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

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Wednesday 26 May 2021

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 3 June 2021**.

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

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

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

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

The Strategic Planning Committee members are:-

Member

Councillor Steve Hall (Chair)
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Donna Bellamy
Councillor Mark Thompson
Councillor Andrew Pinnock
Councillor Charles Greaves

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
A Gregg
V Lees-Hamilton
R Smith
D Hall
J Taylor

Green

K Allison
S Lee-Richards

Independent

T Lyons

Labour

M Akhtar
E Firth
M Kaushik
J Ramsay
S Ullah

Liberal Democrat

PA Davies
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 - 10

To approve the Minutes of the meeting of the Committee held on 28 April 2021.

3: Declaration of Interests and Lobbying

11 - 12

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

4: Admission of the Public

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

5: Public Question Time

The Committee will hear any questions from the general public.

In accordance with:

- Council Procedure Rule 11 (3), questions regarding the merits of applications (or other matters) currently before the Council for determination of which the Council is under a duty to act quasi judicially shall not be answered.
 - Council Procedure Rule 11 (5), the period for the asking and answering of public questions shall not exceed 15 minutes.
-

6: Deputations/Petitions

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

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

7: Planning Applications

13 - 14

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 Tuesday 1 June 2021.

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

You will be able to address the Committee virtually. 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.

Members of the public who wish to attend the meeting in person will be required to register by the same deadline outlined above. Measures will be in place to adhere to current COVID secure rules, including social distancing requirements. This will mean that places will be limited.

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: 2020/93071 15 - 40

Erection of 71 dwellings with associated works including new access off Lady Ann Road, regrading works and landscaping Lady Ann Road, Soothill, Batley.

Contact Officer: Nick Hirst, Planning Services

Ward(s) affected: Batley East

9: Planning Application - Application No: 2021/90552 41 - 60

Formation of 43 allotments, 17 car parking spaces, new access road and 1.8m high palisade fencing with access gates Land off, Ravensthorpe Road, Dewsbury.

Contact officer: Kate Mansell, Planning Services

Ward(s) affected: Dewsbury South

10: Pre-Application Report - Application No: 2021/20167 61 - 70

Pre-application for the proposed creation of a clinical building to accommodate a new Accident and Emergency (A&E) Department at Huddersfield Royal Infirmary, Acre Street, Huddersfield.

Contact Officer: Kate Mansell, Planning Services

Ward(s) affected: Lindley

11: Pre-Application Report - Application No: 2020/20230 71 - 86

Pre-application for the construction of a Class B8 storage and distribution unit with ancillary offices, car parking, servicing, landscaping and access at land to the north & west of 'The Royds', Whitechapel Road, Cleckheaton.

Contact officer: Kate Mansell, Planning Services

Ward(s) affected: Cleckheaton

Planning Update

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

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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 28th April 2021

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

1 Membership of the Committee

All Members of the Committee were present.

2 Minutes of the Previous Meeting

The Minutes of the meeting of the Committee held on 31st March 2021 were agreed as a correct record.

3 Declaration of Interests and Lobbying

Councillors Bellamy, Patrick and Andrew Pinnock advised that they had been lobbied in relation to Application 2019/93658.

Councillor Andrew Pinnock advised that he had been lobbied in relation to Application 2019/93303.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations were received.

A petition had been submitted in respect of Application 2020/92546 and had been included within the Planning Update.

6 Planning Applications

7 Planning Application - No. 2019/93658

The Committee considered Planning Application 2019/93658 relating to the erection of 122 dwellings, landscaping and associated infrastructure on land at Whitechapel Road, Cleckheaton.

Strategic Planning Committee - 28 April 2021

Under the provisions of Council Procedure Rule 37, the Committee received representations from Val Dickinson (in objection); Mark Jones and Paul Butler (in support).

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

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 and the Planning Update, 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. Approval of building and external materials.
4. Full details of hard and soft landscaping including a detailed planting schedule. Proposals should accord with the principles set out in the Ecus Ltd Tree Mitigation Strategy.
5. Full details of boundary treatments within and around the site (including the protection and enhancement of the existing stone wall feature at Whitechapel Road).
6. Measures to prevent and deter crime and anti-social behaviour.
7. Submission of details as to the provision, agreement, implementation and retention of appropriate Public Right of Way (PRoW) provision and treatment.
8. Submission of details of the proposed PRoW, including cross and long sections, constructional and details for public access.
9. Submission of details regarding the path on site north of the Priory Public House, how it meets and works with the estate road layout.
10. Submission of details as to the provision, agreement, implementation and retention of scheme regarding safety of public footpath and users during and after construction.
11. Submission and implementation of a Landscape and Ecological Management Plan (LEMP)
12. Submission of details securing biodiversity enhancement and net gain.
13. Construction Ecological Management Plan (CEMP)
14. Development to be carried out in accordance with the submitted arboricultural method statement.
15. Full details of works within 15 metres of the Highway England boundary, including geotechnical and/or structural submissions of works that impose additional load or influence on the existing banking, gantry or boundary treatment.
16. Construction details of retaining features adjacent to the highway.
17. Construction details of surface water attenuation features within the highway footprint.
18. Submission of further acoustic barrier details as outlined in SLR report.
19. Implementation of the agreed noise mitigation measures detailed in SLR report.
20. Submission of details showing ventilation of habitable rooms if windows need to be kept closed.

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21. Accordance with the M62 Separation Distance Buffer Zone, this is to be retained thereafter and no dwelling of any kind is to be sited within the 12.25m air quality buffer zone.
22. Reporting of Unexpected Contamination.
23. Verification Report for any imported topsoil.
24. Details of the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles.
25. Submission of a construction management plan/s to mitigate the impact of construction on highway safety and amenity, with due regard to potential impacts on the M62 J26 and consultation with key neighbour representatives.
26. Submission of internal road details (full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audits)
27. Measures to manage parking to manage parking on Whitechapel Road to either side of the proposed access and all associated works, together with appropriate road safety audits.
28. Submission of a residential full travel plan.
29. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
30. Measures to protect the public sewerage infrastructure within the site boundary shall be provided and agreed before implementation
31. Provision of site entrance and visibility splays prior to works commencing.
32. Provision of temporary waste storage and collection during construction.
33. Submission of details showing offsite drainage works.
34. Submission of detailed design and details of the drainage works. Finalised plans for site drainage must not connect into or impact on Strategic Road Network drainage systems.
35. Submission of fully worked up drainage design with long sections.
36. Submission of details to manage any volumes up to 1 in 100 year plus climate change specifically the flooding noted in microdrainage calculations at the head of systems.
37. Submission of details requiring drainage management and maintenance agreement.
38. Submission of temporary drainage works information and management and maintenance during construction phase.
39. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
40. Submission of measures to protect the public sewerage infrastructure that is laid within the site boundary and subsequent implementation of such measures.

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

1. Affordable housing – 24 affordable housing units (tenure split to be 20 units would be discount for sale and 4 units would be for social or affordable rent) to be provided in perpetuity.
2. Open space – Off-site contribution of £71, 397 to address shortfalls in specific open space typologies.
3. Education – Off-site contribution of £470,709, based on 122 dwellings to be spent on upon priority admission area schools within the geographical vicinity of

Strategic Planning Committee - 28 April 2021

this site to be determined. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.

4. Junction monitoring – Off-site contribution of £10,500 for 5no. Bluetooth journey time detectors at the Whitechapel Road / A638 Bradford Road / Hunsworth Lane Traffic Signal-Controlled Junction.
5. Core walking and cycle network improvements – Off-site contribution of £20,000 towards the improvement of a link between the site and the Spen Valley Greenway.
6. Bus stop improvements - £23,000 towards the provision of a bus shelter and real time information to bus stops on Whitechapel Road.
7. Sustainable transport – Measures to encourage the use of sustainable modes of transport, including implementation of a Travel Plan and £10,000 towards Travel Plan monitoring and a sustainable travel fund of £62,403.
8. Off-site Biodiversity Net Gain requirements – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
9. Multi-modal link route to be delivered between the proposed estate road and the boundary of the application site, adjacent to plots 83-87.
10. 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).

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 Bellamy, Hall, Patrick, Pattison, Sokhal and Walker (6 votes)

Against: Councillor Andrew Pinnock (1 vote)

8 **Planning Application - No.2020/92546**

The Committee considered an Outline Application 2020/92546 (with details of points of access only) relating to the development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3) with doctors' surgery of up to 350 sq m (Use Class D1); up to 500 sq m of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works - Land off Blackmoorfoot Road and Felks Street, Crosland Moor, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Heather Peacock (in objection) and Dominic Page (in support).

RESOLVED -

That consideration of the application be deferred for further information to be provided in respect of:

- Highways; the impacts of the development and cumulative growth upon the junctions of Blackmoorfoot Road/Manchester Road and the surrounding area.
- Education; the impacts of the development upon the schools in the catchment area.

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

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

Against: Councillors Andrew Pinnock and Pattison (2 votes)

9 Planning Application - No. 2020/90725

The Committee considered Planning Application 2020/90725 relating to the erection of 68 dwellings with associated access, parking and open space (revised plans) on land at Penistone Road, Fenay Bridge, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Chris Reilly and John Headey (in objection); Chris Creighton (in support).

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

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 and the Planning Update, as set out below, subject to the amendment of Condition 19 to require the properties adjacent to the frontage of Penistone Road to be constructed in natural stone;

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans.
3. Submission of a Construction Environment Management Plan.
4. Provision of visibility splays.
5. Final details of the junction of the new estate road.
6. A detailed scheme for the provision of a right turn lane.
7. Travel Plan
8. Submission of details relating to internal adoptable roads.
9. Method for collection and storage of waste.
10. Details of new retaining walls/structures adjacent to the adoptable highway.
11. Provision of Electric Vehicle charging points (one charging point per dwelling with dedicated parking).
12. Provision of waste storage and collection.
13. Tree Protection measures

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14. Development in accordance with FRA mitigation measures;
15. Site to be developed by separate systems of drainage for foul and surface water on and off site.
16. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
17. Unexpected contamination.
18. Details of crime prevention measures in accordance with guidance from WY Police.
19. External materials (including samples).
20. Window details
21. Boundary treatments.
22. External lighting.
23. Full Landscaping scheme, including street trees.
24. Biodiversity enhancement, net gain and Ecological Design Strategy.
25. Details of bio-diversity area.
26. Removal of permitted development rights.
27. Archaeology.
28. Details of all retaining walls (including structural details and appearance).
29. Finished site levels (including existing and proposed cross-sections).
30. Details of an acoustic barrier.
31. Implementation of noise mitigation measures.
32. Submission of a ventilation scheme for habitable rooms.
33. Details of noise from fixed plant and equipment.

secure a Section 106 agreement to cover the following matters:

1. Affordable housing – 20% provision with a tenure split of 55% social or affordable rent to 45% intermediate housing;
2. Open space - Off-site contribution of £32,244 to address shortfalls in specific open space typologies;
3. Education – A contribution of £135,308 to be spent upon priority admission area schools within the geographical vicinity of this site to be determined prior to the commencement of development;
4. £10,000 to install Real Time information to the 16775 bus stop on Penistone Road;
5. A contribution of £37,851.00 towards a sustainable travel fund;
6. Arrangements to secure the long-term maintenance and management of public open space and the applicant's surface water drainage proposals.

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.

Strategic Planning Committee - 28 April 2021

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

For: Councillors Hall, Patrick, Pattison and Sokhal (4 votes)

Against: (0 votes)

Abstain: Councillors Bellamy, Andrew Pinnock and Walker (3)

10 **Planning Application - No. 2019/93303**

The Committee considered Planning Application 2019/93303 relating to the erection of 267 dwellings with associated works and access from Hunsworth Lane and Kilroy Drive - Merchants Field Farm, Hunsworth Lane, Cleckheaton.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Mr Rankin (in objection); Andrew Windress and Rob Weston (in support).

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

RESOLVED -

That the application be refused for the following reason: the proposed layout and poor housing mix, including the harm caused by the proposed translocation of the existing important hedgerow, would be contrary to Policies LP11 and LP24 of the Local Plan.

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

For: Councillors Bellamy, Hall, Patrick and Andrew Pinnock (4 votes)

Against: Councillors Pattison, Sokhal and Walker (3 votes)

11 **Planning Application - No. 2021/90376**

The Committee considered Planning Application 2021/90376 relating to the erection of external lighting at Spenborough Pool and Sports Complex, Bradford Road, Littleton, Liversedge

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. Development to commence within 3 years
2. Development built in accordance with approved plan
3. The maintained average horizontal illuminance of the areas being lit shall not exceed 20 lux
4. The vertical illuminance caused by the operation of the lighting at windows of nearby properties shall not exceed 1.0lux.

Strategic Planning Committee - 28 April 2021

5. The lighting shall not be operated between dawn and dusk and also no longer than 30 minutes before and 30 minutes after the premises are open for customers

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

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

Against: (0 votes)

12 **Planning Application - No. 2020/93237**

The Committee considered Planning Application 2020/93237 relating to the erection of a detached outbuilding and formation of a raised patio at 61 Celandine Avenue, Salendine Nook, 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. Development to be carried out in accordance with the plans and specifications
2. Facing and surfacing materials for the patio
3. No window or other openings to be formed in the north-eastern side elevation.
4. The building shall not be let, sold or separated from the main dwelling of 61 Celandine Avenue.

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

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

Against: 0 votes

13 **Planning Application - No. 2020/93810**

Construction of overspill car park and regrading of land (engineering operation) - The Eden Centre, 35 Dryclough Road, Crosland Moor, Huddersfield

Under the provisions of Council Procedure Rule 37, the Committee received representations from Abid Manzoor (in support).

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. Development to be in full accordance with plans and specifications.

Strategic Planning Committee - 28 April 2021

2. Parking spaces to be surfaced in accordance with the approved details before being brought into use
3. Any unexpected contamination to be reported
4. No removal of trees, shrubs or scrub Mar-Aug without checks by an ecologist
5. Landscape and ecological management plan to be submitted
6. One electric vehicle charge point to be installed before development is brought into use.

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

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

Against: (0 votes)

14 **Pre Application Enquiry - 2020/20411**

Pre-Application in relation to a residential development of circa 270 dwellings at Bradley Villa Farm (part of the HS11 allocated site), Bradford Road, Huddersfield.

RESOLVED –

That consideration be deferred to a future meeting of the Committee.

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

LOBBYING

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

Lobbying

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

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

PLANNING POLICY

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

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

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

REPRESENTATIONS

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

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

EQUALITY ISSUES

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

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

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

HUMAN RIGHTS

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

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

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

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 54 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

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

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

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

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

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

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 03-Jun-2021

Subject: Planning Application 2020/93071 Erection of 71 dwellings with associated works including new access off Lady Ann Road, regrading works and landscaping Lady Ann Road, Soothill, Batley, WF17 0PY

APPLICANT

C Noble, D Noble Ltd

DATE VALID

14-Sep-2020

TARGET DATE

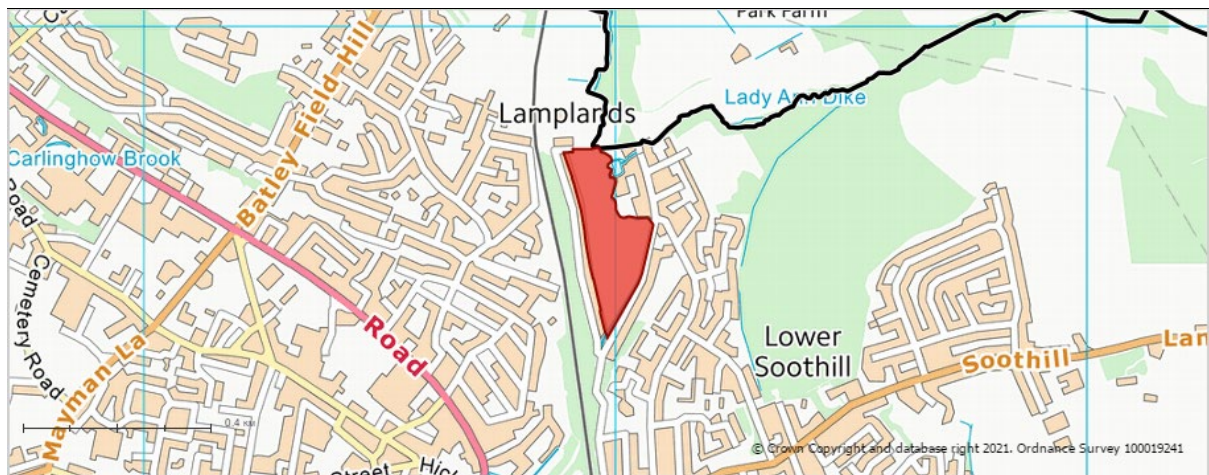
14-Dec-2020

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Batley East Ward

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

Refuse for the following reasons:

1. Insufficient information has been submitted to demonstrate that the proposed development would sufficiently meet known housing need, would provide adequate, usable outdoor space and play space for its residents, and would not sufficiently mitigate its impacts including in relation to education. Insufficient financial viability evidence has been submitted to demonstrate that the proposed development cannot meet or partly meet these requirements, and the proposed development is therefore contrary to Policies LP4, LP11, LP49 and LP63 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.
2. The application has failed to demonstrate that the proposal would not result in a significant loss or harm to local biodiversity or that the proposal would safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network. Furthermore, the application has failed to demonstrate that a correct and measurable net biodiversity gain can be achieved on site (or at a nearby site or via financial contribution). As such, the proposal fails to comply with Policy LP30 (i, ii and iii) of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
3. The proposed layout would result in a significant impact to and loss of trees of high amenity value within the site, which contribute to the character and setting of the area, and which are subject to a group Tree Preservation Order (TPO – 72/91). The applicant has failed to demonstrate sufficient arboricultural reasoning to justify the loss of the trees or propose an appropriate level of re-planting in mitigation. The application therefore fails to comply with Policies LP24(i) and LP33 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
4. Insufficient information has been submitted to demonstrate that the proposed development has been directed away from areas of flood risk and would not result in increased flood risk elsewhere, contrary to policy LP27 of the Kirklees Local Plan and paragraph 155 of the National Planning Policy Framework.
5. Insufficient information has been submitted to demonstrate that the proposed development would not result in unacceptable highway impacts, nor would the proposed development incorporate or encourage the use of methods of sustainable travel. The proposed development is therefore contrary to Policies LP20, LP21, LP23, LP24 and LP47 of the Kirklees Local Plan and paragraph 109 of the National Planning Policy Framework.

1.0 INTRODUCTION

- 1.1 This application seeks full planning permission for the erection of 71 dwellings with associated works including new access off Lady Ann Road, regrading works and landscaping.
- 1.2 This application is brought to Strategic Planning Committee in accordance with the Delegation Agreement, as the proposal is for more than 60 units.
- 1.3 The proposal is the re-submission of a previously refused application (reference 2019/92462). The previous application included several reasons for refusal, which the applicant has sought to overcome via this subsequent application. Section 4.1 of this report provides details of the previous application.

2.0 SITE AND SURROUNDINGS

- 2.1 The site covers an area of approximately 3.5 hectares and is located approximately 3km north of the centre of Dewsbury.
- 2.2 The site is a large plot of undeveloped land situated between Lady Ann Road to the east and Primrose Hill to the west. The topography slopes down from the west to the south/east, with Howley Beck running along the east boundary. The site is host to trees, bushes and other vegetation. This includes a copse of trees located roughly centrally within the site which benefit from a group Tree Preservation Order (TPO).
- 2.3 The site is an irregular shape, with its northern site boundary marked by a 1m high wooden fence and bushes. To the north-east is Howley Street, which leads onto PROW BAT/20/20. The western site boundary is defined by the back gardens and rear fences of the terraced houses on Primrose Hill. Further to the west, beyond Primrose Hill and out of sight (from the application site) lies a railway line. The north-eastern site boundary is marked mainly by dense bushes and trees, which then lead into Lady Ann Business Park. The business park, a historic woollen mill, hosts several buildings including the primary red-brick mill building.
- 2.4 Properties around the site, on both Lady Ann Road and Primrose Hill, are faced in stone with brick as a secondary material. The dwellings date back to the late 19th/early 20th century.

3.0 PROPOSAL

- 3.1 The application seeks full permission for the erection of 71 dwellings. Dwellings would be either detached or semi-detached, provided in 15 house types with the following housing size mixture:
 - 3-bed: 30 (42%)
 - 4-bed: 27 (38%)
 - 5-bed: 10 (14%)
 - 6-bed: 4 (6%)

- 3.2 A single new access would be formed from Lady Ann Road, opposite numbers 114 and 116, to serve the development. It would cross over Howley Beck via a bridge. The access road would branch into three separate shared surface roads, which the proposed dwellings would front onto.
- 3.3 The dwellings would be laid out in three approximately parallel lines arrayed north to south. All dwellings would be split level, having a two-storey and three-storey elevation. Some would have their two storeys to their front, while others would have three storeys to the front, depending on their location within the site. Retaining walls are proposed to the side or rear of most dwellings.
- 3.4 Dwellings are proposed to be faced in artificial stone. Grey concrete roof tiles are proposed, and roofs would be gabled. Many dwellings would have balconies to their front or rear. Each dwelling would have a rear garden, enclosed by a mixture of retaining walls, 1.5m and 1.8m close boarded timber fencing. Some dwellings would benefit from integral garages, while all units would have either two or three off-road parking spaces. There would be 10 dedicated visitor parking spaces around the site.
- 3.5 A wetland habitat, with an area of 6,181sqm, would be located adjacent to the site's north-east boundary. A public amenity area of 3,980sqm and including a play area would be sited to the south-east.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2017/91851: Erection of 84 dwellings – Refused for the following reasons:

1. The proposal would entail residential development on a greenfield site which would significantly overwhelm the character and appearance of part of Lady Ann Road by virtue of the scale, massing and location of the proposed development. The prominent location in this case is emphasised by poor design, inconsistent roof designs and a lack of cohesion between the development and the existing urban grain. The development would represent a stand-alone design of inappropriate scale and appearance that would cause significant harm to the character and appearance of the area whilst failing to enhance the townscape. Accordingly, the proposal constitutes poor design and is considered unacceptable in terms of visual amenity, contrary to paragraph 13 of the National Planning Policy Framework, policies BE1 and BE2 of the Kirklees Unitary Development Plan and Kirklees Publication Draft Policy PLP24.

2. The application potentially impacts on water voles which are a species of Principal Importance. There is insufficient information concerning the existing population of water voles, nor has it been demonstrated that the proposed development would contribute to, and enhance the natural environment having regard to the impact on the known water vole population. The proposal is therefore contrary to UDP policies NE5, BE2 (iv) of the Kirklees Unitary Development Plan and policy PLP30(i) (ii) of the Kirklees Publication Draft Local Plan and paragraph 175(a) of the National Planning Policy Framework.

3. There is insufficient information to demonstrate that the proposed development would direct development away from the areas of flooding, contrary to policy PLP27 of the Kirklees Publication Draft Local Plan and paragraph 155 of the National Planning Policy Framework.

4. Insufficient information has been submitted to demonstrate that the proposed development would not result in unacceptable highways impacts as required by policy PLP32 of the Kirklees Publication Draft Local Plan and paragraph 109 of the National Planning Policy Framework.

5. There is insufficient information contained with the application to understand the potential impact of the proposed development on heritage assets, namely archaeology, based on the potential for the site to support historical findings, contrary to paragraph 199 of the National Planning Policy Framework.

6. There is no information supporting the application relating to requirements to support local infrastructure. A S106 agreement is required to ensure contributions towards affordable housing, education, Public Open Space and play equipment. The proposed development, therefore, fails to achieve the requirements of policy PLP4 of the Kirklees Publication Draft Local Plan.

7. The application would result in a significant impact on trees within the site which are subject to a Tree Preservation Order (TPO – 72/91). The proposal includes a retaining wall feature which would be positioned in between the protected trees potentially resulting in their loss. In addition, the proximity of proposed dwellings in close proximity of the protected trees would put undue pressure on the trees to be removed in future due to the impact the trees would have on the amenity of future occupiers of the properties. The application conflicts with policy NE9 of the Kirklees Unitary Development Plan and PLP33 of the Kirklees Publication Draft Local Plan

2019/92462: Erection of 71 dwellings with associated works including new access off Lady Ann Road, regrading works and landscaping – Refused for the following reasons:

1. There is insufficient information supporting the application relating to requirements to support local infrastructure. A Section 106 agreement is required to ensure contributions towards affordable housing education and public open space and play equipment. The proposed development therefore fails to achieve the requirements of policies LP4; LP11; LP49 and LP63 of the Kirklees Local Plan.

2. The proposal fails to provide sufficient information to enable a meaningful assessment of the scheme in terms of ecological mitigation, impact on trees and landscape proposals. As such the scheme is contrary to policies LP30; LP32 and LP33 of the Kirklees Local Plan.

3. There is insufficient information to demonstrate that the proposed development would direct development away from areas of flooding, contrary to policy LP27 of the Kirklees Local Plan and paragraph 155 of the National Planning Policy Framework.

4. Insufficient information has been submitted to demonstrate that the proposed development would not result in unacceptable highway impacts contrary to policy LP32 of the Kirklees Local Plan and paragraph 109 of the National Planning Policy Framework.

4.2 Surrounding Area

Land Off, Soothill Lane, Batley (circa 1km east of the application site)

2020/94202: Variation of Conditions 1, 9, 19 and 28 of the previous outline permission 2018/94189 (outline application for residential development of up to 366 dwellings with details of access points only) to allow for minor changes to the red line boundary plan and minor variations to the approved southern highways access point and approved remediation strategy specifications – Removal / Variation of Condition(s) Granted.

2021/91731: Reserved Matters application (layout, scale, appearance and landscaping) for the erection of 319 dwellings pursuant to previous permission 2020/94202 (Section 73) for Variation of Conditions 1, 9, 19 and 28 of the previous outline permission 2018/94189 for residential development of up to 366 dwellings with details of access points only to allow for minor changes to the red line boundary plan and minor variations to the approved southern highways access point and approved remediation strategy specification – Pending Consideration.

4.3 Enforcement (application site)

COMP/16/0240: Alleged Unauthorised Development – No evidence of breach.

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

5.1 The applicant submitted the application with the intention of providing additional information to overcome the previous reasons for refusal. The layout and plans remained the same. However, when submitted, no further information on viability, arboricultural reports or highway documents were submitted. Updated ecological and drainage reports were provided.

5.2 Officers emailed the applicant confirming they were unable to support the application following review by consultees of the supporting documents that had been submitted. Through the application process the applicant has submitted some further information. This includes a viability appraisal, which has been reviewed and responded to by an independent viability assessor. The assessor raised concerns which have been sent to the applicant, but not fully responded to at the time of writing. An arboricultural impact assessment was submitted but confirmed no substantive arboricultural grounds for the loss of the protected trees. Further information on drainage / flood risk and ecology has also been submitted, reviewed, and objected to although guidance has been provided. To date no new highway assessment information has been provided.

5.3 The applicant has expressed their desire for the application to be kept live and for discussions to continue. However, given the time lapse since submission (September 2020) and the limited progress made, with none of the previous reasons for refusal overcome, and concerns that the latest submitted arboricultural information will require a notable change to the site's layout, officers consider it appropriate to conclude the application process.

6.0 PLANNING POLICY

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

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

6.2 The application site encompasses land allocated for residential development in the Local Plan (site allocation ref: HS74). The site allocation HS74 refers to an indicative housing capacity of 97 dwellings.

6.3 Site allocation HS74 identifies the following constraints relevant to the site:

- Part of site falls within flood zones 2 and 3
- Surface water issues
- Noise source near site - Lady Anne Industrial Estate, Railway line
- Part of the site contains a Habitat of Principal Importance (Howley Beck a UK BAP priority habitat)
- Site is within the Wildlife Habitat Network
- Protected trees on site

6.4 Site allocation HS74 also lists other site-specific considerations as:

- No residential development to take place in flood zone 3

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
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP23** – Core walking and cycling network
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land

- **LP63** – New open space
- **LP65** – Housing allocations

6.6 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council.

- Kirklees Local Plan Supplementary Planning Document – Highways Design Guide (2019)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)

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

National Planning Guidance

6.8 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment
- **Chapter 17** – Facilitating the sustainable use of materials

6.9 Other relevant national guidance and documents:

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

Climate change

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

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

7.0 PUBLIC/LOCAL RESPONSE

Public representation

- 7.1 The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site and was advertised in the local press This is in line with the Council's adopted Statement of Community Involvement.
- 7.2 The proposal went through a single period of public representation which ended on the 9th of November 2020. 45 representations were received in response. The following is a summary of the comments made:
- Batley is over-populated and local infrastructure cannot support the volume of people, which will be exacerbated. This includes schools, doctors, dentists, public transport, refuse etc. The wider area has already had a large amount of development in recent years.
 - The surrounding roads are not appropriate at present, which the proposal would make worse. Lady Ann Road is often single lane due to residents needing to park on street, while also hosting a bus route which buses and HGVs heading to the mill struggle to navigate. Emergency vehicles already struggle to access properties in the area. Additional traffic movements would worsen this and have a knock-on effect onto surrounding roads. Existing issues over access onto Soothill Lane would be intensified.
 - Traffic calming measures are required.
 - Traffic surveys undertaken will not be valid as they presumably were undertaken during COVID lockdown.
 - Dwellings should not be allowed to be built upon flood zones: the beck often floods the site. Building on a flood zone will increase the risk of flooding for other properties in the area. Allowing this, for the Council to then pay money to help residents, is irresponsible.
 - The site is a BAP priority habitat and water meadow which hosts rare flora and fauna, including endangered pollinators. While it is noted some land would be retained for wildlife, it would not survive the construction period.
 - The proposal would remove numerous trees, including several protected by TPOs which are stated to have been planted as a World War One memorial.
 - The open nature of the site is attractive and beneficial to residents' physical and mental health. The development would take this away,

and disproportionately affect local residents in an area stated to be 'under privileged'.

- The proposed development would harm the amenity of neighbouring residents, through noise pollution, overbearing, overshadowing and overlooking.
- General disruption during construction, such as noise and dust. This will affect shift workers. Construction vehicles would harm local safety.
- The design of the dwellings, including 3-storey elevations and being built upon a hillside, is not in keeping with the character of the area.
- The development would reduce local property values and harm resident's views.
- Development adjacent to properties on Primrose Hill will risk damaging their foundations.
- The proposed development would lead to an increase in air pollution.
- More homes for the elderly should be constructed, which in turn would release housing stock for younger people and addresses identified needs.
- A public footpath crosses the site, connecting Lady Ann Road to Howley Street, would be lost. More residents would also put greater pressure on other nearby PROWs.
- The proposal will increase use of local pedestrian tunnels, which are sources of anti-social behaviour.

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

7.4 Ward members (Batley East Ward) were also consulted on the application. Cllr Zaman expressed concerns, specifically relating to the traffic report.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways Development Management: Object, as the submitted information is inadequate to allow for a full and detailed assessment of the proposal's impact upon the wider highway network. Also, the internal layout has issues which have not been addressed.

K.C. Lead Local Flood Authority: Object on the grounds of flood risk, as no sequential test for flood risk has been undertaken, and object to the submitted drainage strategy as being unacceptable.

Network Rail: No objection. They have asked whether level crossing safety leaflets could be given to new residents. This can be noted to the applicant to arrange, or an informative if committee is minded to approve.

The Environment Agency: Object to the proposal on the grounds of flood risk.

8.2 Non-statutory

K.C. Crime Prevention: Provided advice and feedback on the design, for the applicant to consider and incorporate where able.

K.C. Ecology: Object as the submitted information is lacking in various regards. This includes post development enchantments for local species, the time period for the Biodiversity Management Plan is too short and the Biodiversity Metric calculations are considered inaccurate.

K.C. Education: The proposal for 71 dwellings necessitates an education contribution of £138,266.

K.C. Environmental Health: No objection subject to conditions.

K.C. Landscape: Object over the lack of appropriate landscaping details, including specifics of the proposed Public Open Space, and the extent of tree loss. Confirmed that the proposed Public Open Space is insufficient. It overprovides on certain typologies, while excluding others. Therefore, an off-site Public Open Space contribution of £42,980 is required.

K.C. Public Right of Way: Object as the proposal fails to take opportunities to link to the PROW network, specifically BAT/20/20 to the site's north, to the disbenefit of connectivity and walking.

K.C. Public Health: No objection.

K.C. Strategic Housing: Based on a 71-unit scheme, a policy compliant affordable housing offer would be 8 social or affordable rented dwellings and 6 intermediate dwellings.

K.C. Highways Waste: Noted that waste storage and waste collection arrangements are not shown on plan. Furthermore, queried how the development will be phased and how refuse services could serve new occupiers while development is ongoing.

K.C. Trees: Object on the unjustified loss of numerous trees, several of which fall within a group TPO, with inadequate mitigation.

Leeds City Council: No comments received.

West Yorkshire Architectural Service: No objection subject to condition.

Yorkshire Water: No objection subject to conditions.

Yorkshire Wildlife Trust: Object on similar grounds to K.C. Ecology.

9.0 MAIN ISSUES

- Principle of development
- Sustainable development and climate change
- Viability and planning obligations
- Urban design
- Residential amenity
- Highways
- Flood risk and drainage
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.
- 10.2 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021). As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 The site falls within part of a housing allocation, reference HS74, within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. Therefore, residential development is welcomed within the site in accordance with LP65. However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land.
- 10.4 Local Plan policy LP7 requires development to achieve a net density of at least 35 dwellings per hectare (dph), where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. Within the Local Plan, site HS74 is expected to deliver 97 dwellings, with the application proposing 71. It should also be noted that the application's red-line boundary exceeds that of site HS74 to the south by a minor amount, theoretically increasing the required quantum.
- 10.5 Proposing 71 dwellings on the application site's identified net developable area (2.78ha), the proposal has a density of 25.5dph. However, officers consider the site to have constraints which make seeking the minimum target density of 35dph to be inappropriate. During preparation of the Local Plan, all land within flood zone 3 was removed from the net developable area. Even pre-excluding this land, there are constraints and restrictions on the site, and constraints that allow for sizable portions of the site to be considered undevelopable. This includes the topography and the design of dwellings

needed to address it, and distances from Lady Ann Business Park. Considering these factors cumulatively, on balance officers accept the proposed density to be appropriate for the site and its specific constraints.

10.6 Looking beyond density, policy LP11 of the Local Plan requires consideration of housing mixture. Policy LP11 requires a proposal's housing mix to reflect the proportions of households that require housing, achieving a mix of house sizes (2, 3, 4+ bed) and typologies (detached, semi, terrace, bungalow). The starting point for considering the mixture of housing types needed across the district is the Kirklees Strategic Housing Market Assessment (SHMA). The proposal seeks detached and semi-detached houses, with the following sizes proposed:

- 3-bed: 30 (42%)
- 4-bed: 27 (38%)
- 5-bed: 10 (14%)
- 6-bed: 4 (6%)

The lack of 2-bed units and terraced units is noted. However, given the abundance of terraced units in the area, there is not considered to be a specific need for such units within the scheme. Officers consider the proposed housing mixture appropriate for the area.

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

Sustainable development and climate change

10.8 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions

10.9 The site is within the urban envelope, within a location considered sustainable for residential development. It is accessible, lying within an existing established settlement and close to various local amenities and facilities. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.

10.10 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change

Viability and planning obligations

- 10.11 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.
- 10.12 Based on the information provided to date, the proposed development would be expected to provide the following contributions:
- Affordable housing: 14 units, in accordance with Local Plan policy LP11 and the Interim Affordable Housing Policy
 - Education: £138,266
 - Public open space (off-site contribution): £42,980
- 10.13 Other contributions may also be necessary to ensure the development is acceptable (in accordance with the above three tests). However insufficient evidence has been provided to enable an assessment on these matters. These include highway contributions (i.e., travel plan / local improvements) and ecological contributions (to secure a 10% net gain). This lack of information is considered in detail elsewhere within this report.
- 10.14 The applicant has submitted a viability appraisal which concludes that the development is not capable of providing any affordable housing or other Section 106 financial contributions. This has been independently assessed at the expense of the applicant. Due to the applicant's submission lacking robust evidence, the Council's independent assessor disagrees with the applicant's conclusion.
- 10.15 The disagreement principally revolves around the sales value of the proposed units. In their appraisal, the applicant has adopted the following average market values:
- 3 to 6 bed 3 storey semi £175 per sq ft
 - 4 to 5 bed 3 storey detached £180 per sq ft

The onus is on the applicant to robustly evidence these figures as being reasonable. The evidence provided to support these numbers is limited, predominantly based on inappropriate comparisons and 'second hand' evidence, with there being insufficient direct evidence (i.e., comparable 3-storey new buildings in the area). As such, the applicant's evidence to support these figures is concluded to be inadequate and cannot be accepted.

- 10.16 Given this uncertainty, it is conceivable that reasonably comparable values could differ from the figures put forward by the applicant in their appraisal. In the event that values were to be higher than currently envisaged, this would have a direct impact on the viability outcome of the scheme and could allow for a policy compliant contribution. As an example, the independent assessor has calculated that, at a 15% developer profit, an upwards sales value fluctuation of only 5.2% (to £184 per sqft for the semi-detached dwellings and £189 per sq ft for the detached) would enable the provision of 14 onsite affordable dwellings (19.72%), plus Section 106 contributions totalling £196,246. A developer profit of 17.5% would require an uplift of 8.6% to provide the same contributions.

- 10.17 The applicant has disputed this, citing the lack of directly comparable developments in the area which make it difficult to collect direct evidence. While it is accepted that there is difficulty regarding this matter due to the nature of the proposal (3-storey units), other options have not been adequately considered, such as the use of general market data. Furthermore, it is reiterated that it is the applicant's responsibility to secure robust evidence. On a more general point, having regard to paragraph 57 of the NPPF, it is also noted that it is up to the Council to judge what weight can be attributed to the applicant's viability evidence.
- 10.18 The identified contributions (and those potentially required, but not identified due to a lack of supporting information) are necessary to mitigate impacts and make the development acceptable in planning terms. In the absence of an accepted viability report, the application has failed to demonstrate that the proposal would be unviable, nor has it been demonstrated that the required planning obligations cannot be provided. Accordingly, in the absence of a Section 106 agreement to secure these contributions, the proposal is considered contrary to the Council's policies and guidance on affordable housing (LP11 and the Kirklees Interim Affordable Housing Policy), education (Providing for education needs generated by new housing) and Public Open Space (LP63), as well as being contrary to the guidance within the National Planning Policy Framework.

Urban Design

- 10.19 Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; 'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.
- 10.20 The application site is steeply sloping land which faces onto Lady Ann Road. The steep slope exacerbates the prominence of the site, and consequently the impact the new residential development would have on the character of the area. As a housing allocation, it is accepted that the development of the site would lead to a notable change in the character of both the site and wider area. However, a carefully considered development is required that respects the topography, slope, and character of the area, without overly dominating the hill.
- 10.21 The proposal includes large detached and semi-detached 2 / 3 storey split-level dwellings. At present, dwellings in the area are predominantly higher density and smaller in scale, while being two storeys. Views of the site would be predominantly from Lady Ann Road. The rows of terraced dwellings on Primrose Hill effectively prevent it being viewed from the west.
- 10.22 The low density proposed is considered appropriate and would help to achieve an appropriate layout which would blend into the established urban environment, while the separation provided by the open land to the east would keep the site visually separate and distinct from properties on Lady Ann Road. This distinction would allow the development to have a more individual identity, comparative to if the layout was more closely associated with properties on Lady Ann Road. Furthermore, this low density and generous open space to

the east would assist in the development retaining a sense of openness that is a characteristic of the site as existing. The dwellings on the highest points to the north, being at a lower level than those dwellings on Primrose Hill, would be well sited, creating more space between the properties, to break up the mass of the housing at the top part of the hillside.

10.23 The scale and massing proposed, while noted to be larger than other dwellings in the area, is a reasonable response to the constraints of the site. Considering this, and the distinctiveness allowed by the layout, officers do not raise concerns over the size of the units proposed. Architecturally the dwellings are attractive in isolation. In regard to fitting into the area, while not replicating the more traditional vernacular form of neighbouring properties, again the detached nature of the site allows for a difference in design without causing the dwellings to appear incongruous. This also applies to the materials, which would be artificial stone and tile roofing. Properties on Lady Ann Road are predominately of natural stone, as are the rear elevations of most properties on Primrose Hill. The use of the proposed materials is not opposed on the site, however a condition could have been applied to require samples, to ensure suitable end products are used.

10.24 Notwithstanding the above, concerns are held over the proposed landscaping and impact upon trees on site, and the impact this would have upon visual amenity and the character of the area. Local Plan policy LP24 requires that '*Proposals should promote good design by ensuring: - i) the retention of valuable or important trees*'. This is elaborated upon by policy LP33, which states:

"The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity value.

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, including the wildlife Habitat Network and green Infrastructure networks.

Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction

10.25 The proposal requires the removal of 40 trees and five tree groups to facilitate development. This includes the removal of seven trees protected by a group Tree Preservation Order. The protected trees are considered to be an important feature of the site, having considerable amenity value. They are a distinctive feature which contributes and enhances the character of the site and wider area. For the other trees not specifically protected by a TPO, they are predominantly in states which do not require felling on arboricultural grounds and likewise contribute to the character of the area.

10.26 The applicant has offered no reasoning for the felling of these trees, other than to facilitate the proposed development, which is not accepted. No evidence has been provided to demonstrate any consideration has been given to retaining the trees through incorporating them into the site's layout or design. While replacement landscaping, including tree planting, is proposed, it is considered inadequate to offset the substantial harm caused on the planning balance.

- 10.27 K.C. Trees and K.C. Landscaping object to the proposal. Planning officers share their concerns and conclude that the proposal fails to comply with the aims of policies LP24(i) and LP33 of the Kirklees Local Plan.

Residential Amenity

- 10.28 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.29 To the east are dwellings on Lady Ann Road, all of which have their front elevations facing the site and are predominantly at a lower level than the proposed dwellings. To the east are dwellings on Primrose Hill, with their rear elevations facing the site. The dwellings on Primrose Hill are predominately on a higher level than the site. There is also a terrace row due north of the site, on Howley Street.
- 10.30 The proposal sets the dwellings back a considerable distance from Lady Ann Road, with open space areas proposed between the new dwellings and the road. The minimum dwelling-to-dwelling separation distance would be 47m. While the level differences are noted, this distance is considered sufficient to prevent harmful impacts upon the amenity of residents on Lady Ann Road.
- 10.31 The dwellings on Primrose Hill would back onto units 1 – 35, with a minimum separation distance of circa 20.5m. Considering the new dwellings are to be set on a lower ground level and will present only two storeys to the properties on Primrose Hill while also being sited due east, this separation distance is not considered detrimental to the amenity of future residents. 18 Howley Street will face the side elevation of plot 35 at a distance of 16.5m. This distance is considered sufficient to prevent overbearing or overshadowing concerns. The side elevation hosts a single window serving a non-habitable room. This can be obscure glazed via condition, which would prevent concerns of overlooking.
- 10.32 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.33 Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.
- 10.34 The sizes (in sqm) of the proposed residential units are 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.

House Type	Number of units	Proposed (GIA, m ²)*	NDSS (GIA, m ²)
A (3-bed)	6	109	90
B1 (3-bed)	4	110	90
B2 (3-bed)	4	114	90
B3 (4-bed)	4	135	103
C (4-bed)	2	140	103
C1 (4-bed)	5	140	103
D (4-bed)	2	174	103
E1 (6-bed)	4	173	129
F (4-bed)	6	135	103
F1 (4-bed)	8	135	103
G1 (5-bed)	6	157	116
R (3-bed)	10	101	90
S (5-bed)	4	159	116
W (3-bed)	2	98	90
X (3-bed)	4	98	90

* These figures exclude garages, where proposed.

- 10.35 All units exceed the relevant NDSS recommended minimums. Garden sizes are considered commensurate to the scale of their host dwellings. All of the proposed houses would also benefit from being dual aspect, and would have satisfactory outlook, privacy and natural light. This is taking into consideration the separation distance between units within the site, with separation distances being adequate in each case.
- 10.36 Public Open Space would be provided on site and would contribute to the amenity of future and neighbouring residents. This proposed space includes circa 3,980sqm of accessible amenity grassland, to include a play area and 6,181sqm of natural / semi-natural land. While this provision is noted, public open space is divided into five typologies; the proposal overprovides on amenity grassland and natural / semi-natural, however none of the other typologies are proposed on site: therefore, an off-site contribution of £42,980 to cover the typologies not provided on site, to be spent improving open space in the area, remains necessary.
- 10.37 Parts of the proposed development are located in close proximity to the Lady Ann Business Park. The applicant has provided a noise report, which has been reviewed by K.C. Environmental Health. The report demonstrates that adequate noise mitigation may be accommodated on site. K.C. Environmental Health are satisfied with the submitted report and support its findings, subject to conditions, including ensuring appropriate ventilation is provided.
- 10.38 To summarise, the proposed development is not considered detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with policies LP24 and LP52 of the Kirklees Local Plan.

Highways

- 10.39 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.40 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.41 Considering traffic generation, using TRICS data the submitted Transport Assessment concludes that the proposal would generate 40 vehicle movements in the am peak and 44 in the pm peak (morning peak 0800-0900 hours and evening peak 1700-1800 hours). The report adds that the site is considered to be a sustainable location, with strong public transport links and being in close proximity to Batley centre. Therefore, the applicant anticipates the trip figures would be lower in practice. The Transport Assessment demonstrates this through bus information and public transport mapping.
- 10.42 While traffic generation is provided, there is limited information provided on the assignment and distribution of traffic associated with the development. In addition, there is no reference to other committed developments in the vicinity of the site. The Council's Highway Safety section have raised concerns regarding congestion at the signalised junction of Rouse Mill Lane / Bradford Road and regarding visibility at the junction of Lady Ann Road / Soothill Lane due the presence of parked cars. To enable an informed assessment of the impact of this development on this, HDM officers have requested updated reports detailing the assignment and distribution of the site traffic, along with any other committed developments in the vicinity, to be provided. This has not been received. Because of this, officers are unable to determine the impact upon said junction, and whether it is capable of accommodating the proposal's traffic, or whether financial contributions for enhancements may be required.
- 10.43 Regarding sustainable travel, the site's sustainable location is noted. However, no framework travel plan has been provided, whereas a travel plan would be expected for a development of this scale. The travel plan should detail how residents will be encouraged to travel by sustainable methods, including walking, cycling, and public transport.
- 10.44 PROW BAT/20/20 runs along the site's north boundary, adjacent to plots 35 and 36. No connection to the PROW is proposed – instead, it would be separated from the site by a high timber fence. The land next to this boundary would be a private drive and therefore private land, which would act as a further barrier to connecting to the PROW. This represents a missed

opportunity to improve pedestrian connectivity through the site, and does not support sustainable travel principles. Representations have made reference to a PROW across the site, which connects to BAT/20/20. While a desire line is visible on aerial photos and was observed during the case officer's site visit, there is no recorded PROW across the site. Nonetheless, if a connection to BAT/20/20 was provided, connectivity would be retained.

- 10.45 Near to the site, PROW BAT/20/20 passes an identified 'core walk / cycle proposed route' in the Local Plan, which are considered under policy LP23. The policy justification for LP23 states:

All proposals will be expected to have regard to the core walking and cycling network and demonstrate how their development will provide connecting links to the network where appropriate. On larger sites, developers will be expected to contribute to the enhancement of existing sections of the core network or contribute to the establishment of new sections of the route where the site would benefit from improved links to existing settlements and transport hubs. These can be delivered through scheme design, planning conditions and the use of planning obligations.

Based on the submitted information, there is inadequate information to determine whether the application could or should include connections and/or enhancements to this proposed route identified by LP23. Without a travel plan, through failing to connect into the existing and proposed Public Right of Way network and failing to assess the possibility of connecting to the proposed walking / cycle network, the proposal is not considered to comply with policies LP20, LP24dii and LP47e of the Local Plan, nor the guidance within the Highway Design Guide SPD.

- 10.46 Regarding the development's internal road, a new access would be formed from Lady Ann Road. Access visibility splays have not been shown on plan, and the site is adjacent to a bend in the road. This is a cause for concern, particularly given the restrictive nature of Lady Ann Road and the possible requirement for waiting restrictions. The access would be a bridge over Howley Beck, connecting into a retained side of the highway, therefore, had the application been recommended for approval, a condition requiring structural details, to demonstrate the new access would not prejudice the safety of the highway, would be needed.
- 10.47 Assessing the internal road, no Stage 1 Safety Audit has been provided and inadequate information has been provided to demonstrate that the road could be built to adoptable standards. Concerns have been raised by K.C. Highways Development Management and K.C. Waste Services over the site's capability to host service vehicles (i.e., areas to turn and delivery refuse services). Suitable turning for private drives has not been demonstrated.
- 10.48 The applicant has failed to demonstrate that the proposed development would not cause a severe impact upon the local highway network or that appropriate methods to support and encourage the use of sustainable travel would be incorporated into the proposal. Furthermore, the layout of the development's access and road has not been demonstrated to be acceptable. Accordingly, the proposed development is considered to be in breach of policies LP20 and LP21 of the Kirklees Local Plan.

Flood Risk and drainage

- 10.49 The NPPF sets out the responsibilities of Local Planning Authorities determining planning applications, including securing appropriate drainage, flood risk assessments taking climate change into account, and the application of the sequential approach. Policies LP27 and LP28 of the Local Plan detail considerations for flood risk and drainage respectively.
- 10.50 First considering flood risk, the application is supported by a Flood Risk Assessment. This has been reviewed by the Lead Local Flood Authority (LLFA) and the Environment Agency (EA). Each of these consultees object to the proposal.
- 10.51 A Sequential Test is not required for this application on the grounds that the site was allocated for housing through the Local Plan process, for which a strategic flood risk assessment was undertaken (Technical Paper: Flood Risk – November 2016). This technical appraisal comprised a consideration of the site's potential flood risk issues. Through this process, the developable area of HS74 was reduced to exclude all of flood zone 3 and the site box for the allocation stipulates that no residential development should take place in flood zone 3.
- 10.52 Notwithstanding the above, the applicant proposes to site plots 36 - 51 and 70 - 71 within flood zone 3. The applicant has offered no justification for the siting of development within flood zone 3 although they have challenged the accuracy of the EA's flood zones. This, however, should be done via a separate formal process. Until such a time, the assessment must be made on the formally published flood zones. A Flood Risk Assessment could include measures in an attempt to overcome this concern, however the Environment Agency have concluded that this has not been achieved.
- 10.53 The EA have raised concerns that the proposal would lead to flooding elsewhere due to the loss of flood storage and that inadequate assessments have been made over impacts of climate change. Other concerns relating to a spring on site have also not been addressed.
- 10.54 Regarding surface water drainage, a drainage feasibility layout has been provided. Surface water would be discharged into Howley Beck, which is considered acceptable. The drainage strategy is considered acceptable in principle, although minor amendments are needed - these may be secured via condition. A Section 106 would be required to secure the short / medium term management and maintenance of the drainage infrastructure prior to adoption by Yorkshire Water.
- 10.55 The proposal is considered to comply with LP28 (drainage). However, the proposal is contrary to the allocation and in breach of LP65. In addition to being contrary to the allocation, the applicant has failed to demonstrate that the proposed development is acceptable within flood zone 3 and therefore is in breach of policy LP27 (flood risk) of the Local Plan.

Other Matters

Air quality

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

Archaeology

- 10.59 The site lies in an area dominated by 19th century industrial remains including mills, workers' housing, railways and collieries. It also faces south-east with Howley Beck passing along its eastern boundary, features which would have made the site an attractive location for early communities to settle. Furthermore, there are known records of archaeological importance to the north east of the site. Therefore, the proposed development could affect archaeological remains from the Prehistoric period to the English Civil War. This concern not being adequately addressed led to it being a reason for refusal on previous application 2017/91851.
- 10.60 Since that application, the applicant has worked with West Yorkshire Archaeology Advisory Service (WYAAS) and undertaken appropriate investigations. The investigations concluded that the site has a low potential for archaeological remains, which is accepted by WYAAS. Nonetheless, WYAAS have requested that a condition for further investigations and archaeological recording be undertaken, to ensure this issue is adequately addressed, should permission be granted. In accordance with policy LP35 of the Kirklees Local Plan, officers consider such a request to be acceptable.

Contamination

- 10.61 The application is supported by a phase 1 and phase 2 Geoenvironmental Risk Assessment. The reports identified some sources of contamination which require remediation, although nothing prohibitive to development. K.C. Environmental Health support the methodology and findings of the report. Subject to conditions for a remediation strategy and validation, officers are satisfied that the proposal complies with policy LP53 of the KLP.

Crime Mitigation

- 10.62 The Designing Out Crime Officer has made a number of comments and recommendations, particularly with regards to home security, rear access security and boundary treatments. All of the comments made are advisory and have been referred to the applicant. It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with Local Plan policy LP24(e).

Ecology

- 10.63 Development has the potential to cause harm to ecology within any site and in the wider area. Policy LP30 of the Local Plan outlines how the Council will seek to protect and enhance the biodiversity of Kirklees. Through LP30, development proposals are expected to:

- (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;*
- (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;*
- (iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;*
- (iv) establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and*
- (v) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.*

- 10.64 The site falls within the Local Plan's identified Habitat Network, bats are known to be present locally, and the site has the potential to host water voles. The application is supported by an Ecological Impact Assessment, which has been reviewed by K.C. Ecology and the Yorkshire Wildlife Trust. The Ecological Impact Assessment identifies that the proposal would require both mitigation and compensatory measures to offset the proposal's loss / harm to local biodiversity. Net gain calculations, alongside a Biodiversity Management Plan, have been submitted to attempt to outline how this would be achieved.

- 10.65 Particular concern has been raised via public representation regarding water voles on the site. Based on the survey work undertaken and submitted reports, officers are satisfied that the mitigation proposed would ensure significant harm does not take place to protected species. However, it is accepted that the site provides highly suitable habitat for water vole. Therefore, it is an ecological objective to enhance the site's value to water voles, with the proposal representing an opportunity to achieve this. A specific water vole enhancement plan has been provided.

- 10.66 The Biodiversity Metric Calculations provided by the applicant illustrate a -17.98% net loss in biodiversity from the site, whereas the development is expected to achieve +10% net gain in accordance with Local Plan policy LP30(ii). As the site is part of the Wildlife Habitat Network, this net loss of ecological value would also harm its functional role within the network, in breach of policy LP30(iii). Both K.C. Ecology and the Yorkshire Wildlife Trust have disputed how the figure of -17.98% has been calculated, requesting clarification / amendments which have not been received at the time of writing and is therefore not currently accepted. Should this figure be confirmed, then officers could calculate and consider an off-site contribution to ecological enhancements as being acceptable, to bring the proposal to 10% gain.
- 10.67 On the matter of mitigation and compensation, recommendations from K.C. Ecology and Yorkshire Wildlife Trust for further enhancements have not been incorporated. These included methods to make the site more attractive to water voles and additional bat / bird roosts. Finally, the submitted Biodiversity Management Plan proposes monitoring for only five years post development, whereas a minimum of 30 years is sought. Regarding the construction works, a condition securing a Construction Environmental Method Statement could have been applied (had approval been recommended) to ensure appropriate practises are undertaken during construction.
- 10.68 Based on the details as provided, the proposal is considered to not accord with policy LP30 of the Kirklees Local Plan.

Minerals

- 10.69 Mineral resources are finite and their extraction can only take place where the minerals naturally occur. The application site falls within an area designed as a Mineral Safeguarded Area (Sandstone and/or Clay and Shale, with a small area of Sand and Gravel with Sandstone and SCR) in the Local Plan. This allocation indicates that there is the potential for these mineral resources to be underlying the site. Policy LP38 seeks to ensure the appropriate management of minerals and consider whether they may be extracted during development.
- 10.70 The applicant has made no commentary or assessment on this subject. However, officers note that policy LP38's requirement does not apply on site's 'there is an overriding need for the development'. As a housing allocation, this is considered to be the case for the site. Furthermore, it is not considered practical for this site to include mineral extraction, given the proximity of residential properties (with the site's narrow shape and steepness limiting the feasibility of appropriate separation distances and bunds) and concerns over access of HGV's to transport said material. Accordingly, it is considered that the proposal complies with the aims and objectives of policy LP38 regarding mineral safeguarding issues.

Representations

- 10.71 Forty-five representations have been received to date. Most matters raised have been addressed within this report. The following are matters not previously directly addressed.

- Batley is over-populated and local infrastructure cannot support the volume of people, which will be exacerbated. This includes schools, doctors, dentists, public transport, refuse etc. The wider area has already had a large amount of development in recent years.

Response: There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that educational and health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan evidence base, a study into infrastructure was undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population.

With regard to schools, K.C. Education have identified a necessary contribution of £138,266, with the applicant failing to demonstrate the proposal is unviable to fund this. Regarding refuse and public transport, this would be offset by increased Council tax and the use of public transport by new residents respectively.

- The site is a BAP priority habitat and water meadow which hosts rare flora and fauna, including endangered pollinators. While it is noted some land would be retained for wildlife, it would not survive the construction period.

Response: The BAP priority habitat, or habitat of principle importance, relates to the marshy grassland land around the beck. This area of land is to be retained and managed as part of the proposal. However, as outlined in the report, there are outstanding issues as to how this would be achieved. On the matter of the construction period, a Construction Environmental Method Statement may be secured via condition.

- The open nature of the site is attractive and beneficial to residents' physical and mental health. The development would take this away, and disproportionately affect local residents in an area stated to be 'under privileged'.

Response: While the open and natural nature of the site would be reduced, the proposed development would retain areas of open space accessible for all residents within the area. Furthermore, a planning contribution would be sought for the improvement of local open space facilities, with the applicant failing to demonstrate the proposal is unviable to fund this.

- The development would reduce local property values and harm resident's views.
- Development adjacent to properties on Primrose Hill will risk damaging their foundations.

Response: These comments do not form material planning considerations. Regarding foundations, it is the applicant's responsibility to ensure their development does not damage third party land / structures.

- More homes for the elderly should be constructed, which in turn would release housing stock for younger people and addresses identified needs.

Response: Planning applications must be assessed in accordance with local and national policy. There are currently no policy requirements for the delivery of homes for older people applicable to this site.

- The proposal will increase use of local pedestrian tunnels, which are sources of anti-social behaviour.

Response: This is noted; however, this is an existing issue that the proposal is not anticipated to exacerbate. This is considered to be a matter for the Police and/or British Transport Police (as railway infrastructure).

11.0 CONCLUSION

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

11.2 The site is a housing allocation within the Local Plan, with the proposal representing an appropriate quantum and mixture of development. However, insufficient information has been submitted regarding flood risk, ecology and highways, with objections also raised over the proposed loss of protected trees. The need to provide planning contributions has been identified, however the applicant considers the scheme to be unviable and unable to provide said contributions. The viability assessment submitted by the applicant is not accepted.

11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Background Papers

Application and history files

Available at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/93071>

Certificate of Ownership

Certificate B signed.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 03-Jun-2021

Subject: Planning Application 2021/90552 Formation of 43 allotments, 17 car parking spaces, new access road and 1.8m high palisade fencing with access gates Land off, Ravensthorpe Road, Dewsbury, WF12 9EE

APPLICANT

Angela Blake, Kirklees
Council Environment and
Climate

DATE VALID

11-Feb-2021

TARGET DATE

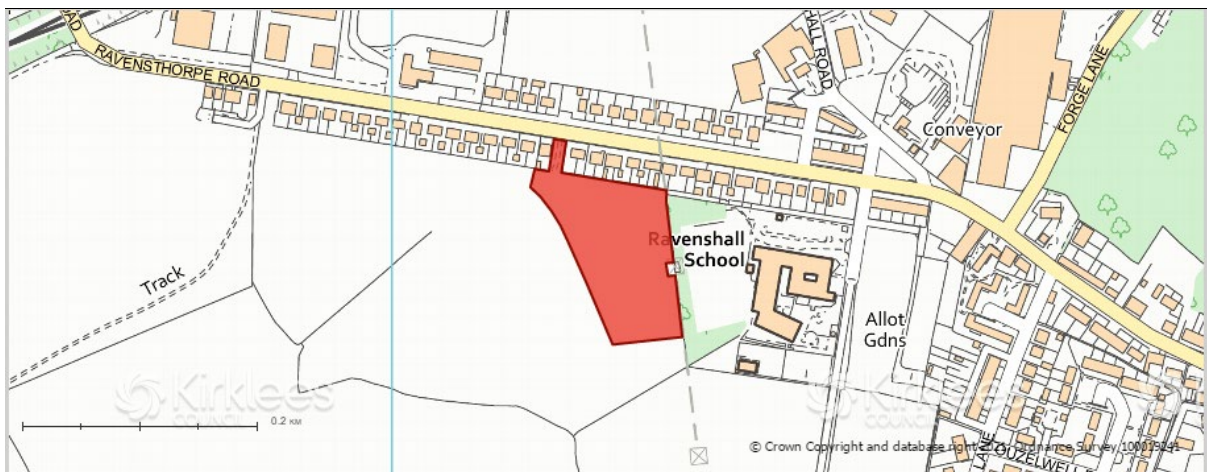
08-Apr-2021

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: Dewsbury South

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 This application is reported to the Strategic Planning Committee in line with the Council's Scheme of Delegation as the size of the site is over 0.5ha.
- 1.2 This application is submitted by the Council and forms a key phase in the delivery of the Dewsbury Riverside development. It proposes the creation of new allotments to enable the closure of existing nearby allotments close to Ravenshall School. The cessation of these existing amenities would enable the future necessary infrastructure works that are required to deliver the wider Dewsbury Riverside project.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site, which is currently used as farmland, extends to 1.2 hectares. It is bounded to the north by the rear gardens of houses at 59-83 Ravensthorpe Road and to the east by a line of mature planting, beyond which lies a playing field associated with Ravenshall School. Further farmland lies to the south and west. The site is gently undulating in its topography.
- 2.2 Both the application site and adjoining land to the south and west form part of housing allocation HS61 in the Kirklees Local Plan. In its entirety, the allocation extends to 161.37 hectares (gross site area) with an indicative capacity of 1,869 dwellings during the Local Plan period (2019-2031) and the potential for a further 2,131 dwellings beyond the plan period.
- 2.3 The application site is owned by the Council and is presently subject to an agricultural tenancy.

3.0 PROPOSAL:

- 3.1 This application seeks full planning permission for the construction of a new allotment site to provide 43 x 200m² (approximately) allotments. These would be laid out along the eastern and western boundary of the site with a central block surrounded by a footway to provide pedestrian access to each of them. This path would be suitable for occasional vehicular access, enabling allotment holders to deliver material to their plots. Each plot would be edged with timber kerbs to delineate it. Access to water would also be provided throughout the site with each two allotments sharing one water tap.

- 3.2 A new car park would be constructed to the northern edge of the allotment to provide 17 spaces (including 2 accessible spaces). This would be set away from the rear boundary of the houses on Ravensthorpe Road by approximately 13 metres. The car park would be accessed via a new road to be created between Nos 79 and 83 Ravensthorpe Road. An existing gravelled bridleway that runs to the side of the access road would be retained. For security, a fence would be installed around the perimeter of the allotments and car park.
- 3.3 For Members' information, the applicant has advised that the existing Ravensthorpe Road allotments are legally considered to be 'temporary', in that they are located on land officially held for housing purposes. It is understood that there is, therefore, no requirement for the Council to apply to the Secretary of State to close these allotments. It is intended, however, to designate the proposed replacement allotments as 'statutory', thereby providing the allotment holders with greater security going forward.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The most relevant planning history is listed below:

2016/91148: Outline application for residential development
Approved: 12/04/2017

This is an outline planning approval for up to 120 dwellings with all matters reserved, except for the point of access. Vehicular access was proposed via the creation of a new priority T-junction with Ravensthorpe Road.

Condition 3 of that permission required submission of the Reserved Matters within 3 years from the date of the permission i.e. before 12th April 2020. However, as a consequence of the Covid pandemic, the Business and Planning Act 2020 temporarily modified the Town and Country Planning Act 1990. It confirmed that time limits for implementation relating to outline planning permissions were subject to extension. In effect, the deadline for the submission of applications for the approval of reserved matters under an outline planning permission which would otherwise expire between 23 March 2020 and 31 December 2020 was extended to 1 May 2021. As a result, the deadline for the submission of application for the approval of reserved matters under this outline permission was extended to 1 May 2021.

2021/91759: Reserved matters application (layout, appearance, scale, landscaping) for erection of 120 dwellings pursuant to outline permission 2016/94118 for erection of residential development.

This is the Reserved Matters submission pursuant to the above outline planning permission. It was validated on 27 April 2021 and is currently pending consideration.

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

- 5.1 The applicant amended the layout in the course of the application to introduce a greater degree of separation between the parking area and the existing residential properties. No other significant changes were sought.

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 materials considerations indicate otherwise. The Statutory Development Plan for Kirklees is the Kirklees Local Plan (adopted 27th February 2019).

Kirklees Local Plan

- 6.2 The site is allocated for housing within the Local Plan (HS61) with an indicative capacity of 1,869 dwellings during the Local Plan period (2019-2031) and potential for a further 2,131 dwellings beyond the plan period.
- 6.3 The following policies within the Local Plan are most relevant to the determination of this application:
- LP3 Location of new development
 - LP5 Masterplanning of sites
 - LP21 Highways safety and access
 - LP22 Parking
 - LP24 Design
 - LP27 Flood Risk
 - LP28 Drainage
 - LP30 Biodiversity and geodiversity
 - LP32 Landscape
 - LP33 Trees
 - LP38 Minerals safeguarding
 - LP47 Healthy, active and safe lifestyles
 - LP63 New Open Space
 - LP65 Housing Allocations

Supplementary Planning Guidance/Documents

- 6.4 A draft Open Space SPD was published by the Council in 2020 as part of the 'Quality Places' consultation. It has undergone public consultation but has not yet been adopted. However, its content is consistent with the policies and objectives of the Kirklees Local Plan and it is therefore considered that modest weight can be attached to it at this stage. A Biodiversity Net Gain Technical Advice Note was published at the same time and was also subject to public consultation. It is yet to be adopted but it provides guidance on how Biodiversity Net Gain should be achieved by development within Kirklees in the intervening period before the introduction of the Environment Bill.
- 6.5 On the 19th March 2019 the Council's Cabinet endorsed a masterplan for the Dewsbury Riverside site – the Dewsbury Riverside Delivery Framework. This document indicates 3 points of access into the site from Ravensthorpe Road, Forge Lane and Lees Hall Road, connected via a new spine road, which would feed into an internal access loop within the site. The Framework acknowledges that the scale of the development is intended to be large enough to allow a degree of "market repositioning" and thereby to act as a catalyst for the regeneration of the wider area. This document provides guidance to inform the future delivery of the Dewsbury Riverside development.

National Planning Guidance

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

Chapter 7: Requiring good design

Chapter 8: Promoting healthy and safe communities.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised as a major development in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) by means of site notices and a press notice in The Reporter, published on 11 March 2021. It was also advertised by means of direct neighbour notification letters that were sent on 5 March 2021.
- 7.2 A total of 9 representations have been received raising a combination of objections and comments. Of these, 8 object to the application whilst the final response comprises comments provided on behalf of the current allotment holders. These are detailed separately below.
- 7.3 The following is a summary of the points raised. It is not a complete replication of the responses, which can be viewed in full on the Council's website at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90552>

General

- Why has the number of allotments increased?
- Who will rent these allotments?
- Will people be coming and going all day and night?
- Livestock will cause more rats and noise to the area.
- The Coal Authority report suggests that they should not be built.
- This building will disturb the abundance of wildlife in the area alongside the views of residents.
- How can the public access the field adjacent to the allotments if access road is made private and fenced?

Transport

- It will cause a parking issue outside existing houses;
- 43 allotments and 17 car parking spaces. Where are the rest going to park?
- It will create extra traffic on a busy road.

Flooding

- On-going issue with flooding on Ravensthorpe Road and developing this land may cause flooding to the road and properties.
- The proposed site has ongoing flooding/water retention issues, causing flooding of the highway/residents' gardens.

Living Conditions

- The noise and traffic is bad enough at the moment without adding more to it;
- Privacy issues.

7.4 The existing allotment holders have submitted the following comments:

- What provision is being made for the existence of the Congress of Newts currently breeding on the current Ravensthorpe Road Allotments which are a protected species?
- What are the results of the Soil Tests supposedly carried out on the proposed new site?
- What action is being taken to resolve the issues of drainage on the proposed new site?
- Is provision being made for Disabled Access to the proposed new site along with the facility to provide raised beds for any Disabled/Wheelchair User Allotment Holder to be able to work with?
- Is provision being made for each individual new allotment to be securely fenced to ensure separation from neighbouring allotment holders and to ensure the ability to work each separate allotment with a degree of autonomy/privacy?
- Has consideration been given to the installation of Security Cameras, with information from such being accessed by Allotment Holder via an App on their phones, in order to enable them to maintain security in respect of each individual plot?
- Has any provision been made to provide toilet facilities on the proposed site, including Disabled Access facilities?
- When will the current Allotment Holders have access, or input to, the proposed plans for the new Allotments to ensure that all aspects of these are being met and addressed?
- Feel that further involvement could have been applied, particularly with the use of current technology, which could have been initiated across most allotment holders to enable all relevant points to have been raised before this stage.

7.5 Ward Councillor Ahmed has confirmed that he has no objection to the application. He has noted that the allotment closure should be a smooth transition, but is mindful of the discussions that have already taken place between the existing allotment owners and the Council.

7.6 The applicant has also advised that prior to the submission of this application, the views of stakeholders, including existing allotment holders, were obtained and considered during the scoping and design process for the new allotments. Council officers, including the Council's Allotments Manager, met with allotment holders and the chair of the National Allotment Society in September and December 2019 to share information about the proposals and to listen to initial views and suggestions. The feedback from this early consultation, including thoughts on the preferred location, layout and practicalities, was fed into the design brief. Draft designs were then developed and shared with allotment holders in a consultation pack in August 2020. The issues raised through this consultation were then considered and fed into the final design. A document summarising the matters raised and the Council's responses was sent to stakeholders in October 2020.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Lead Local Flood Authority: No objection.

KC Highways: No objection subject to conditions.

Coal Authority: No objection to the proposal. The Coal Authority recommend that the applicant should be advised that a watching brief for all excavations/ground works, and stripping operations, should be followed as a suitable precautionary measure and the site workforce, should be made aware that unrecorded mine entries could affect the site. If any unexpected ground conditions are found then the Coal Authority should be contacted immediately.

8.2 Non-statutory:

KC Trees: No objection

Police Architectural Liaison Officer: West Yorkshire Police are satisfied that the security for this site has been designed appropriately and support the principal of this application in its current form.

KC Environmental Health: No objections subject to conditions.

9.0 MAIN ISSUES

- Principle of development;
- Living conditions of existing occupiers;
- Highways
- Ground conditions;
- Flood Risk and drainage;
- Response to representations;
- Other matters;

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (NPPF), confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions.
- 10.2 The development plan for Kirklees is the Kirklees Local Plan (KLP), adopted on 27 February 2019. Policy LP1 of the KLP reflects guidance within the NPPF that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. It states that proposals that accord with the policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 10.3 Within the KLP, this site is allocated for housing, forming part of allocation HS61 (Dewsbury Riverside) - land to the south of, Ravensthorpe Road / Lees Hall Road, Dewsbury. The allocation extends significantly beyond the application site to a total gross site area of 161.37 hectares. The existing allotments also lie within the boundary of the site allocation.
- 10.4 The Dewsbury Riverside Masterplan Framework (March 2019) establishes a mechanism for the future development and delivery of the Dewsbury Riverside site. It clarifies the regeneration context and the ambition of the project as a sustainable urban extension to the south of Dewsbury. Of particular relevance to this application is the identified approach to movement and connectivity. It confirms that access to the allocation would be provided principally at four locations, with their delivery phased with the development. It includes a primary means of access via a continuation of Forge Lane into the site. The Framework confirms that the delivery of the Forge Lane access would allow for later phases to be brought forward earlier as the infrastructure would be in place at the heart of the site. However, the delivery of this access would be dependent upon the re-location of the Ravenshall allotments and consequently, this application is an early step towards achieving the Council's strategic objectives for the site.
- 10.5 Policy LP65 of the KLP advises that planning permission will be expected to be granted for sites allocated for housing in the Local Plan if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map. The 'other site specific considerations' listed in the site box pursuant to allocation HS61 include the following:
- 'Replacement allotment provision of equivalent or better quantity and quality will be required in a suitable location as part of the development'*
- 10.6 There are currently 24 allotments at the Ravenshall site of various sizes ranging from 98m² through to 557m², with most being between 240m² and 350m². From observations on site, some of the allotment holders have constructed sheds/greenhouse structures.

- 10.7 This application would replace the existing allotment provision, but it would also provide an additional 18 allotments to accommodate additional demand. The proposed allotments would be of a consistent size at approximately 200m². Guidance published by the National Allotment Society recommends the 'ten pole plot' (or its nearest metric equivalent of 250m²) as the template for the subdivision of allotment land but it also confirms that there is no legal definition of the minimum size of an allotment garden. In this case, the provision of 200m² plots provides an effective sub-division of the land to maximise meaningful allotment provision. It would also facilitate an infrastructure of paths, a water supply on site and timber kerbs to delineate each plot.
- 10.8 Whilst beyond the scope of statutory planning considerations, it is relevant to note that the applicant has obligated to a 4-5 month 'transition period' between opening the new allotments and closing the existing allotments to enable the plot holders to harvest seasonal crops and relocate to the new site. Further assurances have been given to existing allotment holders to help with the relocation. These include a commitment that all new replacement plots will be dug and prepared for planting with topsoil provided to a depth of up to 60cm. Additionally, where a plot holder currently has a shed or greenhouse on their plot, a suitable flagged based would be constructed on the new site. Furthermore, if they have fruit bushes/trees on their plot, young replacement plants would be provided.
- 10.9 Overall, it is considered that the proposed allotment provision would be of a better quantity and quality than the existing provision. It would be in a suitable location as part of the development, positioned close to the existing settlement (for existing allotment holders) as well as providing an allotment opportunity for future residents. Its relocation is therefore consistent with the requirements of the Site Allocation set out above. It would also facilitate the potential for the future access to the site via Forge Lane to be delivered. It would therefore comply with the objectives of Policy LP65 of the KLP. It would also contribute to the objectives of Policy LP47 of the KLP, which advises that healthy, active and safe lifestyles will be enabled by a range of measures, including the support of initiatives that support or improve access to healthy food, such as allotments. The proposal is therefore acceptable in principle.

Design considerations

- 10.10 Policy LP24 of the KLP advises that good design should be at the core of all proposals in the district. Whilst the design of the allotments is principally determined by its function, it is noted that the applicant seeks to enclose the site with palisade fencing. Notwithstanding the security benefits of this type of fencing, it is considered that a more attractive and secure fence could be achieved (e.g. paladin), which would have a softer impact on the landscape. To ensure compliance with Policy LP24, a condition is therefore proposed requiring further details of the boundary fence to be agreed prior to commencement.

Living conditions of existing occupiers

- 10.11 Policy LP24 of the Kirklees Local Plan advises at (b) that proposals should provide a high standard of amenity for future and neighbouring occupiers. This reflects guidance at Paragraph 127 of the Framework, which advises that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 10.12 The allotments would be located to the rear of existing residential properties on Ravensthorpe Road. The nearest allotment would be in excess of 40 metres from the rear elevation of these houses, which is sufficient to ensure that there is no loss of privacy or overlooking of existing residents. The allotments would also be screened by fencing to provide a further degree of separation.
- 10.13 In terms of noise, it is considered that the nature of the allotment use would not give rise to any undue concerns relating to noise. There would be no artificial lighting at the site and it would essentially operate within daylight hours to minimise any late night disturbance. This is also a relocation of existing facilities already utilised by local residents. In this regard, Environmental Health have confirmed that there have been no Statutory Nuisances substantiated under the Environmental Protection Act 1990 in the past 3 years, with the last recorded complaint being 2004. Furthermore, it should be considered within the context of the site's allocation as part of Dewsbury Riverside, such that the land would, in any event, change from its current function as farmland.
- 10.14 It is acknowledged that future allotment holders would use the new access road to be constructed between Nos 79 and 83 Ravensthorpe Road. This would serve the new parking area. Whilst this would inevitably result in some additional coming and goings compared to the existing status of the site as farmland, the number of allotments is modest. Furthermore, they are intended to serve the local community such that it would be unlikely that all allotment holders would be on site at one time nor would they necessarily always drive to the site.
- 10.15 For these reasons, it is considered that the relocated allotments would not result in any undue disturbance to nearby occupiers to warrant a refusal of the application. It is therefore considered to sufficiently comply with Policy LP24 of the KLP and guidance within the NPPF.

Highway and access issues

- 10.16 Policy LP21 of the Kirklees Local Plan advises that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. Policy LP21 reflects guidance within the NPPF, which states at Paragraph 108 that in assessing applications for development, it should be ensured that there are appropriate opportunities to promote sustainable transport modes, 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 can be viably and appropriately mitigated. Paragraph 109 confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In the regard, the application is supported by a Transport Statement to consider the accessibility of the site and the highway impact of the proposals.

Access

- 10.17 The site access would be taken from Ravensthorpe Road via an existing track access. It would be approximately 4.5m wide with a 3m wide bridleway and a 1.1m wide grass verge along the western side. A grass verge would also be provided along the eastern side with a variable width between 1.2m and 2.4m. This access would be gated.

Access by means other than the private car

- 10.18 With regard to pedestrian accessibility, the Transport Statement highlights the Chartered Institution of Highways and Transportation (CIHT) publication 'Guidelines for Providing for Journeys on Foot' (2000), which describes what are considered acceptable walking distances for pedestrians without mobility impairment. It indicates that journeys under 2km walking distance have the potential to substitute short car trips, which would extend significantly from this site to Ravensthorpe and Thornhill Lees. The site is therefore accessible by foot to the local vicinity. Similarly, in relation to cycling, the Statement notes that it is generally accepted that cycling has the potential to substitute short car trips, particularly those under 5km. Whilst some allotment users may choose to drive to carry equipment etc., the site is nonetheless accessible to the local community by means other than the private car.
- 10.19 The site would also be reachable by public transport with the nearest bus stop sited approximately 500m walking distance on Ouzelwell Lane, this is served by the 128/128A Wakefield to Dewsbury route, which is principally a daytime (to early evening) service Monday-Saturday.

Trip Generation

- 10.20 Whilst there are no comparable sites within the TRICS database (a national system of trip generation analysis) for estimating traffic generation from the allotment site, in terms of vehicle movements, it is considered that the future users of the allotments would most likely be residents living in the local area. As such, it would generate low levels of vehicular traffic. It is also considered that allotments would not typically generate weekday peak hour trips when the background traffic is at its highest. Furthermore, the trips associated with the existing allotments, which would be closed down as part of this proposal, would transfer to the new site and are therefore already on the network. Consequently, the supplementary number of trips arising from the additional 18 allotments would be limited. The Transport Statement therefore reasonably concludes that the traffic associated with the allotments at the new site would have only a negligible traffic impact and it could not be considered severe.

Parking

- 10.21 Turning to parking provision, the existing allotment site provides 24 generous pitches with approximately 6 car parking spaces accessed from Ravensthorpe Road. This provides a car parking ratio of 0.25 per allotment plot. The application would provide 17 car parking spaces for 43 allotments. This would result in a parking ratio of 0.40 spaces per allotment plot, which is a greater provision than the existing. It is therefore considered to be acceptable in this instance.

Assessment

- 10.22 The Council's Highways Development Management Officer notes that Ravensthorpe Road is a single carriageway road running from Calder Road to the west and Lees Hall Road to the east. It is approximately 8.0m wide with a 2.0m wide hatching along the centre of the carriageway and is subject to a 30mph speed limit throughout. The road has 1.5m wide footways in the vicinity of the application site access.

- 10.23 The site access would be taken from Ravensthorpe Road via the existing track access. The plans show visibility splays of 2.0m x 43m in both directions from the site access onto Ravensthorpe Road and these can be achieved and would be secured by condition. The plan also shows that to accommodate this visibility splay, the footway along Ravensthorpe Road has been widened from 1.4m to 1.8m along the extent of the access road. It then tapers into the existing footway on either side.
- 10.24 The parking ratio of 0.40 spaces per allotment plot is a greater provision over the existing. Given the site access visibility improvements and on the basis that an improved parking ratio is proposed, Highways Development Management have no objection to the application subject to a condition requiring a detailed scheme for the provision of the access, including the submission of an independent Safety Audit covering all aspects of the work. The vehicle parking area must also be constructed in permeable paving and appropriately drained. Subject to the imposition of these conditions, the proposal is considered to be acceptable in accordance with Policy LP21 and guidance within the Framework.

Landscaping and Biodiversity

- 10.25 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. This scheme will not impact on any trees and the Council's Tree Officer has no objection.
- 10.26 Turning to biodiversity, Policy LP30 of the KLP confirms that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. As relevant to this site, it advises that development proposals will be required to (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement and (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist as well as (iv) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.
- 10.27 The applicant has submitted an Ecological Impact Assessment (EclA), which included both a desk-top and field survey. The EclA notes that the site is a single arable field. It has been assessed as having a low ecological baseline. It concludes that proposals for a new allotment would impact upon only a small amount of low value habitat and it is not expected to affect any rare or protected species, other than nesting birds. Furthermore, the creation of allotments (moderate value habitat) on land currently assessed as being of low value would in itself mitigate the effects of small-scale habitat loss. Standard precautions are recommended for nesting birds, which can be secured through a suitably worded condition for a pre-commencement walkover survey.
- 10.28 In terms of Biodiversity Net Gain, the proposed development is expected to be able to deliver a significant net gain for biodiversity of +20% and, as such, no off site compensation would be required.

- 10.29 The Council's Ecologist has considered the Ecological Report and advised that the EclA followed CIEEM guidelines for ecological impact assessments and provides a clear assessment of the likely ecological impacts anticipated. The EclA concludes that with the application of mitigative measures, significant ecological harm can be avoided and therefore, the proposals are in accordance with Local Plan Policy LP30i. The proposals would result in the loss of some arable field margins, which are classed as a Kirklees Habitat of Principal Importance in the Pennine Foothills Biodiversity Opportunity Zone. However, as these are considered to be of low quality, their removal is not anticipated to have major implications beyond a site level. A condition will be required to ensure nesting birds are considered during construction.
- 10.30 The EclA also includes assessment of the site with the Biodiversity Metric 2.0. It concludes that post-development, as a result of the introduction of allotments, introduced shrubs and mixed scrub, the scheme would deliver a 21.15% biodiversity net gain. This is in line with the Council's present ambition for a 10% net gain and therefore satisfies Local Plan Policy LP30ii and Section 15 of the NPPF. A condition for an Ecological Design Strategy for the creation and maintenance of habitats will be required, including details on species mix to be planted. Faunal enhancements would also be required, including maintaining permeability for hedgehogs through the site. For these reasons, the proposal is considered acceptable with regard to biodiversity in accordance with the Local Plan.

Ground conditions

- 10.31 Notwithstanding its residential allocation, the site is also within a Minerals Safeguarded Area and subject to Policy LP38 of the Local Plan. This policy seeks to safeguard minerals on sites in excess of 1000m² unless it can be demonstrated that the mineral has insufficient economic value, in which case not extracting the mineral prior to development can be justified. The policy also allows for the minerals to remain, if there is an overriding need for the proposed development. The site, has in parts, been quarried already and it is accepted that there is an overriding need within the district for the delivery of new housing, which this scheme would facilitate. As such no objection is raised in this regard and it is compliant with Policy LP38.
- 10.32 Policy LP53 of the KLP advises that development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate contamination assessment and/or land instability risk assessment. In this case, the application is supported by a Phase I and II Geo-Environmental Site Assessment and a Coal Mining Risk Assessment (CMRA) as well as a Remediation Statement for topsoil to be imported into the site.
- 10.33 Elevated levels of arsenic were recorded during the initial survey and as a result, a remediation strategy has also been submitted. It is proposed to excavate the topsoil to a depth of 600mm and dispose off-site. A capping layer would then be installed and inert topsoil imported. As part of the validation strategy, the base of the excavation will be tested for contamination prior to importing the capping layer and topsoil. The capping layer and topsoil would also be tested for contamination prior to introducing it within the site. A validation report would then be completed by an independent specialist consultant to confirm the implementation of the remediation and validation strategies

- 10.34 The Council's Environmental Health Officer initially advised that from the Phase I Environmental Desk Study and Coal Risk Assessment it is apparent that there have been potentially contaminative uses on the site (and/or adjoining land), which could impact upon the development and/or the environment. Consequently, both reports conclude that intrusive work is necessary to determine the contamination status and coal mining legacy at the site. Environmental Health agree with the findings of these two reports and confirm that they are satisfactory.
- 10.35 From the intrusive investigation undertaken in October 2020, it identified elevated levels of arsenic across the site. The report recommends that a site-specific remediation strategy is required once the precise nature of the development has been finalised. Environmental Health initially considered that further information was necessary in this regard to provide clarification on some of the further testing that was undertaken, including what is meant by bio-testing, and an analysis of the arsenic bio-accessibility tests that were undertaken. The further information provided by the applicant confirms that average level of arsenic appears to be only 20% higher than the expected background value. In light of this, and due to the Greenfield nature of the site, it is considered that these readings may be due to slightly elevated naturally occurring concentrations of arsenic, with some natural variation across the site. However, the levels are such that it arsenic is considered unlikely to adversely affect human receptors if the soils were consumed. Environmental Health have subsequently confirmed that the revised information is clearly presented, is supported with in-text commentary and is therefore satisfactory.
- 10.36 With regard to the Remediation Statement, Environmental Health note that the report details the remediation strategy for clean cover, coal seams and ground gas. Firstly, it is specified that 600mm of soil is removed and replaced with 600mm clean cover (500mm topsoil and 100mm granular material). Then it is detailed that should a coal seam be identified; this will be sealed with concrete to prevent spontaneous combustion. Lastly, whilst it is specified that 'buildings will not initially be constructed on site', it is considered that any future buildings must be fitted with a 2000-gauge methane and radon protective membrane incorporated into the ground slab, in line with CIRIA recommendations. The report concludes by providing unexpected contamination and validation proposals. Environmental Health required some further justification and clarification, including reasoning for the screening criteria. This was subsequently submitted and Environmental Health have confirmed that the revised Environmental Report is sufficient as a stand-alone remediation report. A condition is proposed requiring implementation of the remediation strategy and the submission of a validation report to confirm that the measures set out in the remediation strategy have been completed on site before the site is first brought into use.
- 10.37 The CMRA considers the risk of stability across the site. It notes that three coal seams are anticipated to be present within 30m of the surface of the site. Whilst these seams may be of limited thickness, the possibility of them being worked cannot be ruled out. Overall, the site is in an area anticipated to be affected by shallow mine workings and two mine shafts are present on site. For shallow workings, the CMRA acknowledges that the primary risk caused by these features is likely to manifest as crown hole collapse, causing localised areas of depressions or subsidence. Whilst the scale of the workings beneath the site is unknown, given the type of development proposed, site wide remediation in the

form of drilling and grouting is unlikely to be economical. The construction of allotment gardens would require no major infrastructure to be built at the site (albeit temporary buildings such as greenhouses or sheds could be constructed by allotment owners). As such, the magnitude of damage posed to surface features by potential collapse is considered to be low and the risk to human life limited.

- 10.38 The Coal Authority have considered the CMRA and raise no objection to the proposal. They principally advise that a watching brief for all excavations/ground works, and stripping operations, should be followed as a suitable precautionary measure and the site workforce, should be made aware that unrecorded mine entries could affect the site. If any unexpected ground conditions are found then the Coal Authority should be contacted immediately. This will be secured by condition.
- 10.39 Subject to the imposition of the above conditions, it is considered that the proposal can be sufficiently compliant with Policy LP53.

Flood Risk and drainage

- 10.40 Guidance within the NPPF advises at Paragraph 163 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This approach is reinforced in Policy LP27 of the KLP, which confirms, amongst other matters, that proposals must be supported by an appropriate site specific Flood Risk Assessment (FRA) in line with National Planning Policy. Policy LP28 of the KLP relates to drainage and notes a presumption for Sustainable Drainage Systems (SuDs) and also, that development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.
- 10.41 The site falls within Flood Zone 1, which means that it is at a low risk of flooding. However, because the site area exceeds 1 hectare, a Flood Risk Assessment has been submitted. Because of its location entirely within Flood Zone 1, consultation with the Environment Agency is not required. However, the Lead Local Flood Authority (LLFA) have been consulted in relation to surface water drainage.
- 10.42 The FRA notes the topography of the site ranging from 44.30 metres above Ordnance Datum (mAOD) in the north of the site to 50.67mAOD in the south of the site. There are no watercourses evident either on, or within the vicinity of the site. It is understood that the site currently drains to the public sewers. A combined Yorkshire Water public sewer runs down Ravensthorpe Road draining the areas foul and potentially roof drainage of the surrounding areas. The combined system ultimately discharges to the Mitchell Laithes Wastewater Treatment Works.
- 10.43 The risk of flooding has been considered within the FRA and it concludes that the site is not at risk of flooding from a major source (e.g. fluvial and/or tidal). It also has a 'low probability' of fluvial/tidal flooding as the site is located within Flood Zone 1 with less than a 1 in 1000 annual probability of river flooding in any year. Surface water flooding is considered to represent a low significant risk but overall, the flood risk to the site can be considered to be limited and it is unlikely to flood except in very extreme conditions.

- 10.44 In terms of drainage, a SuDS strategy would be adopted. The allotments would be maintained as vegetated areas and would allow infiltration of rainfall. The pathways within the development would be constructed with a permeable surface such as gravel or a mainly green, vegetated area. Water from an impermeable surface would be directed to a border rain garden or soakaway and infiltration devices – soakaways/filter strips would be incorporated. The car parking area/access would also be constructed of permeable material. Ground conditions suggest that infiltration methods will work at the site. Additional storage would be provided within the manholes, pipes and drainage gullies, which would provide betterment over and above the 1 in 100 year (+40%) event.
- 10.45 The FRA concludes that these methods would reduce peak flows and the volume of runoff, would slow down flows, and would provide a suitable SuDS solution for this site. The adoption of a SuDS Strategy for the site represents an enhancement from the current conditions as the current surface water runoff from the site is uncontrolled, untreated, unmanaged and unmitigated. The SuDS Strategy would therefore reduce the risk of flooding to the site and off-site locations. This strategy has been considered by the LLFA who raise no objections and do not consider the imposition of conditions to be necessary. The LLFA originally noted that the access to Kirklees Council's debris screen to the west of the site was narrow but this was resolved by the revised layout. Taking all these matters into account, the proposal is considered to comply with Policies LP27 and LP28 of the KLP and guidance within the NPPF.

Climate Change

- 10.46 Given the nature of the proposal, the potential to assess its impact on climate change is limited. The allotments are intended to provide a facility for local people to grow their own food. They would not generate any significant energy demands and their proximity to existing residents should encourage allotment holders to arrive by means other than the private car where practicable. Environmental Health have also requested that an Electric Vehicle Charging Point be provided. However, on the grounds that no electricity is to be provided at this site, the applicant has advised that it would not be feasible to provide an EVCP. Given the specific nature of this proposal, the lack of electricity supply is considered to be a reasonable extenuating circumstance that would preclude the provision of EVCP on this occasion.

Other Matters

Crime Prevention

- 10.47 The Council's Designing out Crime Officer has provided comments on the application. He is satisfied that the security of the site has been designed appropriately and supports the principle of the application in its current form.

11.0 RESPONSE TO REPRESENTATIONS

- 11.1 The majority of representations have been addressed in the report above. However, the following provides a response to specific points:

Why has the number of allotments increased?

Response: To accommodate both existing provision and increased future demand in accordance with the requirements of the site allocation.

Who will rent these allotments?

Response: The existing allotment holders will relocate to these allotments and the remaining allotments will be available to rent via the Council.

Will people be coming and going all day and night?

Response: Access will be unrestricted for allotment holders but it is considered that they will mostly be visited during daylight hours.

Livestock will cause more rats and noise to the area.

Response: These are allotments and not for the keeping of livestock.

The Coal Authority report suggests that they should not be built.

Response: The findings of the CMRA are set out in the report above, which does not conclude that the allotments should not be built.

This building will disturb the abundance of wildlife in the area alongside the views of residents.

Response: The ecological impact and the effect of the proposal on the living conditions of future occupiers is set out above. In planning case law it is well established that there is no right to a view.

How can the public access the field adjacent to the allotments if access road is made private and fenced?

Response: The public bridleway will be maintained.

On-going issue with flooding on Ravensthorpe Road and developing this land may cause flooding to the road and properties.

Response: This is fully addressed in the report above.

What provision is being made for the existence of the congress of newts currently breeding on the current Ravensthorpe Road Allotments which are a protected species?

Response: The effect of any works at the existing site on newts, which are a protected species, will be assessed at that time.

What are the results of the soil tests supposedly carried out on the proposed new site?

Response: This is set out in the report above.

What action is being taken to resolve the issues of drainage on the proposed new site?

Response: How the site will be drained is detailed in the report above. The LLFA raise no objection to the proposal.

Is provision being made for disabled access to the proposed new site along with the facility to provide raised beds for any disabled/wheelchair-user allotment holder to be able to work with?

Response: No raised beds would be provided. The new allotments would be cleared so that plot holders could lay them out as they wish. Plot holders would be permitted to create their own raised beds. Disabled parking has been provided directly adjacent to allotment plots, with accessible pathways providing access to all plots.

Is provision being made for each individual new allotment to be securely fenced to ensure separation from neighbouring allotment holders and to ensure the ability to work each separate allotment with a degree of autonomy/privacy?

Response: This is not a planning consideration. How the site is sub-divided and managed internally is a matter for the relevant section of the Council who manage allotments.

Has consideration been given to the installation of security cameras, with information from such being accessed by allotment holder via an app on their phones, in order to enable them to maintain security in respect of each individual plot?

Response: Such security does not form part of the existing site and there is no evidence that such site security is necessary. In any event, they would be enclosed by security fencing and the allotments would also be well overlooked by existing housing.

Has any provision been made to provide toilet facilities on the proposed site, including disabled access facilities?

Response: The applicant does not propose to install toilet facilities on the basis that they are not provided on the majority of other allotment sites and they do not exist on the current allotment. Moreover, it is likely that the allotments would serve local residents in any event.

When will the current allotment holders have access, or input to, the proposed plans for the new allotments to ensure that all aspects of these are being met and addressed?

Response: As set out in the report, the allotment holders have been consulted throughout the process.

Feel that further involvement could have been applied, particularly with the use of current technology, which could have been initiated across most allotment holders to enable all relevant points to have been raised before this stage.

Response: This is a matter for the applicant although it is evident that there has been ongoing consultation between the Council and the existing allotment holders prior to the submission of this application.

12.0 CONCLUSION

12.1 This application seeks full planning permission for the construction of a new allotment site to provide 43 x 200m² allotments. They would provide a replacement facility, with some additional capacity, for the 24 allotments that are presently sited close to Ravenshall School. The cessation of these existing amenities would facilitate future infrastructure works that are necessary to deliver the Dewsbury Riverside project.

12.2 The proposed allotment provision would be of a better quantity and quality than the existing provision. It would be in a suitable location positioned close to the existing settlement (for existing allotment holders) as well as providing an allotment opportunity for future residents. The proposal is consistent with the requirements of the Site Allocation for Dewsbury Riverside. It is therefore acceptable in principle in accordance with Policy LP65 of the Kirklees Local Plan. It would also meet the objectives of Policy LP47, which supports initiatives that enable or improve access to healthy food, such as allotments.

- 12.3 A full assessment of technical matters pursuant to the development of this site has also been carried out, including drainage, remediation, landscape and biodiversity, which have all been satisfactorily addressed.
- 12.4 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. As detailed in this report, the application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out, it is considered to accord with the development plan when considered as a whole, having regard to material planning considerations. The proposal would therefore constitute development and it is recommended for approval.

13.0 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;
3. Details of the position, style, colour and height of boundary fence;
4. Details of permeable paving to the car park;
5. Detailed scheme for the provision of the access, including the submission of an independent Safety Audit covering all aspects of the work.
6. Implementation of the Remediation Strategy
7. Submission of Validation Report
8. Restriction on construction site working times.
9. Ecological Design Strategy
10. Nesting birds condition (walkover of the site by an ecologist)

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90552>

Certificate of Ownership – Certificate B signed – Notice served on agricultural tenant

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Report of the Head of Planning and Development

STRATEGIC PLANNING SUB-COMMITTEE

Date: 3 June 2021

Subject: 2021/20167 – Pre-application for the proposed creation of a clinical building to accommodate a new Accident and Emergency (A&E) Department at Huddersfield Royal Infirmary, Acre Street, Huddersfield HD3 3EA

APPLICANT: Calderdale and Huddersfield Solutions Ltd.

DATE VALID

23-April-2020

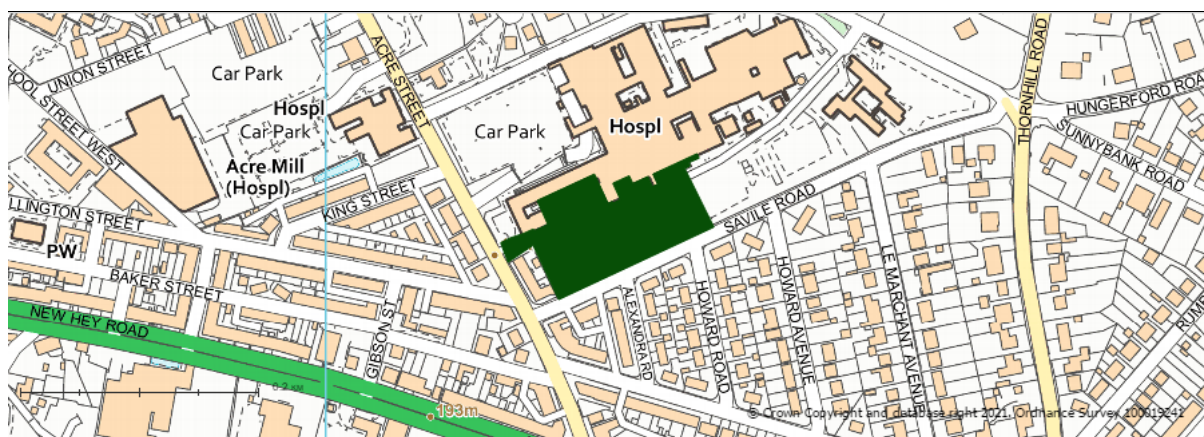
TARGET DATE

-

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 clinical building to accommodate an Accident and Emergency (A&E) Department at Huddersfield Royal Infirmary (HRI).

2.0 SITE AND SURROUNDINGS

- 2.1 HRI extends to 6.79 hectares within the Lindley Ward. The main facilities are bounded by Acre Street to the east, Occupation Road to the west, Savile Road to the south and the rear gardens of properties on Acre House Avenue to the north. Originally dating back to 1965, the hospital comprises a diverse range of buildings both in appearance and scale. They are spread across the site with a large surface 900+ space car park to the front of the site and further parking along the southern boundary, accessed from Acre Street and Occupation Road. These are for use by staff, patients and visitors.
- 2.2 The surrounding area is mixed but predominantly residential. It has a leafy suburban character. To the north and east it is typified by mainly detached dwellings set within generous landscaped plots and bounded by stone walls. The housing to the south and west is also traditional in appearance.

3.0 PROPOSAL

- 3.1 HRI is operated by the Calderdale and Huddersfield NHS Foundation Trust (CHFT), which is an integrated Trust that provides acute and community health services. Hospital services are provided at Huddersfield Royal Infirmary (HRI) and Calderdale Royal Hospital (CRH). Together they employ over 6,300 members of staff. Each year, across both hospitals, the Trust provides treatment and care for 71,248 in-patients and 49,204 day-case patients, delivers 436,143 out-patient appointments and has 156,923 patient attendances in the Accident and Emergency departments.
- 3.2 This pre-application proposes the construction of a new Accident and Emergency (A&E) Department at HRI. Having assessed and discounted 2 other locations in the north-west corner of the estate and the site of the former Nurse's residences, it is proposed that the new facility would be located on the part of the hospital estate that is currently occupied by Savile Court (a staff residential facility close to the end of its service life) and surface car parking to the south of the existing main hospital.
- 3.3 The A&E Department is proposed as a single storey building with a ground floor footprint of circa 1950m². It would accommodate a Majors and Minors Treatment Areas, including dedicated Paediatric facilities, together with resuscitation bays and plain film imaging rooms. Externally, it is anticipated that use would be made of ashlar stone external cladding with consideration also being given to the inclusion of standing seam through-coloured metal cladding in the building's elevational treatment. This new A&E would extend across South Drive (the road that runs through the site) to be physically linked to the existing hospital via a single storey corridor connecting to the current south pedestrian entrance. This would ensure access to key supporting clinical facilities including wards and the hospital's operating and imaging Departments. South Drive would then be diverted around it.

- 3.4 The building would incorporate a rooftop plantroom of circa 600m². It is also proposed to create a ground level enclosure at the perimeter of the existing surface car park, to the east of the proposed facility, to accommodate a ground source heat pump.
- 3.5 The proposal seeks to re-provide the existing A&E Department currently located within the main HRI hospital building within a new purpose-built facility. The existing A&E building would be repurposed for use as storage and administrative office floorspace.

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 Conservation and Design
- KC Lead Local Flood Authority
- KC Environmental Services
- KC Ecology
- Police Architectural Liaison Officer

4.2 Their responses are outstanding at the time of writing this report.

4.3 Ward Members have been notified of the pre-application submission.

4.4 The applicant has also advised that they have undertaken extensive public consultation. A project website has been developed and due to COVID-19 restrictions, members of the public were invited to learn more about the project and provide their feedback via a digital consultation on the website which ran from Monday 8th March – Monday 29th March 2021. The event was extensively advertised as follows:

- Leaflets issued to circa 1,000 households in the vicinity of the hospital site;
- press articles were included in print in the Huddersfield Examiner and online on the Yorkshire Live website, to ensure a wider reach;
- letters sent to local businesses/community groups within the immediate area
- banners and promotion at the hospital

Extensive engagement with CHFT staff has been undertaken including Staff Management Groups, Matron and Nurse Forum, Ward Managers, Learning and Development Centre team, Senior Management and Leadership teams and CHFT BAME group).

Engagement with Lindley and Greenhead Ward Councillors and Joint Scrutiny Chairs and Officers & Place Based Scrutiny Chairs has also been undertaken.

A Statement of Community Involvement outlining the feedback from stakeholder engagement will be submitted with the application.

5.0 MAIN ISSUES

5.1 The main issues are:

- Principle of development;
- Access and highway matters;
- Urban design;
- Residential amenity;
- Drainage and flood risk;
- Landscape and Ecology;
- Air quality;
- Other matters.

Principle of development

5.2 The HRI site has no specific allocation within the Kirklees Local Plan. The proposed new A&E building would clearly form an essential part of the hospital estate. 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 pre-application submission is supported by a Transport Assessment (TA) Scoping Report, which sets out the proposed approach and content of any Transport Assessment (TA) that would be submitted as part of a planning application.

5.4 It confirms that the TA would include a review of the local highway network within the vicinity of the proposed site, including the A640 New Hey Road, Acre Street, Savile Road, Occupation Road and Thornhill Road / Thornhill Avenue. It also considers the approach to parking and servicing provision. The TA will also include a review of existing cycling and pedestrian infrastructure in the vicinity of the site, and set out the existing public transport accessibility of the site, including nearby bus stops, the provision of facilities, service destinations and frequencies.

5.5 The TA identifies that junction operational assessments may need to be undertaken at the following:

- Acre Street / Accident and Emergency Site Access;
- Acre Street / South Drive (Site Access);
- Occupation Road / Site Access;

- Acre Street / Savile Road;
- Acre Street / Occupation Road; and
- Savile Road / Occupation Road / Thornhill Road N / Hungerford Road / Thornhill Road South

As part of the pre-application process, the Council's Highways Development Management Team will determine whether this is sufficient.

Impact Assessment

- 5.6 The TA Scoping Report confirms that the forecast likely transport impacts of the proposed plans will be fully considered within the TA. The assessment will determine whether any off-site mitigation measures or improvement schemes would be required. It is noted, however, that the proposal seeks to re-provide an existing service to a purpose build facility and no additional clinical services, staff or patient numbers on site will result from this proposed development. Therefore, the proposal is likely to have a negligible impact on the highway network, minimising the need for junction assessments at the junctions.
- 5.7 The Impact Assessment will take into account a range of influences including traffic growth factors, committed developments in the vicinity, development trip generation, forecast trip distribution (based on staff, patient and visitor postcode data), junction operational capacity as well as walking/cycling and public transport impacts.

Access

- 5.8 The proposed access to the Emergency Department, the surface level car park and for emergency 'blue light' ambulances will be via the existing Acre Street/South Drive site access to the south west of the site. The form of the new accesses is presently being determined but it is likely that priority give-way junctions will be appropriate. South Drive would be diverted around the proposed building in a U-shape, turning southwards from its current location at the western and eastern ends of the new building before turning to run west-east parallel with the hospital's boundary with Savile Road.

Parking and Servicing

- 5.9 The proposal would result in the loss of 96 standard parking spaces. There will be no net loss of disabled parking as these would be re-provided on the application site as part of the proposed development. There is an operational overprovision of car parking spaces at HRI, with the Acre Mills car park operating at 20% capacity and there is a programme of planned resurfacing and layout works planned for this car park which will further increase provision. Therefore, there is capacity within the wider estate to offset the loss of car parking spaces on the application site. A review of proposed parking provision, including the number of car and cycle bays, accessible and electric vehicle bay provision, drop-off areas, internal site layout and general car parking operational procedures during the typical weekday peak periods, would be included in the TA and would be assessed against required provision and best practice/knowledge from other similar locations.

- 5.10 A review of servicing proposals, including specialist waste collection as required, will also be included in the TA.
- 5.11 The Council's Highways Development Management Team will consider the scoping report as part of this pre-application submission and these matters will then be fully considered as part of any future application.

Urban design issues

- 5.12 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. There are no designated heritage assets immediately adjacent to the site.
- 5.13 The proposed Emergency Department is reasonably modest in scale and set comfortably within the site. It would be a single storey structure and the elevation plans currently indicate a butterfly style roof albeit with a central flat section. It would be constructed partly in local sourced York stone, which would parallel the predominant material in the surrounding area. It would also include elements of zinc standing seam cladding. The entrance would be clearly marked with the remaining fenestration of simple design and form to reflect the function of the building. These matters will be considered further through the planning application process.

Residential amenity

- 5.14 Policy LP24(b) of the KLP confirms that proposals should provide a high standard of amenity for future and neighbouring occupiers. Accordingly, 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 residential occupiers that adjoin the site, particularly those on Savile Road and the nearby streets, and especially given the 24-hour nature of the proposal. Whilst these residents already live in close proximity to the hospital estate, it is recognised that this proposal would bring the A&E department closer to the southern site boundary.
- 5.15 It is noted, however, that the new building would provide a buffer between the residents and South Drive, which would be the point of access for ambulances. Existing planting along the site boundary to Savile Road would provide additional screening. Nevertheless, to assess these matters, the Applicant has confirmed that a full Noise Assessment will be submitted in support of the application. It would consider the potential impacts arising from noise from 24 hour a day vehicle movements, assess the existing noise climate around the site and predict the future noise that would be caused by the proposed future use and also, to detail any necessary noise mitigation measures. This would also need to consider noise arising from any external plant and equipment.

Drainage and Flood Risk

- 5.16 Guidance within the NPPF advises at Paragraph 163 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This approach is reinforced in Policy LP27 of the KLP, which confirms, amongst other matters, that proposals must be supported by an appropriate site specific Flood Risk Assessment (FRA) in line with National Planning Policy. Policy LP28 of the KLP relates to drainage and notes a presumption for Sustainable Drainage Systems (SuDs) and also, that development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.
- 5.17 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. There have also been no previously reported flood incidents on the site.
- 5.18 The Lead Local Flood Authority (LLFA) advise 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. The LLFA acknowledge that the applicant will likely wish to keep the current drainage method for the site if it is positively drained. However, they would expect a minimum reduction to the discharge rate of 30% in the 1 in 1 year storm event. Soakaways are likely to be a viable option given that the site is relatively flat.
- 5.19 Assuming the red line boundary of the application site is below 1ha, a Flood Risk Assessment would not be required. The applicant has confirmed, however, that a Drainage Strategy will be submitted to support the application.

Landscape and Ecology

- 5.20 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.
- 5.21 In this case, there is some existing planting around the edges of the site. There are a few individual and groups of trees along the western (Acre Street) boundary, individual trees along the northern boundary, reinforced by trees and planting within the rear gardens of properties fronting Acre House Avenue, individual mature trees along the eastern (Occupation Road) boundary, and individual and groups of trees along the southern (Savile Road) boundary reinforced by self-seeded. There is a Tree Preservation Order (TPO Ref: 60/92/t11, 12, 13, 14) in force across the wider hospital site.

- 5.22 The applicant has submitted an Arboricultural Impact Assessment with the pre-application submission. It confirms that the proposal would require the removal of 24 individual trees to accommodate the development. This would include trees located within the footprint of the new facility and also those that would be lost as a result of level changes within their Root Protection Area (RPA) such that tree retention would not be feasible. These trees are not covered by the TPO.
- 5.23 The trees identified for removal include Norway maple, mature sycamore, ash, whitebeam and rowan trees, most of which are in a good or reasonable good condition with the mature sycamore being of a high quality and value. The Impact Assessment acknowledges that the removal of trees will be of detriment to the arboricultural values of the site but notes that their loss must be weighed against the benefits of the proposed development. There is also scope on site for new tree planting as part of a landscaping scheme and the planting of new trees would help to mitigate the loss of the vegetation requiring removal and can be designed to improve the aesthetic value of the site. The Council would expect an appropriate replacement package as suitable mitigation and these matters will be considered fully by the Council's Arboricultural Officer in responding to this pre-application and the future planning application.
- 5.24 Turning to Ecology, Policy LP30 of the KLP confirms that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. The applicant has prepared a Preliminary Ecological Appraisal Report (PEAR). Savile Court, which would be demolished as part of this proposal, is identified as having negligible bat roosting potential. However, it is acknowledged that the site has foraging potential for bats through the range of flora species and the invertebrate population that the vegetation supports. The other main potential of the site relates to nesting birds and it is acknowledged that the proposed development is likely to see the removal of some of these habitats.
- 5.25 The PEAR therefore recommends that on completion of works, the number of felled trees removed be replaced with native species of local provenance on a three-for one-basis. It also recommends that a Biodiversity Enhancement Plan should be designed pre-construction to be implemented post construction during the landscaping phase of the development. This would be performed alongside the Biometric 2.0 Calculation to demonstrate a biodiversity net gain of at least 10% post development.
- 5.26 The applicant has confirmed that an Ecological Impact Assessment will be submitted in support of the planning application along with a demonstration of bio-diversity net gain.

Air quality

- 5.27 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.
- 5.28 It is important that the proposed development does not adversely affect local air quality. The applicant has confirmed that an Air Quality Impact Assessment will be submitted in support of the application. The Council would also expect the details of the provision of Electric Vehicle Charging Points (EVCP) to be included with any future application. The applicant has indicated their intention to do so within the pre-application submission in any event.

Other Matters

- 5.29 The applicant will be advised that the Council approved a Climate Emergency at its meeting of full Council on 16/01/2019. Additionally, 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.
- 5.30 The proposal is seeking to achieve a minimum BREEAM 'Very Good' and the pre-application refers to the installation of ground source heat pumps and in this regard. The applicant has confirmed that a Sustainability and Energy Report will be submitted in support of the application setting out how the proposal seeks to minimise the carbon footprint of the development, both in its construction and operation.
- 5.31 The West Yorkshire Police '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 A&E Department at HRI. 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.

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Report of the Head of Planning and Development

STRATEGIC PLANNING SUB-COMMITTEE

Date: 3 June 2021

Subject: 2020/20230 – Pre-application for the construction of a Class B8 storage and distribution unit with ancillary offices, car parking, servicing, landscaping and access at land to the north & west of ‘The Roys’, Whitechapel Road, Cleckheaton

APPLICANT: ISG Retail Ltd (Bristol)

DATE VALID

16-June-2020

TARGET DATE

-

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 storage and distribution warehouse facility within Use Class B8 on land between Whitehall Road, Whitechapel Road and the M62, to the east of Scholes village.

- 1.2 The proposal would be of a significant scale with a total warehouse area of approximately 265,600m² and delivering approximately 1,500 jobs.

2.0 SITE AND SURROUNDINGS

- 2.1 The pre-application site, which is presently in agricultural use, extends to approximately 23.7 hectares. It lies close to Chain Bar roundabout (J26 of the M62) and is bounded by roads on three sides. It borders the M62 to the east, separated from the motorway by a woodland verge. The A58 (Whitehall Road) adjoins it to the north with Whitechapel Road (B1520) to the south, abutting the gardens of the mainly residential properties on the northern side of this road. To the west, it is adjoined by Cleckheaton New Cemetery on the southern side of the site, Beardworths Ltd Nursery to the northern side and further agricultural fields. Beyond the immediate environs, the settlement of Scholes lies to the west, Oakenshaw to the north and Cleckheaton to the south-east.
- 2.2 The site is characterised by its current agricultural function. It has a wide open form, bounded largely by natural stone walling along much of its southern perimeter to Whitechapel Road and timber fencing to the northern boundary on Whitehall Road. It is enclosed by mature established tree cover on its western perimeter. There is a significant change in level across the site sloping downward from approximately 144 metres AOD at the south-east corner to approximately 120 metres AOD in the north-west.
- 2.3 Bisecting the site is a Public Right of Way. This footpath (SPE-24/30) forms part of the Spen Valley Heritage Trail. Furthermore, a shared footpath/cycle path (the Spen Valley Greenway and National Cycle Route No.66) runs close to the site to the north-east.

3.0 PROPOSAL

- 3.1 This pre-application proposes the construction of a single building to deliver a storage and distribution facility within Use Class B8.
- 3.2 The ground floor footprint of the main building would extend to approximately 64,607m². It would comprise ground floor plus three and a half upper floors, bringing the total warehouse area to 265,600m². It would be 317m in length, 178m in width and constructed to a height of 23m.
- 3.3 HGV parking would be provided to the north, east and south of the warehouse. Plans submitted to date indicate HGV parking numbers at approximately 191 spaces, as well as 20 queuing spaces up to the security gate within the site boundary. Car, motorcycle and cycle parking would be to the west of the building on a partially-decked car park. This would provide approximately 887 spaces, including 44 disabled spaces and 88 electric vehicle charging spaces), motorcycling parking (45), 88 cycle spaces and four bus parking spaces.

- 3.4 Indicative elevations of the building, which have only been submitted to the Council very recently, suggest a warehouse that constructed with metal cladding that grades from a banding of dark grey at the ground floor level, through shades of grey to a white band at the top of the building. A large section of glazing would be provided around the ground floor entrance with further areas of high level glazing at particular levels and horizontal bands around entrance cores.
- 3.5 HGV access to the building would be taken from the north of the site, off Whitehall Road. Access for cars, motorcycles and cycles would be separate and taken via Whitechapel Road to the south.
- 3.6 A section of the existing footpath (Spenn Valley Heritage Trail) would need to be diverted (this would be an entirely separate process to the planning application). Furthermore, a new pedestrian and cycle route would be created to link Whitehall Road and Whitechapel Road.
- 3.7 Extensive earthworks would be necessary across the site. This would include lowering the levels in the southern part of the site that the building sits lower into the ground. A substantial acoustic bund would be introduced to the Whitechapel Road boundary, which would be landscaped with additional woodland planting. The proposal also includes woodland planting, trees, hedges and green space around the northern, eastern and western perimeter of the site, together with planting and green space along Whitechapel Road.
- 3.8 The applicant states that a distribution and storage warehouse facility of this type and size would create employment for approximately 1,500 staff. There would be a wide range of job opportunities across a number of professions, including engineering, IT professionals, robotics, general management, human resources and team members to manage customer orders. Catering and support staff, cleaners, landscape gardeners and security personnel would also be required. Furthermore, at least 800 jobs would be created during the construction and fit out stages of the project. Mechanisms to prioritise local recruitment are being addressed.
- 3.9 Any future application would be supported by a full Environmental Impact Assessment (EIA). This would include a full Transport Assessment (TA), Air Quality Assessment, Noise Impact Assessment, Landscape Visual Impact Assessment, Flood Risk and Drainage Assessment, Economic Assessment and Ecological Impact Assessments.

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 Conservation and Design
- KC Public Rights of Way
- KC Lead Local Flood Authority
- KC Environmental Services
- KC Ecology
- KC Trees
- West Yorkshire Police Designing Out Crime Officer

4.2 Ward Members have also been advised that the application has been submitted.

4.3 The applicant commenced a public consultation exercise on Saturday 8th May 2021 running through to Sunday 23rd May 2021. This included a newsletter mailed to circa 7000 residential and business addresses. This was also sent to Ward Members in Cleckheaton as well as those in Wyke (Bradford), local MPs, the Council Leader and Deputy Leader. In addition, the applicant undertook two webinars; the first being an invitation only for those immediately neighbouring residents and businesses on Tuesday 18th May and a public webinar on Wednesday 19th May. A consultation website has also been set up, which includes the opportunity to complete an online and postal feedback form at www.cleckheaton-storage-and-distribution-warehouse.co.uk.

5.0 MAIN ISSUES

5.1 The main issues at this stage include the following:

- Principle of development;
- Access and highway matters;
- Urban design;
- Residential amenity;
- Drainage and flood risk;
- Landscape and Ecology;
- Air quality;
- Public Rights of Way
- Other matters.

Principle of development

5.2 The application site is allocated for employment use in the Kirklees Local Plan. It forms site allocation ES6 - land to the north and west of 'The Royds', Whitechapel Road, Cleckheaton.

5.3 The site allocation states that the gross site area extends to 23.53 hectares, with a net site area of 10.68 hectares, to take account of a high pressure gas pipeline and a buffer removed from the developable area. The indicative employment capacity is identified as 37,380 square metres.

5.4 The site allocation recognises the following constraints:

- Site affected by Public Right Of Way
- The provision of a combined cycle / footway is required across the site frontage
- Limited surface water drainage options
- Third party land potentially required to achieve drainage solutions
- Watercourse crosses the site
- Potentially contaminated land
- Potential for noise impact on adjacent cemetery
- Potential for odour impact on adjacent cemetery
- Air quality issues - site adjacent to M62
- Site is within an Air Quality Management Area
- Site affected by hazardous installations / pipelines
- Site is close to an archaeological site
- Site is close to the Wildlife Habitat Network
- Part/all of the site is within a High Risk Coal Referral Area
- Protected trees on part of the site

It also notes the following site specific considerations:

- A combined cycle/footway is required along the site frontage on Whitehall Road to tie into Spen Valley Greenway. A dedicated link to Spen Valley Greenway from inside the site should also be provided so as to avoid the A58
- Landscape character assessment has been undertaken for this site, which should be considered in the development masterplan
- Residential amenity will need safeguarding through sensitive siting of buildings and landscape buffer areas along Whitechapel Road
- A masterplan is required for this site to be prepared in accordance with policies in the Local Plan

5.5 The site area of this pre-application proposal extends beyond 10.68 hectares. In this regard, it is relevant to consider the wording of the Report on the Examination of the Kirklees Publication Draft Local Plan published 30 January 2019. In respect of site E1831 (as it was), the Inspector advised that the net developable area of the site and indicative capacity should be reduced in order to allow for provision of the landscaped buffer, and to take account of a gas pipeline across the site.

5.6 In this instance, the HSE have been consulted on the pre-application proposal (based on the limited information available at pre-application stage). The HSE are a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. In this case, they note that the site is within the consultation distance of a major hazard pipeline. However, the HSE does not advise, on safety grounds, against the granting of planning permission in this case. The HSE would, however, be consulted formally at planning application stage. Northern Gas Networks would also be consulted as part of any future planning application. Additionally, the applicant has advised that they are liaising with Northern Gas networks to ensure that the proposals reflect any restrictions.

- 5.7 Turning to the landscape buffer, in accepting the employment allocation, the Inspector noted that a landscaped buffer in the southern section of the site could help to provide mitigation and soften the edge of the development in this vicinity. She noted that the development would, by virtue of its extent, be visible and alter the open agricultural character of the site. However, the site is bounded by existing roads on three sides, which provide it with containment and limit its relationship with the open countryside. The sloping topography of the site would curtail views of the open countryside beyond the site, as seen from the M62 and A58. The Inspector also considered that the location of the landscaped buffer needs to be clarified for reasons of effectiveness. She noted that the masterplanning process would provide an opportunity to finalise the precise position of the landscape buffer and developable area, and any adjustments which are necessary to the site boundary in the south eastern corner adjoining land not within the Green Belt.
- 5.8 It is considered that the Inspector's comments indicate that the resultant extent of the developable area is not fixed by the site allocation. Instead it would be dependent upon an assessment of a masterplan and the extent and effectiveness of the landscape buffer. Consequently, it would be a key part of the assessment of any future planning application.
- 5.9 The Local Plan seeks to deliver 23,000 jobs between 2013 and 2031 to meet identified need. The Kirklees Economic Strategy (KES) sets out the priorities of the district, the first being the desire to attract and promote B2 uses. In this case, the pre-application proposes a high-end storage and distribution centre. The Site Allocation does not impose any restrictions relating to the type of employment use i.e. whether it should provide a particular proportion of B2 (general industry) or B8 (storage and distribution use) and the location does have the potential to host such a development, given the close proximity to the M62 and surrounding road networks subject to a full assessment of highway impact.
- 5.10 Whilst the development capacity proposed would exceed that outlined in the Local Plan allocation document, in principle, it would contribute towards the Council's growth aspirations to achieve an increased employment rate within the District. It would also represent an opportunity for the District to provide a range of high and low skilled jobs. Furthermore, the higher proposed floorspace would obviously create more jobs than initially predicted within the Local Plan.
- 5.11 For these reasons, it is concluded that the introduction of an employment facility on this site is acceptable in principle in accordance with the Site Allocation subject to a consideration of the Masterplan as detailed above and a full assessment against all other relevant policies within the Local Plan.

Access and Highways

- 5.12 Policy LP21 of the Kirklees Local Plan advises that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. Policy LP21 reflects guidance within the NPPF, which states at Paragraph 108 that in assessing applications for development, it should be ensured that there are appropriate opportunities to promote sustainable transport modes, 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 can be viably and appropriately mitigated. Paragraph 109 confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.13 Given the scale of this proposal, access arrangements and the highway impact of the proposal will be a key issue in the determination of any planning application on this site. The pre-application process has sought to scope the content of a future Transport Assessment. The Scoping Report clarifies that the issues to be addressed by the Transport Assessment will include the following:
- Accessibility by a choice of travel modes;
 - The compliance of the scheme with both national and local sustainable transport and development policies, including the National Planning Policy Framework and local development plan documents;
 - Trip attraction by all modes of transport;
 - Access and traffic issues, including the operation of access proposals, impact over the local highway network and road safety issues;
 - The benefits associated with the implementation of a Travel Plan; and
 - Parking provision.
- 5.14 The Scoping Report highlights that in reviewing the evidence base for the designation of this site for employment use through the Local Plan, agreement was reached with the Council with regard to an acceptable level of traffic associated with this site. This was based upon the traffic generation for a proposed development of 86,000m² of commercial (employment) uses and a likely mix of uses on the site comprising a maximum of 35% B2 Industrial (30,100sqm) and 65% B8 Warehousing (55,900 m²). A summary of the accepted movements is summarised below (HGV activity in brackets):

Time Period	Arrivals	Departures	Total
AM Peak	425 (68)	147 (101)	573 (168)
PM Peak	198 (88)	447 (46)	645 (134)

- 5.15 The Scoping Report notes that TA would be based upon the provision of 265,600m² of new floorspace. Considering the initial assessments, the Scoping Report identifies that the proposed development has the potential to generate in the order of 520 person trips in the morning peak, with the evening equivalent being in the order of 500 person trips. Of these, some 75% are expected to be completed as either a car or van driver. This is drawn from evidence within the TRICS database, a national database of trip rates for developments in the United Kingdom.
- 5.16 However, Council Officers have requested that the TA be based upon the trip attracting potential of the intended end user of the scheme. Officers at Highways England have also been consulted and requested a similar assessment. The Applicant has since submitted a draft TA to both the Council and Highways England that is predicated on the impact of the intended end user, which shows the bulk of vehicle activity will take place outside of the traditional peak commuting hours (i.e. 08:00-09:00 and 17:00-18:00) due to scheduled shift change over times.
- 5.17 It is understood that the methodology that has been followed has been accepted at numerous locations across the country. It also includes a further assessment based on the TRICS evidence to reflect the fact any application would not be focused on a specific named entity. On the basis that the bulk of movements would take place outside of the peak hours, the draft TA shows that the intended end user is expected to generate only 20 to 40 vehicle movements between 08:00-09:00 and 17:00-18:00. This compares to the 573 and 645 that was assessed for the Local Plan, as shown in the above Table.
- 5.18 In terms of highway impact and mitigation, following feedback from Council Officers, it is intended that the TA would concentrate on the following junctions:
- Whitehall Road/ Westfield Lane;
 - Chain Bar Interchange;
 - Whitechapel Road/ Turnsteads Avenue;
 - Junction 6: Bradford Road/ Whitechapel Road/ Hunsworth Lane;
 - Whitecliffe Road/ Turnsteads Avenue/West End;
 - Bradford Road/ Whitecliffe Road;
 - A638 Bradford Road/ A643 St. Peg Lane/ A638 Dewsbury Rd/ A643 Parkside and;
 - The proposed site access junction on Whitehall Rad and Whitechapel Road.

The assessments would include traffic surveys and allowances for committed developments, allowance for traffic growth and an assessment of traffic distribution. Highways England would also be consulted on any planning application to consider the impact of the proposal on the Chain Bar Interchange and the M62.

Access

- 5.19 Access to the site would be achieved via the construction of two new priority controlled accesses. The first would be located on Whitehall Road to the north. This would be the sole point of access for HGVs given its proximity to the Strategic Road Network. It would also be accessible to staff and visitors, albeit they would be encouraged to use the second access via Whitechapel Road to the south wherever possible.
- 5.20 The design and impact of the access arrangements, including safety considerations, would be fully assessed through the planning application process.

Parking and Servicing

- 5.21 The TA Scoping Report advises that the level of parking proposed would be commensurate with the demands that the applicant anticipates in this location. The TA would include a detailed justification for this, having regard to operational characteristics. This, again, would need to be assessed a part of a full planning application.
- 5.22 A review of servicing proposals will also be included in the TA.

Accessibility

- 5.23 The TA scoping note considers the application site to be well located for sustainable transport networks that provide existing residents of this area of Cleckheaton with several practical alternatives to the private car. These include a network of footways and formal cycle routes that link the application site to the West Yorkshire Cycle Network and with other modes of sustainable transport in the local area, such as Low Moor Railway Station.
- 5.24 Nevertheless, the applicant recognises there is likely to be a need to enhance the current infrastructure so that future employees are encouraged to make greater use of non-car modes. In accordance with the requirements of the wording attributed to Site Allocation E6, these are expected to include providing new pedestrian/infrastructure along the site frontage on Whitehall Road and the diversion of Footpath SPE 24/30. The indicative masterplan also makes provision for a shuttle bus turning loop.
- 5.25 The Council's Highways Development Management Team will consider the scoping report as part of this pre-application submission and these matters will then be fully considered as part of any future application.

Urban design issues

- 5.26 Policy LP24 of the Kirklees Local Plan advises that good design should be at the core of all proposals in the district and should be considered at the outset of the development process. This will need to be demonstrated as part of a future planning application submission.
- 5.27 The Council have only recently been presented with the elevation details for the proposed development, prepared to support the public consultation exercise. These are indicative at this stage but specify that the building elevations would be constructed of banded composite cladding panels, the colour of which would be graded from a dark anthracite grey at ground floor level through lighter shades of grey towards a very light grey band at the top of the building. It is assumed the banding is intended to mitigate the scale of the development and encourage it to visually blend towards the sky. This approach, and the use of a recessive colour (in this case grey) is a commonly used design approach for buildings of this type to assist in integrating the building into the landscape.
- 5.28 At this stage, Officers have offered no comment on the elevation details but have consistently advised through the pre-application process that any development would be expected to promote good design by ensuring that the form, scale, layout and details of the development respects and enhances the character of the townscape and landscape. It would need to be of a quality that serves to mitigate the scale of the building as far as practicable.

Residential amenity

- 5.29 Policy LP24(b) of the KLP confirms that proposals should provide a high standard of amenity for future and neighbouring occupiers. Accordingly, 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 residential occupiers that adjoin the site.
- 5.30 The closest residents to the site would be those properties fronting Whitechapel Road. In terms of the scale of the building, the indicative masterplan indicates that a landscaped corridor and bund would be installed on the southern boundary of the site to provide a buffer between the development and these existing houses.
- 5.31 The applicant has also recently provided some initial cross-sections showing the relationship between the development and some of the existing properties on Whitechapel Road. Further cross-sections would be required to support any future application. As submitted, the plans indicate a landscaped corridor of varying widths of between 25-30 metres. This extends to around 35-50m along Whitechapel Road. An additional 2 metre bund and a 2 metre high acoustic fence on top is proposed adjacent to those properties that back onto the site. For those buildings that front onto Whitechapel Road, the proposed building as shown on the draft Masterplan would be around 200 metres away. This would at least provide some visual separation but the impact will have to be fully assessed as part of any future application.

- 5.32 In terms of noise impacts, the Council's Environmental Health Officer has advised that there are a number of concerns regarding noise. In particular, the potential impact of the development on noise sensitive residential properties adjacent to the southern boundary of the site and adjacent to Whitechapel Road close to the indicated southern site vehicle access road. Significant numbers of vehicles accessing the site via the southern vehicle access point at Whitechapel Road would be likely to result in increased noise levels at noise sensitive premises in the vicinity, particularly if these vehicle movements would involve HGVs and occur at more sensitive times of the day, such as throughout the night. However, the applicant has confirmed that HGV movements would be via Whitehall Road. In this regard, Environmental Health advise that there are no noise concerns relating to vehicles accessing the site via Whitehall Road.
- 5.33 The masterplan also indicates truck parking spaces adjacent to the southern boundary and HGV loading bays at the southern façade of the building. Environmental Health have commented that this places potentially noisy activities close to noise sensitive residential premises, which is not an ideal arrangement, particularly if these are intended to be used throughout the night. It is considered that placing the large car parking area adjacent to the noise sensitive southern boundary would be acoustically a much better site arrangement. Environmental Health have no concerns regarding loading bays and HGV parking spaces away from the southern part of the site.
- 5.34 The applicant has held subsequent meetings with the EHO Officer and agreed the scope and methodology of the noise impact assessment required. The applicant explained that the site layout takes into account a number of constraints and the applicant has sought to find the optimum arrangement. The design incorporates a landscaped bund and 2m acoustic fence along the south of the site, to the rear of properties on Whitechapel Road in order to mitigate noise within the site. In any event, a noise impact assessment would be required with any future application. The assessment would consider the existing noise climate, in particular in the vicinity of existing noise sensitive premises adjacent to the site and adjacent to roads that will experience significant increased traffic flows as a result of vehicles visiting the finished development. The assessment would then determine the likely noise impact that the operational phase of the development will have on those noise sensitive premises. If the assessment determines that noise is likely to have any detrimental impact, then suitable adequate noise mitigation measures would need to be provided.
- 5.35 Detailed information regarding any lighting within the site would also be required with a future application. In terms of the relationship to existing properties, it is anticipated that the landscaped buffer/bund would mitigate a concern that may arise about headlights shining into properties.
- 5.36 Finally, it is advised that for a development of this size the Council would expect a Construction Environmental Management Plan to be submitted and agreed before any significant construction work started. This would consider matters such as the potential for noise, vibration, dust and artificial light arising from construction activities, including vehicle movements. It would also detail the required mitigation measures in accordance with best practice that would be implemented to minimise any adverse impacts that might arise.

Drainage and Flood Risk

- 5.37 Guidance within the NPPF advises at Paragraph 163 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This approach is reinforced in Policy LP27 of the KLP, which confirms, amongst other matters, that proposals must be supported by an appropriate site specific Flood Risk Assessment (FRA) in line with National Planning Policy. Policy LP28 of the KLP relates to drainage and notes a presumption for Sustainable Drainage Systems (SuDs) and also, that development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.
- 5.38 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. There are two areas on this site identified as being at risk from surface water flooding. Water is predicted to flow along the edge of the motorway causeway. Ponding is also predicted at the southwestern boundary of the site where the site begins to slope towards Whitechapel Road (B6120). The LLFA have also advised that there are three recorded incidents of surface water flooding on Whitechapel Road to the southwest of the site. The cause of these incidents is unknown and could potentially be the result of run-off from the site. As it has not been developed previously it is unlikely that any flooding incidents will have been recorded.
- 5.39 The LLFA advise that the Council aim to promote sustainable drainage throughout the district. They therefore expect developers to follow the drainage strategy hierarchy, as described in National Planning Practice Guidance: Flood Risk and Coastal Change. They recommend in this instance that the developer investigate the possibility of including infiltration based drainage in their design.
- 5.40 Given that the site area exceeds 1ha, a Flood Risk Assessment and Drainage Strategy will be required with any application.

Landscape and Ecology

- 5.41 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.
- 5.42 The Council's Arboricultural Officer has advised that, in general, there are no objections to the principle of this development. There are a handful of individual field trees on the site but these appear not to be particularly prominent specimens. However, any planning application will need to be supported by an Impact Assessment and Method Statement to identify the level of tree loss on site and show how the adjacent woodland areas will be protected during construction.

- 5.43 In addition, there are three established hedgerows, which criss-cross the site. These will need surveying to ascertain their value and to see if any meet criteria of an 'important hedgerow' under the Hedgerow Regulations. If one of these hedgerows is identified as meeting the criteria of the Hedgerow Regulations, consideration would need to be given to translocating the sections of hedgerows that are affected to elsewhere on site. If this were necessary and found to be acceptable in principle, it would only be done outside the nesting season, and other measures to minimise disruption to the ecological integrity of the hedgerow would also be required.
- 5.44 Any planning application will need to be supported by substantial landscaping scheme, to include new tree planting, and a landscape management plan. This scheme should focus on enhancing the local features and wildlife value of the site.
- 5.45 Turning to Ecology, Policy LP30 of the KLP confirms that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. The applicant would be required to prepare an Ecological Impact Assessment to support the application. As outlined in the policy, it would also be necessary for the applicant to demonstrate that the development minimises the impact on biodiversity and provides net biodiversity gain through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

Air quality

- 5.46 The West Yorkshire Low Emissions Strategy (WYLES) -Technical Planning Guidance divides applications into three 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 'Major' impact type.
- 5.47 It is noted that there are two vehicle access points to the development site, one to the north via the A58 Whitehall Road, and one to the south via the B6120 Whitechapel Road. Bounding the southern access along Whitechapel Road, there are many residential properties, plus Whitechapel C of E Primary School on the other side of the motorway. Continuing along the B6120 towards Cleckheaton there is Whitcliffe Mount School. In terms of air quality these are all sensitive receptors
- 5.48 Before any future application could be determined, the Council would require the submission of a detailed Air Quality Impact Assessment. It is important to ensure that the proposed development does not adversely affect local air quality and/or impact any existing Air Quality Management Areas. As such, and in accordance with the WYLES -Technical Planning Guidance, the Air Quality Impact Assessment would be required to:

- Determine the impact that the development will have on local air quality and public health and identify the level of exposure through the change in pollution concentrations including cumulative impacts from other developments within the area arising from the proposal;
- As standard practice, a sensitivity test would need to be carried out, using receptors close to the development site by running the model with baseline emission factors and backgrounds to give a worst-case scenario;
- Detail the increase in traffic levels, trip rates and vehicle movements;
- Include a calculation of the monetary damages from the development and
- Include a fully costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages should be reflected in money spent on the low emission mitigation measures;
- For anything to be considered as acceptable as part of the approved low emission mitigation measures it must be something that is to be provided in addition to what is normally provided at a development and also is not otherwise required. For example, the costs of providing footpaths and electric vehicle charging points would not be accepted as part of the costed mitigation measures;
- Produce a Travel Plan including mechanisms for discouraging high emission vehicle use and encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies, and;
- All commercial vehicles operating from the site should comply with current or the most recent European Emission Standards from scheme opening, to be progressively maintained for the lifetime of the development.

5.49 The Council would also expect details of the provision of Electric Vehicle Charging Points at the development to be included with any future application. The applicant has already indicated that EVCPs would be part of their proposal.

Public Rights of Way

5.50 The development of this site as proposed would require the diversion of Footpath SPE24/30, which bi-sects the site. An initial dialogue has been opened with the Public Rights of Way Team to progress this aspect of the design. The diversion would be subject to a separate legislative process beyond the determination of the planning application.

Other Matters

5.51 The applicant has been advised that the Council approved a Climate Emergency at its meeting of full Council on 16/01/2019. Additionally, 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. It is considered particularly important given the scale of this proposal.

5.52 In the course of the pre-application, Officers have put forward the following suggestions to the applicant:

- An appropriately certified zero carbon (or nearly zero) approach to building using a recognised methodology and appropriate benchmarks;
- Within this, consideration for the potential for maximising renewable generation for the facility (solar PV particularly);
- Green roofing and walls where appropriate to increase biodiversity and improve insulation;
- Peripheral landscaping enhancement to maximise biodiversity value;
- Consideration of workforce commuting and maximisation of low emissions transport through:
 - Public transport provision/subsidisation?
 - Maximisation of staff EV charging provision;
 - Maximisation of staff active travel opportunities (including maximising the opportunity of the Spen Valley Greenway) and;
- The nature of the facility will serve a lot of HGV traffic. Whilst beyond the scope of the application, it is well within the lifespan of the facility that this HGV traffic will need to transition away from fossil fuels to something else, most likely towards hydrogen/hydrogen hybrid and it was suggested to the applicant that an appreciation of this, via a roadmap, could be evidence of their commitments moving forward.

5.53 It is evident from the pre-application submission that some of these measures are included within the proposal to a degree, such as the introduction of EVCP, public transport opportunities and connections to the Spen Valley Greenway. No information has been provided in respect of the approach to the construction of the building itself, nor any indication that opportunities to incorporate green roofing and walls have been considered. This will be assessed further through the course of the future planning application.

5.54 The West Yorkshire Police 'Designing Out Crime' Officer has also considered the pre-application submission and made a number of observations about the proposal. These include comments from West Yorkshire Police Roads Policing with regard to the impact of any proposals on Chain Bar roundabout, particularly regarding any contingencies should a delay occur within the storage facility causing the HGV's to queue to gain access to the site. These matters will be fully reviewed in the course of any planning application and it will also involve dialogue with Highways England. WY Police also raised a concern regarding the main entrance on the A58 where the speed limit is the National speed limit (60 mph). This will also require proper consideration going forward. From a crime prevention perspective, the applicant would also need to provide further information, including details relating to boundary treatment, site access controls and lighting, which will be expected as part of any application. In this regard, the applicant has confirmed that they have held a number of meetings with WY Police as part of the pre-application process.

5.57 As previously set out in the report, this proposal would generate a significant number of jobs within the District. Policy LP9 of the Kirklees Local Plan advises that wherever possible, proposals for new development will be strongly encouraged to contribute to the creation of local employment opportunities within the district with the aim of increasing wage levels and to support growth in the overall proportion of the districts' residents in education or training. Applicants are encouraged to reach an agreement with the Council about measures to achieve this. Measures could include the provision of specific training and apprenticeships that are related to the proposed development, to support other agreed priorities for improving skills and education in Kirklees or the creation of conditions to support a higher performing workforce, increasing productivity and the in work progression of employees. The Council would therefore seek to secure an agreed training or apprenticeship programme with the applicant.

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 storage and warehouse facility within Use Class B8 of up to 265,600m² that would create circa 1700 jobs. 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.