors for obesity. Postcodes are scored against each of these indicators. KC Public Health object to the application, and recommend that if the application is granted, the business is referred for further support from the Kirklees Food Initiatives and Nutrition Education (FINE) team:

Officer Response:

Policy LP 47 (Healthy, Active and Safe Lifestyles) of the KLP places emphasis on the creation of an environment which supports healthy, active and safe communities and reduces inequality. Whilst the development would serve the immediate locality, it is also sited within a location aimed at passing trade and therefore customers who live outside of the local area too. In addition, it is noted that within the applicant's supporting statement, they set out the ways in which their food offer has changed in recent years, to provide a range of food to allow customers a choice; providing calorie information, and reformulating existing items on the menus. They state that 54% of the menu is classed as non HFSS (not high in fat, salt or sugar) and 89% of items on their core food and drink menu contain under 500 calories. On the basis of these factors, Officers consider that on balance the proposed development to be acceptable, in relation to Policy LP47.

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Originator: Kate Mansell

Tel: 01484 221000

Report of the Head of Planning and Development

STRATEGIC PLANNING SUB-COMMITTEE

Date: 31st March 2021

Subject: 2020/20364 Pre-application for demolition of some existing buildings and the construction of a new police station at the former Kirklees College, Halifax Road, Dewsbury, WF13 2AS

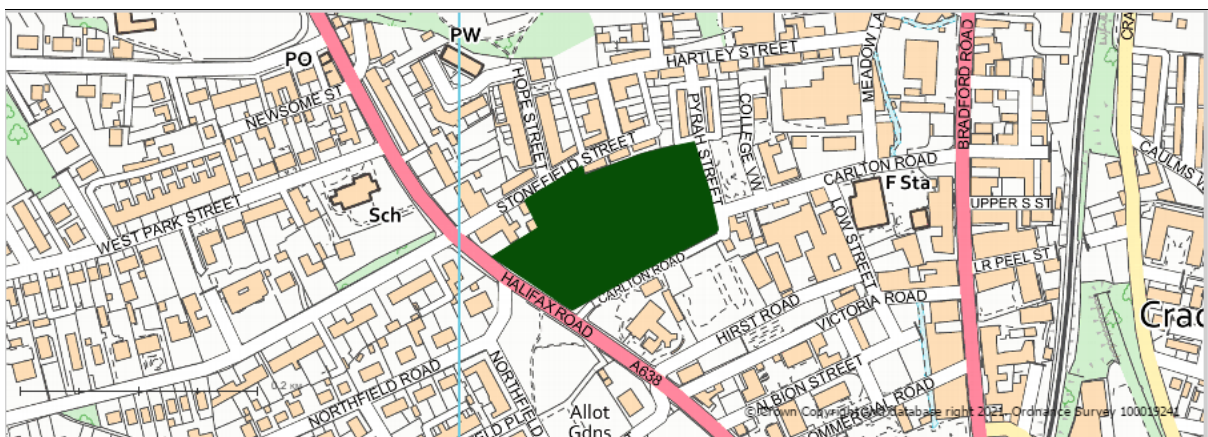
APPLICANT: West Yorkshire Police

DATE VALID
21-August 2020

TARGET DATE
09-December 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 new Police Station on the former Kirklees College site on Halifax Road in Dewsbury,

2.0 SITE AND SURROUNDINGS

- 2.1 The proposed site, presently occupied by the former Kirklees College facility, is bounded by Halifax Road to the west, Carlton Road to the south, Stonefield Street to the north and Pyrah Street to the east. It is in a prominent location on a main arterial route in and out of Dewsbury, approximately 0.5 miles north of Dewsbury Town Centre. The Kirklees College operation previously accommodated 100 staff and 1,200 students. It has since relocated to Dewsbury Town Centre.
- 2.2 The majority of buildings on site were constructed in the 1960/70s but it also includes the Oldroyd Building, built in 1889 and used as the Dewsbury and District Technical School of Art and Science (1893). An existing surface car park on Pyrah Street is also within the red line boundary.
- 2.3 Pedestrian access to the site is currently from Halifax Road and Carlton Road. Vehicular access is provided from Stonefield Street to a surface car park to the north of the existing buildings. There is a further restricted access route to Carlton Road.
- 2.4 Topographically, the site slopes steeply from west to east. In terms of landscaping, there are existing self-seeded trees and scrubland to the rear of the site at Pyrah Street. There are also several large trees in the corner of the site, adjacent to the bus stop on Halifax Road.
- 2.5 The surrounding area is mixed. To the north and east, it is principally residential, typically characterised by stone terraces along Stonefield Street and red brick terraces on Pyrah Street. There are further residential properties on Carlton Road. Opposite the site on Halifax Road is a small park, with further houses beyond.
- 2.6 The site is unallocated in the Kirklees Local Plan. The Oldroyd Building lies within the Northfields Conservation Area, which also adjoins the northern boundary of the site. To the south of the site, on the opposite side of Carlton Street, is the Grade II Listed former Dewsbury Infirmary, an impressive stone building constructed in Gothic Revival style.

3.0 PROPOSAL

- 3.1 This pre-application proposes extensive site clearance and demolition across the former Kirklees College site, the retention, extension and conversion of the Oldroyd Building and the construction of new facilities (circa 5800m² gross internal area) to provide a new Police Station for Dewsbury.
- 3.2 The facility would include new office and meeting spaces, a custody suite, public and secure landscaping and a mix of deck and surface car parking. The indicative plans indicate the re-use of the Oldroyd Building. It proposes the demolition of two small single storey extensions to the rear and the construction of a contemporary addition to the Carlton Road elevation to enable the Oldroyd Building to function as a modern office space. A new

single storey public entrance and meeting room building would face onto Halifax Road with a substantial custody suite behind that. Towards the rear of the site, a new decked car park would be constructed. This would be segregated from Pyrah Street by a landscaped edge. The existing car park on Pyrah Street would be retained for that function.

- 3.3 The site would accommodate Dewsbury Patrol, neighbourhood policing teams and a public help desk facility, which is presently located at Dewsbury Police Station. It would also house the District's investigative teams, support staff and the custody suite.
- 3.4 It would be a 24-hour facility that would operate 7-days a week. The applicant advises that it would accommodate just over 600 staff with 290 officers and staff working Monday to Friday, reducing to approximately 130 at the weekends.
- 3.5 The existing site access points from Carlton Road (via a restricted access route) and Stonefield Street would be utilised in addition to the car park on Pyrah Street. A separate pedestrian access and a limited accessible parking area will be provided for visitors from Halifax Road.
- 3.6 The pre-application clarifies that the proposal forms part of a strategic estates plan by West Yorkshire Police to invest in Kirklees. It includes a proposal to replace the existing out of date Huddersfield and Dewsbury Police Stations with new developments to support modern policing practices and continuous improvement for safer communities.
- 3.7 In addition to this proposal at Dewsbury, West Yorkshire Police have recently purchased the former Nissan/Fiat site adjacent to Broadway in Huddersfield to accommodate approximately 200 police officers and staff. These make up the Huddersfield South Patrol and Neighbourhood Police Teams, which currently deploy from Castlegate in Huddersfield. The applicant states that the new Huddersfield facility, which will ensure a continued presence in Huddersfield Town Centre, will be subject to a separate planning application process. The existing Police Stations on Castlegate in Huddersfield and Aldams Road in Dewsbury would remain in full use until the new stations are operational.

4.0 CONSULTATION RESPONSES

- 4.1 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 any associated impacts. The advice provided by these consultees is set out within the appraisal below:

- KC Highways Development Management/KC Highway Design:
- KC Conservation and Design (including site meeting)
- KC Lead Local Flood Authority
- KC Environmental Services
- KC Ecology
- Police Architectural Liaison Officer

4.2 The applicant has recently undertaken a 3 week public consultation exercise. This was in the form of a virtual public exhibition comprising a series of display boards that could be navigated by the viewer and setting out details of the proposals. The applicant also held a Q&A session for any person that wished to engage with them in that more direct format.

5.0 MAIN ISSUES

5.1 The main issues are:

- Principle of development
- Highway issues
- Urban design and heritage issues
- Residential amenity
- Drainage and flood risk issues
- Ecology
- Air quality and land contamination issues
- Other matters

Principle of development

5.2 A new Police Station comprising the mix of uses proposed within this pre-application (including offices, meeting facilities and a custody suite) would be considered a sui-generic use. The site is unallocated in the Kirklees Local Plan and its re-development for this purpose would result in the re-use of a vacant Brownfield site. As such, there is no objection in principle to the proposal in land-use terms, subject to a full and detailed assessment against all other relevant policies in the Kirklees Local Plan.

Access and Highways

5.3 The site is located approximately 600 metres from Dewsbury Town Centre. It therefore remains close to the services and public transport links within the Town Centre.

5.4 Vehicular access would utilise the existing site access points from Carlton Road (via a restricted access route) and Stonefield Street. These would provide access points for operational vehicles and for parking. The current indicates the provision of 196 car parking spaces within a multi-storey car park (MSCP), including accessible and electric vehicle charging bays and secure cycle storage for staff. An additional 9 motorbike parking spaces would also be provided within the MSCP. Surface car parking accessed from Carlton road would provide 14 parking spaces whilst surface parking off Pyrah street would provide an additional 32 parking spaces. 3 accessible visitor parking bays and a public cycle storage would be located off Halifax Road, close to the public entrance. Pedestrian access to the site is currently provided from Halifax Road and this would be retained, in addition to a new vehicle access to accommodate accessibility requirements for all.

- 5.5 Highways Development Management have advised that to make a proper and meaningful assessment of the proposal, a future application will need to include a Transport Assessment. This will consider matters such as the proposed traffic generation, access to the site by various travel modes, accident analysis, a parking standards justification and a site access design and service arrangements.
- 5.6 It has been requested that further consideration also be given to visibility when exiting from both Carlton Road and the new access onto Halifax Road.
- 5.7 Highway Safety have also been consulted on the proposal. They note that despite the presence of safety cameras, this stretch of the A638 remains prone to collisions, some of which involve excess speed. Highway Safety have studied these and have not presently identified any further mitigation measures, although those under consideration would not impact on the proposed development. However, these matters will be fully considered as part of any future application.

Urban design and heritage issues

- 5.8 Policy LP24 of the Kirklees Local Plan includes a criterion that development should ensure that it respects and enhances the character of the townscape and heritage assets. This will need to be demonstrated as part of a future planning application submission. It must also have regard to Policy LP35 of the Local Plan, which requires, amongst other matters, that development proposals affecting a designated heritage asset (such as a Listed Building or Conservation Area) should preserve or enhance the significance of the asset.
- 5.9 As a consequence of the site's location partly within the Northfields Conservation Area (CA) and its proximity to Listed Buildings, the heritage impact of the proposal will be a relevant consideration to the determination of any planning application. In accordance with the statutory duty set out in Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) respectively, the Council will be required to pay special attention to considering the impact of the proposal on the special architectural and historic interest of the nearby Listed Buildings and the desirability of preserving or enhancing the character of the CA.
- 5.10 The former Kirklees College buildings at Halifax Road originated as the Dewsbury and District Technical School of Art and Science (Oldroyd Building) in 1889, which at that time, sat in spacious grounds to the north and east. The Technical School was extended in the late 19th Century to the east. Then in the early 20th Century, it was extended to the north and a new block was added to the east. This latter part is not within the Northfields Conservation Area (NCA). Further new blocks were added to the north east of the site in the mid-20th century and to the North West in the late 20th century.

- 5.11 The original Technical School, and its late 19th century extension, are of greatest architectural interest and for that reason, included with the CA. The Oldroyd Building forms an important part of the setting of the Grade II Listed former Dewsbury Infirmary to the south east and is considered to be an undesignated heritage asset. The remainder of the buildings are deemed to be of little interest.
- 5.12 The proposed re-development of the site for a new police headquarters, would result in the loss of the buildings outside of the CA, including the early 20th century additions to the rear of the Oldroyd Building. The Council's Conservation Officer considers that the loss of these buildings is not of concern on heritage grounds.
- 5.13 The retention of the Oldroyd Building is welcomed. It is acknowledged that it can be challenging to find new uses for such institutional buildings and this would be a significant public benefit of the proposal. It would ensure that the setting of the former Dewsbury Infirmary would be preserved. It is also considered that the scale and dense grain of the current college complex does not relate particularly well to the character of the Northfields Conservation Area.
- 5.14 The detailed design of the new build elements of the scheme are continuing to evolve. They will require careful consideration to ensure that they relate appropriately to the Oldroyd Building and the wider Conservation Area. This includes a consideration of detailed design and the selection of materials appropriate to the scale and form of the proposal and the locality.
- 5.15 The relationship of the proposed development to the surrounding properties in terms of its massing and appearance will also be key. Due to the nature of the development, there may be long stretches of reasonably blank elevations, which need to be detailed/treated in some form. In this regard, the Council have encouraged the introduction of green walls as a possible solution. The applicant has raised safety concerns in this regard and the discussion is on-going.
- 5.16 Careful consideration will also need to be given to the design of any counter terrorism boundary wall treatments required to protect the building, particularly on Halifax Road and Carlton Road. In principle, the provision of a larger landscaped area between Halifax Road and the new-build block custody suite is however, welcomed, as is the provision of further soft landscaping around the perimeter of the site. These discussions are on-going with the applicant and Members will be presented with the latest iteration of the scheme at the Planning Committee.

Residential amenity

- 5.17 A key consideration in the assessment and determination of any future planning application will be the impact of the proposal on the living conditions of existing residential occupiers that surround the site, particularly given the 24-hour operation and the nature of the proposal. This is acknowledged by the applicant.

- 5.18 With the exception of the extension to the Oldroyd Building, the new elements that will provide new accommodation across the site will be single storey in scale. As such, it is not anticipated that the proposal would result in any issues of overlooking for existing residents along Stonefield Street, Pyrah Street or residential development on Carlton Street. The scheme will require an assessment of the scale of the multi-storey car park in relation to existing properties and cross-sections will be required as part of any future application. Details of lighting will also be necessary to assess the impact on surrounding properties.
- 5.19 With regard to noise, the Council's Environmental Health Officer advises that there is a risk that the amenity of the occupiers of these properties will be adversely affected by noise, from vehicles accessing the site in particular, which will operate 24 hours a day. It is noted that the vehicle entrance off Stonefield Street is in a similar position to an existing entrance and is opposite the junction with Hope Street. It is considered that it is therefore probably the best position regarding noise. It is understood that this will need to be a secure entrance and if there is to be a barrier to restrict vehicles entering at this point, it needs to be positioned in a location that prevents vehicles stopping / waiting near to existing dwellings. The applicant has been advised that any barrier should therefore be set back into the site, possibly with some acoustic screening.
- 5.20 The proposed vehicular access off Carlton Road is immediately adjacent to an existing residential property. It has been raised with the applicant that any significant increase in vehicle movements near the other houses on Carlton Road and also on also Pyrah Street, particularly throughout the night could cause a loss of amenity.
- 5.21 Noise from any external plant and equipment at the development could also have an adverse impact. However, because of the size of the development it is expected that any such plant could be located away from any noise sensitive locations.
- 5.22 To assess these matters, a full Noise Assessment would be required with any future application. This would consider the potential impacts arising from noise from 24 hour a day vehicle movements and external plant and equipment. It will be required to assess the existing noise climate around the site and predict the future noise that will be caused by the proposed future use and also, to detail any necessary noise mitigation measures.

Drainage and Flood Risk

- 5.23 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.

- 5.24 The Lead Local Flood Authority (LLFA) advise that Kirklees surface water flood maps suggest that the site is at risk of surface water flooding in the 1:100 year event and the 1:1000 year event. There have been no reported flood incidents on or off that site that could have impacted the site. However, this does not mean that flooding has not occurred, but rather that flooding has not been reported to Kirklees LLFA.
- 5.25 The applicant has been advised that the Council aim to promote sustainable drainage throughout the district. The LLFA therefore expect developers to follow the drainage strategy hierarchy, as described in National Planning Practice Guidance: Flood Risk and Coastal Change.
- 5.26 The LLFA usually expect developers to investigate the feasibility of soakaways/infiltration techniques and the majority of the site (except the eastern area) appear to be suitable for infiltration. However, the gradient of the site carries a risk of water re-emergence and therefore, infiltration features are not considered suitable in this location.
- 5.27 The next option, being connection to a watercourse, is also unfeasible in this instance due to the distance to the closest watercourse, at approximately 150m east of the site and with existing properties and infrastructure in-between. The most likely option is therefore a connection to a surface water sewer or to a combined sewer, which are located in the immediate area, including along Carlton Road.
- 5.28 As this is a brownfield site, the LLFA require a minimum of 30% reduction of discharge rate on existing connection points (for the 1:1 year event). If a new connection is proposed to an alternative network, restrictions to at least Greenfield rate would be required.
- 5.29 A full Flood Risk Assessment and Drainage Strategy will be necessary to support a future application.

Landscape and Ecology

- 5.30 Policy LP33 of the KLP advises, amongst other matters, that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.
- 5.31 In this case, there is some existing planting around the edges of the site, albeit of varying quality, including to the rear boundary of the parking area on Pyrah Street. The retention of existing planting is encouraged where practicable, and supported by new native species. The Tree Officer has also advised that the group of mature trees in the North West of the site, on the Halifax road frontage, need to be taken account and retained in any design. These trees are an important feature of the landscape and provide significant public amenity value along the busy main road. The latest proposals would retain them.

5.32 Turning to Ecology, Policy LP30 of the KLP confirms that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. In the absence of any baseline ecological information to date, the applicant has been advised of potential ecological constraints, including the site's location within a Bat Alert Zone, being within an area suitable for foraging bats and also, there are records of nesting Swifts within 250m of the site, which provides an opportunity to establish new colonies on the site. This should be considered within any ecological enhancements proposed. The applicant has therefore been advised to undertake a Preliminary Ecological Appraisal Report, which should be used to inform an Ecological Impact Assessment to support a future planning application. The applicant will also be required to demonstrate a bio-diversity net gain.

Air quality

5.33 The West Yorkshire Low Emissions Strategy (WYLES) -Technical Planning Guidance divides applications into 3 impact types (Minor, Medium and Major) using specific criteria to determine the type. Actions and mitigation requirements are dependent on the development use class and which impact type it is classified as. The proposed development has been reviewed in accordance with WYLES and because of the size of the development, the application would be classified as at least a 'Medium' impact type.

5.34 The site is adjacent to the busy Halifax Road, which has an annual average daily traffic (AADT) level of over 15,000 and it is considered to be a 'road of concern' regarding air quality less than 200m to the south east of the site boundary. There is also an existing Air Quality Management Area on part of the nearby Dewsbury ring road. Depending on the traffic volumes / compositions generated by the development it may meet the 'Major' impact type criteria.

5.35 It is important that the proposed development does not adversely affect local air quality and/or impact the nearby existing Air Quality Management Area. Therefore, a full detailed Air Quality Impact Assessment will be required with any future application. The Council would also expect the details of the provision of Electric Vehicle Charging Points (EVCP) to be included with any future application.

Contaminated Land

5.36 A small part of the site near the eastern boundary is considered to be potentially contaminated because of its historical use as a sub-station. Because of this, and also because of the scale of the development, the Council will expect a Phase 1 Contaminated Land Desktop Study Report to be submitted with any future application. If that report recommends further investigations then a Phase 2 Contaminated Land Intrusive Site Investigation Report will also be required and, if necessary, a Remediation Strategy Report.

Other Matters

- 5.37 The applicant has been advised that the Council approved a Climate Emergency at its meeting of full Council on 16/01/2019. They have also been advised of the West Yorkshire Combined Authority's pledge for the Leeds City Region to reach net zero carbon emissions by 2038 such that any forthcoming applications must respond positively to these policies and initiatives.
- 5.38 It is acknowledged that the extensive demolition required to deliver the proposal would have a notable environmental impact. It would involve the use of energy for on-site demolition and the transport of materials off-site, to which might be added the impact of the abandonment and potential demolition of existing facilities elsewhere. The applicant has therefore been encouraged to consider replacement buildings with high levels of sustainability to minimise the carbon footprint of the development, both in its construction and operation. It has been recommended that this should include consideration to the use of Green Roofs, given the potential extent of flat roofs within the site. These would obviously have a number of benefits, including reducing the need for artificial cooling in hot weather, attenuating or capturing rainwater runoff, as well as providing a range of habitats for urban wildlife.
- 5.39 The Council's 'Designing out Crime' Officer has also considered the pre-application submission and has advised that from a security perspective for the site, consultations are ongoing so that 'Secured by Design' can be incorporated into the design plans for any future application.

6.0 CONCLUSION

- 6.1 This pre-application is brought to the Strategic Planning Committee to inform members of a potential planning application for a new Police Station on the site of the former Kirklees College on Halifax Road in Dewsbury. This report sets out the key considerations for any future planning application.

7.0 RECOMMENDATION

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

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 31 March 2021

Subject: Pre-application for part redevelopment of Greenhead College, including part demolition and making good, new building, relocated car parking and site access arrangements, and reconfiguration of sports provision at Greenhead College, Greenhead Road, Huddersfield, HD1 4ES

APPLICANT

Galliford Try Building Ltd

DATE VALID

23-Feb-2021

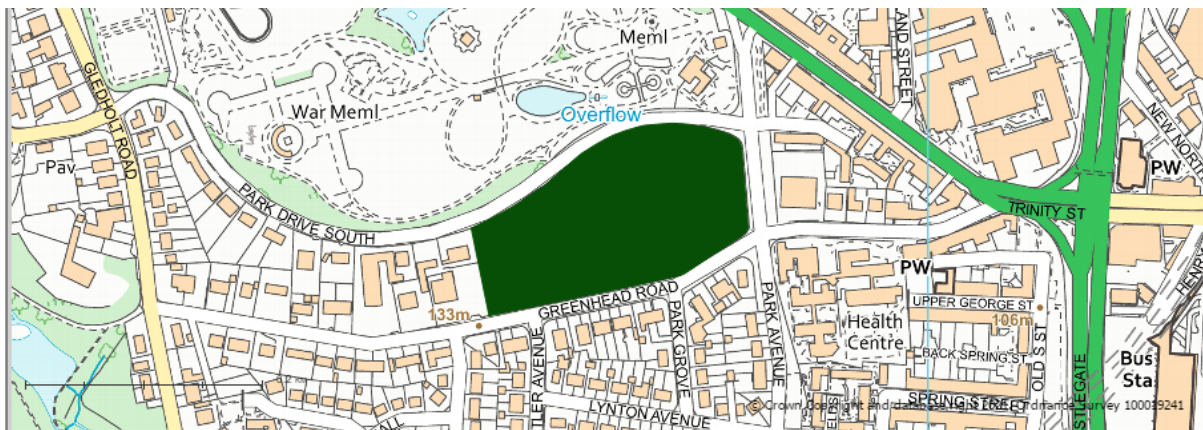
TARGET DATE

22-Mar-2021

EXTENSION EXPIRY DATE

N/A

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 demolition and the erection of a new teaching block at Greenhead College.

2.0 SITE AND SURROUNDING

- 2.1 Greenhead College is a large sixth form education facility whose grounds are circa 2.5ha in size. The campus hosts a central agglomeration of buildings which form the primary teaching block, with several satellite buildings. Car parking is located around the site but is focused to the east of the main building. To the campus' west is a large multi-use games area (MUGA).
- 2.2 The site has a substantial stone boundary wall in all directions. The primary access for vehicles and pedestrians is via Greenhead Road (to the site's south), with a secondary access via Park Road South (to the site's north).
- 2.3 The site is within a residential area, with dwellings to the east, south and west. To the immediate north is Greenhead Park. Greenhead Park is a Grade II Listed Park and Garden that hosts several listed buildings. Greenhead College is also within the Greenhead and New North Road Conservation Area and is adjacent to the Springwood Conservation Area.

3.0 ENQUIRY BACKGROUND

- 3.1 An earlier pre-application was submitted on the site in late 2020, also seeking the demolition and erection of a new teaching block. Greenhead College includes various built sections which are reaching the end of their life, notably 1960s laingspan construction areas that are in a degraded state. This amounted to circa 3900sqm of floor space being demolished. The earlier pre-application proposed to demolish these and to erect a modern, purpose-built education block, along with other works to provide an outdoor social space, improve circulation and flow around the campus. The number of students, currently 2505, was stated to not change as part of the proposal.
- 3.2 The previous pre-application included information on several explored options and why non-selected options had been discounted. At the time the applicant's preferred option was to erect the replacement building in the north half of the site, set forward of front of the entrance block and adjacent the boundary wall to Park Drive South / Greenhead Park. The indicative plans showed a split-level structure, at four and five storeys, with a flat roof. The area opened up through demolition would be turned into an outdoor social space, with a cloister / colonnade connecting the remaining buildings. Plans were limited to indicative block plans and massing studies.
- 3.3 The initial enquiry included a draft development phasing plan. Given the need to provide continued education serves, a 3-storey temporary teaching block was proposed, to be sited to the site's west. No detailed elevations or timeframes were provided.

3.4 Meetings took place between the applicant and the LPA, involving planning, conservation and highway officers. It was noted that the site is allocated as Urban Green Space, and the proposal would likely represent a departure from policy LP61 (Urban Green Space) of the development plan. The applicant was advised that sufficient justification would need to be submitted to demonstrate that the public benefits outweigh the final proposal's ultimate harm to the Urban Green Space. Comments were also made over the impact upon sports provision. Amongst other matters, concerns were expressed over the scale of the new building and its proximity to Greenhead Park (and, to a lesser extent, to temporary teaching block's impact), from where it was anticipated to appear unduly prominent and dominant. It was advised that the scale of the building be reduced along with requiring a considered design to ensure it harmonised with the historic context. Recommendations and feedback were also given on various other material planning matters including, but not limited to, Highways. A conclusive formal pre-application letter was issued.

4.0 PROPOSAL

4.1 Following on from the initial pre-application and the LPA's advice, an amended proposal has been submitted under the current pre-application enquiry.

4.2 The extent of demolition remains as previously proposed, showing the removal of circa 3900sqm of existing floor space (subject to change). The connecting cloister / colonnade has been superseded by an infill section to link the buildings. The outdoor social space would include the remaining footprint of the demolished building, plus much of the land previously proposed to host the initial preferred option teaching building.

4.3 The new preferred option building is located away from the north boundary but would remain to the front of the main block. It would be built over the site's existing principal car park, adjacent to the south and east boundaries. The building's scale has been reduced compared to the original design. It would have a footprint of circa 1500sqm, with a height of 4 storeys therefore providing circa 6000sqm of floor space in total. The roof remains flat, although parapet detailing has been indicated. The site's existing vehicular access would be converted to the primary pedestrian access.

4.4 Car parking would be re-located to the west of the site, which currently hosts a large MUGA. The MUGA would be reduced in scale and moved to the north, on currently vacant land. The replacement parking is intended to replace spaces at 1:1 (retained at 159 on site spaces). A pavilion used for changing and storage would be demolished and may be proposed to be replaced, although no details have been shown at this time. An existing closed access from Greenhead Road would be re-opened and enlarged / re-aligned, to ensure modern standards, to access the car park.

4.5 Based on the current proposed layout and indicative development phasing plan, no temporary teaching accommodation would be required.

5.0 CONSULTATION RESPONSES

5.1 As part of the current and earlier pre-application enquiries the following consultees from within the Council have been contacted to seek their advice on the potential implications of such development in this location and the reasonable measures required to mitigate the associated impacts:

- K.C. Conservation and Design
- K.C. Crime Prevention
- K.C. Ecology
- K.C. Environmental Health
- K.C. Highways Development Management (HDM)
- K.C. Landscape
- K.C. Lead Local Flood Authority
- K.C. Planning Policy
- K.C. Sports and Physical Activity
- K.C. Trees

5.2 The advice provided by these consultees is set out within the appraisal below where relevant.

5.3 Local ward members were notified of both the original and current pre-applications. The site falls within Greenhead Ward. Given the proximity to Newsome Ward, Newsome members were also notified.

5.4 Cllr Pattison responded to the initial enquiry, where she commented on the existing parking attributed to the school, with student parking causing difficulties and should ideally be accommodated on site. Cllr Pattison considered the existing in / out arrangement for both cars / pedestrians to be poor. Finally, Cllr Pattison requested that any artwork on the building be retained and re-used.

6.0 MAIN ISSUES

Principle of development

Urban Green Space, educational development, and the impact upon sports facilities

6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, the Kirklees Local Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

6.2 The pre-application enquiry site falls within land allocated as Urban Green Space (UGS) within the Local Plan. UGS is governed by Policy LP61, which outlines when UGS may be developed. Based on the details held at this time, officers do not consider the proposal to comply with the requirements of LP61. Furthermore, officers do not envision that a justification could be submitted

that would demonstrate that it does. The proposal would therefore represent a departure from the Local Plan. This has not currently been disputed by the applicant. Nonetheless, the LPA may depart from development plan policy where material considerations indicate that the plan should not be followed.

6.3 Initial justification for the departure has been offered by the applicant. This principally relates to the need to provide enhanced education facilities at Greenhead College. This includes the need to replace buildings which have reached the end of their lifespan and are no longer fit for modern education purposes. The provision of enhanced education facilities would carry material weight, in accordance with LP49 (educational and health care needs), and could form the basis of an argument to justify a departure from LP61. The submitted details are a suitable starting point, but the LPA would expect further and more detailed context, explanation, and justification to be provided with any subsequent application. Officers have advised the applicant to consider the following:

- An assessment of the purpose of the UGS allocation at present.
- Elaboration on the need for the development; more details on the issues with the in-span construction and how the proposal would lead to an enhancement of education facilities.
- Whether any other options off-site have been considered and, if so, why they were discounted.
- Demonstrate how the proposed design has been reached, outlining how the UGS has been considered within the design.
- An assessment of how the proposal would impact upon the purpose of the UGS, as previously made.

6.4 As noted, a proposal providing education enhancements is a material consideration and would add weight in favour of the development, if suitably evidenced. LP49 establishes a general principle in favour of education development, subject to the following criteria:

Proposals for new or enhanced education facilities would be permitted where:

- a. they would meet an identified deficiency in provision;*
- b. the scale, range, quality and accessibility of education facilities are improved;*
- c. they are well related to the catchment they are intended to serve to minimise the need to travel or they can be made accessible by walking, cycling and public transport.*

- 6.5 The applicant has been advised that the above criteria should be directly addressed within a subsequent application's supporting statement. In regards to the NPPF, paragraph 94 also adds weight to supporting education development, requiring that:

It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*

- 6.6 Conversely, the proposal also includes a reduction in the size of the site's MUGA. Harm to the site's ability to offer sports and recreation would materially weigh against the proposal. Local and national policy seeks to support sports and physical activity, for social and health gains. LP47 sets out how the council aims, with its partners, to create an environment which supports healthy, active and safe communities and reduces inequality, followed by a variety of criteria. LP50 relates directly to sport and physical activity.

Sport and leisure facilities would be protected where they are needed to meet current and future demands. The loss of open space, sport and leisure facilities would only be allowed where:

- a. an assessment clearly shows that the site is no longer required to meet an identified need for open space, sport, or recreation use; or*
- b. equivalent or better replacement facilities in terms of quantity and quality are provided to compensate for those lost as a result of the development and these are within an easily accessible location for existing and potential new users; or*
- c. the proposal is for an alternative sport, leisure or open space use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing facility.*

Any proposed loss of community sports facilities should be supported by a detailed needs assessment report.

The enhancement of outdoor sports facilities through improving the quality and management of sites as identified in the Playing Pitch Strategy would be supported.

6.7 The Greenhead College facilities are recorded within the Playing Pitch Strategy, where it recommends:

'Protect - Well used pitches, protect for College use'

6.8 Notwithstanding the above, it is accepted that the proposal would be a reduction, not a loss, as a smaller MUGA would be formed. Regardless, any subsequent application is expected to demonstrate that the change to the MUGA would not materially harm health and sport provision for the college would comply with LP47 and LP50.

6.9 On the matter of community use, the current MUGA is limited to school use only via planning conditions. This was on the basis of highway safety and amenity of neighbouring dwellings. As the MUGA would, as currently proposed, be adjacent to the car park (whereas before it was well removed) and be further away from 3rd party residents, the applicant has been advised to consider whether a public element could be incorporated. This would, if supported, help offset any harm caused through the reduction in size proposed.

6.10 Sport England would be consulted at application stage and would likely comment on the proposal's sports' impact.

6.11 In summary, at this time and based on the detailed held, whether the principle of development is acceptable cannot be fully assessed. Officers would have to weigh the proposal's harm to the Urban Green Space and breach of LP61, plus the impact upon the MUGA and policies LP47 and LP50, against the educational needs of the school, to be outlined within supporting information with any subsequent application.

Impact on visual amenity, including the historic environment

6.12 LP24 of the KLP states that *'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'*. LP35 relates to the historic environment and outlines that *'proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area'*. The policy outlines various criteria to achieve this.

6.13 The proposed development is within the Greenhead Conservation Area, lies adjacent to the Springwood Conservation Area and is also adjacent to the Grade II Listed Greenhead Park which hosts several separate listed buildings. LP35 requires that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets. For the avoidance of doubt, officers consider that the college's main entrance building is considered to be a non-designated heritage asset and should be treated accordingly. As a consequence of the site's close relationship with the historic environment the proposal's impact upon all identified heritage assets would need to be addressed within an adequate Heritage Impact Assessment at application stage.

Demolition

- 6.14 Regarding the proposed demolition of part of the existing structure, from a general design perspective, this is not opposed. Nonetheless, the building is within a Conservation Area: therefore, the impact of the demolition and the heritage value of the building to be demolished should be considered and weighed within the Heritage Impact Assessment. The treatment / repair of newly exposed elevations on buildings to be retained should also be detailed (and may form a public benefit).
- 6.15 The building to be demolished previously hosts an art installation (a statue affixed to building) although it is understood this was removed sometime ago. Nonetheless, LP24(j) supports the provision of public art. The inclusion of replacement or additional features of art around the site, student made or otherwise, would be welcomed and would enhance the scheme. This does not need to be fully detailed at application stage, but should it be included areas 'to host public art' should be identified on plan.

The new building

- 6.16 The applicant has evidently considered the concerns raised within the previous pre-application. Furthermore, it is accepted that a full set of complete plans have not been provided to date, to enable a comprehensive assessment of the proposal's impact. Nonetheless, officers are required to comment on the details before them. While many of the issues raised previously have been addressed, officers do have remaining concerns over the visual impact of the proposed building. These concerns can be broken down to the building's layout, materials, scale and roof form.
- 6.17 First considering the proposed layout, it is accepted that the new location would have a lesser impact upon the designated heritage assets of the Grade 2 Listed Greenhead Park, and the wider Greenhead Park / New North Road Conservation Area. Furthermore, the proposed location allows for a lower and smaller scale building and would be built atop a car park, which neither adds to the heritage value of the area nor is visually attractive. Conversely, it is sited directly in front of the main entrance building, harming views of the frontage, which officers have identified as a non-designated heritage asset and would still be prominent within the Conservation Area.
- 6.18 The applicant has made efforts to minimise the impact upon the main entrance building. This includes having a cantilever entrance section, to partially allow views through, as well as re-locating the main entrance.
- 6.19 In regards to materials the applicant is currently proposing a buff brick, of a colour to match the natural stone of the host building. Officers have expressed a strong preference for natural local York stone, which the applicant opposes on grounds of wanting a modern subservient and complementally material, as opposed to a replicated pastiche.

- 6.20 Progressing to scale and roof form, the building would be 4 storeys with a flat roof design. While 1 storey less than the original pre-application's design, it remains a new large building above the typical scale of structures within the Conservation Area which would be visible from various vistas within the Greenhead Park / New North Road Conservation Area, as well as the neighbouring Springwood Conservation Area. Despite most buildings within the campus having three floors, they predominantly appear two storeys in height and incorporate teaching into their pitched and hipped roof spaces. This is achieved through rooflights, dormers, 2.5 storey design or a mixture. As a result of these design features, the evident scale and mass of the site's existing buildings are kept to a minimum. There is noted to be one 4 storey structure on site, however it has all the aforementioned design features. The one existing 4 storey structure on site includes all of these features. It is also faced in lightweight subservient materials and is set back in the site, adjacent to a level change and buildings, which step up to its height. These all reduce its visual impact.
- 6.21 The proposed building would be a true four storey structure, with flat roof and bulky design. The height, scale, and massing of such a structure would, in officer's view, not harmonise well with the other buildings on site. The adjacent, and also modern, Rostron building does host a flat roof, a similar square design and lacks architectural interest. However, it is considered the least attractive building on the site and it should not be replicated. In justification of the Rostron, it is smaller and set further away from the site's other buildings, features the current proposal would not benefit from.
- 6.22 Whether appropriate architectural design could overcome these concerns, while retaining the mass and roof form, would need to be explored at application stage, as currently full detailed plans are not held.
- 6.23 Officers have shared these concerns with the application, who has provided the following summary statement on their design reasoning (to be elaborated upon at application stage).

The Department for Education (DfE) and their technical advisors undertook an analysis of the existing Greenhead campus to identify those buildings beyond their service life and eligible for replacement under their School Building Replacement programme. Based on this assessment a number of Laingspan structures on the site were selected for replacement. Due to the interdependent nature of a number of the structures adjoining the Laingspan structures, the Science Building, Student Social Area and Main Hall block were identified for replacement.

All replacement accommodation has to be delivered to the current national standards developed by the DfE which sets clear performance and space requirements for typical teaching and support spaces.

Three locations on the site were identified as potential development areas.

1. *The location of the existing blocks proposed for replacement [the siting subject to the initial pre-application]*
2. *The field/pitch areas to the west of the site.*
3. *The carpark to the east of the site [the current proposed location]*

Options were developed for each location on the site to test the scale, massing, access and impact on heritage assets, the conservation area, and the operational College, along with the ability to provide the required accommodation, parking, sports provision and a coherent campus on completion.

As a result of key challenges identified for sites 1 and 2, site 3 was selected as the proposed development area.

Key Challenges with development site 1

- *Negative impact on the listed Greenhead Park and wider conservation area due to 4-5 storey building close to the north boundary on the mid site plateau (one storey above the east carpark)*
- *Disruption to the delivery of education due to a long build programme over multiple phases that requires extensive temporary accommodation*
- *Requirement for extensive temporary works for service continuity and structural integrity*

Key Challenges with development site 2

- *Negative impact on the listed Greenhead Park and wider conservation area due to 3-4 storey building close to the north boundary on the upper site plateau (two storeys above east carpark)*
- *Unfeasible to reprovide pitch area on the site*
- *Location of building results in a disjointed campus which would have negative impacts on the delivery of education*

Development site 3

Whilst the selected site offered many advantages it was clearly recognised that the proposals had to be developed to respond suitably to the former Girls High School building (now referred to as Main Building by the College, which we shall adopt in the following text) and surrounding conservation area, being cognisant of the rich heritage within the local area.

Proposals for the selected development area have been refined to respond to the site and wider context. The building footprint has been optimised to deliver the required accommodation whilst maximising the separation distance from the Main Building, the Rostron building and ensuring that the important tree belt to the site perimeter can be retained.

A new pedestrian plaza is created at the south of the site allowing students and visitors to enter the site from Greenhead Road and access the new building and visitor entrance that will be retained in the Main Building. This new public realm removes the clutter of the existing carpark and sea of tarmac that currently faces visitors and will allow the main building to be appreciated in a safe and welcoming car free environment. The student entrance is carved out of the new building form to create a sheltered and clearly expressed point of arrival for all students.

A material palette has been selected that is respectful of the predominant tones and colours of the local stone and slate typically found on the historic buildings in the surrounding conservation area, and the rich variation and texture found within that stone; using a brick that pays homage to these tones and textures but does not seek to replicate them in a modern building so as to avoid a pastiche.

Utilising a simple and elegant pallet and avoiding unnecessary detail and ornamentation ensures that the new building will be subservient and complimentary to the former Girls High School building on the site.

The fenestration and elevational treatment have taken cues from the existing building and historic photos of the former Greenhead Hall that once stood on the site. The elevations are composed to reflect the strong vertical datums set by consistent window heads, eaves and parapets. Windows are stacked vertically and utilise a regular module and proportion in keeping with the existing building and applied as either a single, double, or treble unit as is the case on the Main Building.

The roofscape has been developed to deliver benefits to the local environment and to assist in delivering a project funding requirement for the building to be net zero carbon in operation. The building is being designed to be highly energy efficient and to offset the remaining carbon used to operate the building through on-site generation. As a result, the roof is proposed as a Bio-Solar roof, which is a combination of Photovoltaic panels which will generate electricity and a bio-diverse green roof which will provide a valuable habitat and positively contribute to the local environment.

A parapet is provided to ensure the roof can be safely maintained and the working elements of the roof are not visible from the ground. The parapet also reflects the approach that was adopted on many historic buildings in the town centre including the former Greenhead Hall, and is reflective of the view you experience on the likes of John William Street where the buildings terminate on a very clearly defined parapet line.

- 6.24 Ultimately, a balanced assessment will be required which weighs the visual impacts of the proposal upon the surrounding built and historic environment, against the benefits to local education. Both considerations sides of this

assessment require elaboration and further details being provided at application stage. Nonetheless, officers and the applicant are welcome any comments or questions on the details available at this time.

Landscaping and external works

- 6.25 The plans to form an outdoor social space is welcomed in principle as it would provide various benefits to the site and students. This is subject to a review of detailed design. The inclusion of soft landscaping would be welcomed, and a landscaping strategy should be submitted. 'Secure lines' are shown on plans: the need for access control is accepted, but appropriate harmonious design would be required.
- 6.26 LP33 relates to development proposals affecting trees. Any subsequent application would require an Arboricultural Survey, Arboricultural Impact Assessment and Method Statement, each to BS5837. It is appreciated that the proposal would require the loss of trees within the site's centre. The removal of the trees within the site's central areas is not opposed in principle, but their loss should be mitigated through appropriate re-planting within the site, to be detailed within a landscaping plan.
- 6.27 Conversely, the trees along the site's boundary are of substantial amenity value and they contribute to the character of the area. Furthermore, they directly attribute to the verdant nature of the Greenhead Conservation Area, which forms part of its heritage value. Their loss, or a proposal which may affect their long-term viability, is unlikely to be supported¹. The proposal also currently includes a new access from Park Avenue, which is tree lined. It is likely that a new access from this road would require the removal of one or more street trees. These trees carry the same value as the site's boundary trees, and their removal would be initially opposed unless suitably evidences. If their removal is suitably justified, the loss of these street trees may be mitigated through replacement street tree planting.

Impact on residential amenity

- 6.28 Due south of the proposed building are several properties on Greenhead Road facing the site. These would be, at their closest, circa 30m from the proposed 4 storey building. Several mature trees are located between the structures (along the college's boundary) and would somewhat screen. Being due north overshadowing would not occur. 30m is sufficient distance to prevent overlooking concerns. However, given the scale of the proposed building, officers hold concerns over potential overbearing impact. Further details, such as the submission of cross sections and more detailed block plans, are required to make an informed decision on this matter and are requested at application stage, with the applicant to be notified of this concern.

¹ Unless appropriate arboricultural reasons are given, and other options to save the tree are suitably evidenced as discounted.

- 6.29 The proposal includes the current MUGA being re-located and a new car park. When the current MUGA was granted planning permission it was conditioned to be for school use only and limitations on lighting. This was to preserve residential amenity, given the proximity to neighbouring properties, and highway safety, given the disconnect from the car park. The applicant has suggested they may consider an open use for the local community, if supported by the LPA. It is noted that the new MUGA would be smaller and moved away from residential properties compared to that previously approved. Nonetheless, the impact of a community use, as well as the environmental impacts of the new car park (light and noise pollution) would have to be justified and assessed at application stage.
- 6.30 The proposed building may include kitchen / dining facilities. As the building is close to residential properties which may have their amenity affected by various odours and noise from the extraction systems. Therefore, with any future planning application, it would require an odour extraction scheme. It should consider all the extraction systems to be installed in the new building that have the potential to cause noise and odour. It should also include details of the proposed methods of odour control and dispersion, and the noise mitigation measures that would be incorporated into the extract systems along with an ongoing maintenance schedule.

Highways

- 6.31 As a pre-application submission full supporting details are not held at this time. To enable Highways Development Management to make a proper and meaningful assessment any subsequent application should include a Transport Assessment. A stage 1 road safety audit covering all aspects of the design including the proposed access and internal layout should be submitted. Nonetheless, based on the information available, officers and Highways Development Management offer the following assessment.
- 6.32 The application is to provide a net gain in educational floor space. However, the applicant has stated that the proposal would not increase the number of students attending the college (remaining at 2505). The increased floorspace is to comply with modern teaching standards and to offer improved student social spaces. The current main car park would be built upon, with a new car park erected to the west replacing spaces at a ratio of 1:1, retaining the on-site parking figure at 159 spaces.
- 6.33 Notwithstanding the above, the applicant is expected to independently assess whether additional parking is required as part of the development, or to alternatively demonstrate why it is not as part of their submission through an appropriate Transport Assessment. Kirklees LPA does not have set parking standards, instead, requiring a site-by-site parking assessment on each proposal's merits. If the level of parking is determined to be acceptable, officers could consider conditioning a limit on student numbers to 2505, along with the provision of the parking spaces, on highway grounds (subject to review of the relevant tests for planning conditions when all information is available).

- 6.34 The proposed access from Greenhead Road into the new car park is shown to be widened and improved with a slight carriageway build-out into Greenhead Road to enable the required sight lines to be achieved. The application would have to demonstrate that the access to the new car park, via improvements to an existing closed entry point, complies with modern highway standards.
- 6.35 Regarding the site's existing access points, most of the accesses onto Greenhead Road and Park Drive South have restricted sightlines, as identified by Highway Safety and Ward Councillors. This is partly attributed to close on-street parking but also, the height of boundary walls. The Transport Assessment should demonstrate that these issues are not exacerbated by the proposal and should consider the options to improve the existing accesses.

Sustainable travel

- 6.36 LP21 of the Local Plan requires that applications demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network. Proposals should also consider any impacts on the Strategic Road Network'. LP20 relates to sustainable travel. It states that:

Proposals for new development shall be designed to encourage sustainable modes of travel and demonstrate how links have been utilised to encourage connectivity. Proposals would be required to facilitate the needs of the following user hierarchy:

- a. pedestrians*
- b. cyclists*
- c. public transport*
- d. private vehicles*

- 6.37 An application's Transport Statement would form the basis of 'adequate information' and is expected to suggest mitigation measures, if identified as necessary, as well as methods to support the above-mentioned hierarchy. Furthermore, LP20 and the Kirklees Highways Design Guide SPD have an expectation for major developments to include Travel Plans, which should include methods for supporting the travel hierarchy and may also aid in addressing concerns raised by Highways Safety and Ward Councillors. A draft Travel Plan should be provided at application stage.

Waste

- 6.38 The proposed building would include a new dining facility and would include numerous classrooms. The applicant has been advised to consider how the new building would fit into the existing waste storage and collection arrangements for the school in any subsequent application, to demonstrate adequate arrangements may be implemented. Swept paths should be provided which demonstrate that an 11.85m refuse vehicle can enter and exit the site from the proposed service access and turn within the site.

Drainage and Flood Risk

- 6.39 The site is within Flood Zone 1. However, as the site has an area over 1 hectare a site-specific Flood Risk Assessment would be required to support an application. Neither a sequential test nor exemption test are required.
- 6.40 A drainage strategy would be required to support any subsequent application. Kirklees LPA and Lead Local Flood Authority (LLFA) promote the drainage hierarchy. However, as a brownfield development, the existing drainage system may be used, subject to a demonstrated 30% betterment to the current drainage rate.
- 6.41 The applicant has been advised that early consideration should be given to ensuring appropriate siting for attenuation features, including their future management and maintenance. Any subsequent application is likely to require a S106 agreement to secure the management and maintenance arrangements of the site's attenuation features unless a condition is agreed to be acceptable.

Other matters

Air Quality

- 6.42 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 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm.
- 6.43 Given the scale and nature of the development officers seek the provision of electric vehicle charging points, on new development that includes car parking. The purpose of this is to promote modes of transport with low impact on air quality. The provision of electric vehicle charging points should be considered within the submission.

Contamination

- 6.44 The site has no history of industry and no flagged issues relating to ground contamination. Furthermore, the end use is not considered sensitive by K.C. Environmental Health. Accordingly, based on the information before officers, ground investigation reports are not considered necessary to support the application. However, on any subsequent application which is approved, an 'unexpected contamination' condition would be imposed, outlining the steps needed should unexpected contamination be found during the development process. This is to ensure compliance with LP53 of the KLP.

Crime mitigation

- 6.45 The applicant is in discussions with the Council's Designing Out Crime Officer and the district's Counter Terrorism Security Advisor, to explore incorporating appropriate security measures into their proposal.

Ecology

- 6.46 The scale of the proposal has the potential to impact upon local ecology. Furthermore, applications are required by policy to secure net gains to ecological value. This is to comply with LP30 of the KLP and Chapter 15 of the NPPF.
- 6.47 K.C. Ecology have reviewed the proposal and provided the applicant with detailed advisory comments. In short, they do not have sufficient information to undertake an informed assessment currently. Any subsequent application should be supported by an Ecological Impact Assessment (EclA). The EclA should include an assessment of net gain, using the DEFRA Biodiversity Metric 2.0, with an initial target of 10% net gain on site to be delivered.

Pre-application Public Engagement

- 6.48 The applicant has been encouraged to carry out public consultation and engagement prior to submitting their planning application, in accordance with paragraph 40 of the NPPF. The scope of this engagement should be agreed with officers prior to being undertaken. The results of their pre-application consultation would need to be considered and included in a Statement of Community Involvement to be submitted with any forthcoming planning application.

7.0 CONCLUSION

- 7.1 This pre-application is brought to the strategic planning committee to inform members of a potential planning application for demolition and erection of new large education building at Greenhead College. This report sets it the identified key considerations for any future planning application.

8.0 RECOMMENDATION

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