

Public Document Pack



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

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Wednesday 23 June 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 1 July 2021**.

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

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

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

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

The Strategic Planning Committee members are:-

Member

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

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 - 2

To approve the Minutes of the meeting of the Committee held on 3rd June 2021.

3: Declaration of Interests and Lobbying

3 - 4

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

5 - 6

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 no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on **Monday 28th June 2021**.

To pre-register, please email governance.planning@kirklees.gov.uk or phone **Sheila Dykes** or **Richard Dunne** on 01484 221000 (Extension 73896 or 74995).

You will be able to address the Committee virtually. Please include the telephone number that you intend to use when addressing the Committee in your email. 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 are also required to **register by the deadline 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 of matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

8: Planning Application - Application No: 2020/92546

7 - 74

Outline application (with details of points of access only) for 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 at and off, Blackmoorfoot Road and Felks Street, Crosland Moor, Huddersfield.

Contact Officer: Kate Mansell, Planning Services

Ward(s) affected: Crosland Moor and Netherton

9: Planning Application - Application No: 2019/90902

75 - 120

Outline application for the demolition of 1 dwelling and erection of 98 dwellings with consideration for access landscaping and layout - Rear of 271 Cliffe Lane, Gomersal, Cleckheaton.

Contact Officer: Christopher Carroll, Planning Services

Ward(s) affected: Liversedge and Gomersal

10: Planning Application - Application No. 2019/93644

121 -
134

Change of use and alterations to existing building to workshop, catering business (B1) and restaurant cafe (A3) and business/storage and distribution (B1/B8) and change of use of land to form associated parking area (within a Conservation Area) - Former agricultural building at Field Lane, Farnley Tyas, Huddersfield.

Contact Officer: Lyle Robinson, Planning Services

Ward(s) affected: Kirkburton

11: Planning Application - Application No. 2021/90119

135 -
146

Installation of 30m high valmont slimline climbable monopole on 6.6 x 6.6 x 1.4m depth concrete base with 6 no. antenna apertures at 330°/90°/210° and 4 no. proposed 600 dishes. RRU's, MHA's, active routers and BOBs to be fixed to headframe below antennas and associated ancillary works - Focal Community Centre, New Hey Road, Huddersfield.

Contact Officer: William Simcock, Planning Services

Ward(s) affected: Lindley

Planning Update

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

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 3rd June 2021

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

Apologies: Councillor Charles Greaves

- 1 Membership of the Committee**
Apologies were received from Councillor Greaves.
- 2 Minutes of the Previous Meeting**
The minutes of the meeting held on 28 April 2021 were approved as a correct record.
- 3 Declaration of Interests and Lobbying**
Councillors A Pinnock and S Hall declared that they had been lobbied on Item11 – Pre-Application 2020/20230.
- 4 Admission of the Public**
All items on the agenda were taken in public session.
- 5 Public Question Time**
No questions were asked.
- 6 Deputations/Petitions**
No deputations were received.
- 7 Planning Applications**
The Committee gave consideration to the following applications.
- 8 Planning Application - Application No: 2020/93071**
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, was withdrawn by the applicant.
- 9 Planning Application - Application No: 2021/90552**
The Committee gave consideration to 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.

Strategic Planning Committee - 3 June 2021

RESOLVED –

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans;
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).

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

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

Against (0 votes)

- 10 Pre-Application Report - Application No: 2021/20167**
The contents of the pre-application report were noted.
- 11 Pre-Application Report - Application No: 2020/20230**
The contents of the pre-application report were noted.

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

LOBBYING

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

Lobbying

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

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

PLANNING POLICY

The statutory development plan 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: 01-Jul-2021

Subject: Planning Application 2020/92546 Outline application (with details of points of access only) for 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, HD4 7AD

APPLICANT

Empire Knight Group Ltd

DATE VALID

05-Aug-2020

TARGET DATE

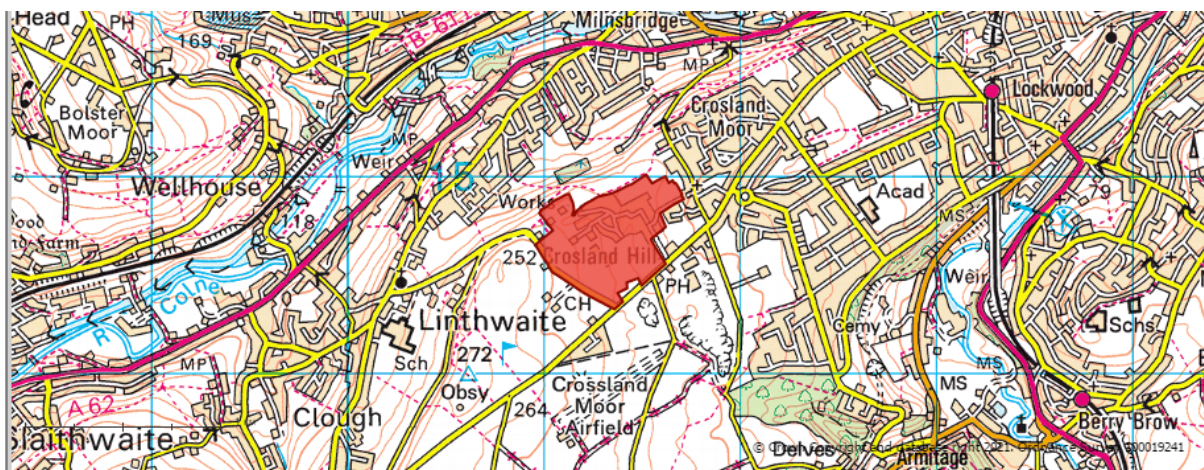
30-Sep-2020

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: Crosland Moor and Netherton Ward

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

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

1. Affordable housing – 20% provision with a tenure split of 55% social or affordable rent to 45% intermediate housing unless otherwise agreed at Reserved Matters stage;
2. Open space – On-site provision to be assessed at Reserved Matters stage and to include any off-site contribution to address any on-site shortfalls in specific open space typologies.
3. Education – Contribution of up to £1,312,000 based on 770 dwellings to be spent upon priority admission area schools or within the geographical vicinity of this site to be determined at Reserved Matters stage. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.
4. Highway Improvements - Up to £552,980 towards the Longroyd Bridge Junction Improvement scheme – based on 770 dwellings.
5. Sustainable transport – Measures to the value of approximately £397,000 to encourage the use of sustainable modes of transport, implementation of a Travel Plan as well as £15,000 towards Travel Plan monitoring – based on 770 dwellings and £46,000 towards the provision of 2 new bus shelters within the vicinity of the site with Real Time information displays (23K per stop). Additionally, the potential to include for 2 bus stop poles within the site at Reserved Matters stage (£500 per stop).
6. Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
7. Bio-diversity – Contribution (amount to be confirmed) towards off-site measures to achieve bio-diversity net gain in the event that it cannot be delivered on site.
8. Air Quality – Contribution (amount to be confirmed) up to the estimated damage cost to be spent on air quality improvement projects within the locality.

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

1.0 INTRODUCTION:

1.1 This application was deferred from the Strategic Planning Committee held on 28th April 2021 for the following reasons:

- 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.

1.2 A response to these matters are detailed within the report below. Additional information relating to traffic generation is detailed at Paragraphs 10.17 to 10.20. Further justification in respect of traffic distribution arising from this proposal is set out at Paragraphs 10.21 to 10.22. Further information relating to the impact of the development, taking into account cumulative growth, on the junctions of Blackmoorfoot Road/Manchester Road and the surrounding area is considered at Paragraphs 10.23 to 10.39. A summary of the key impacts on the highway network is set out at Paragraph 10.42. Finally, the effect of the development upon schools in the catchment area is detailed at Section 11.0 of the report.

1.3 The application seeks outline planning permission for the residential development of this allocated Local Plan housing site for up to 770 dwellings (including up to 70 care apartments), as well as capacity to provide a doctors surgery of up to 350m² and up to 500m² of 'town centre' type (retail, food and drink, community use etc.). It is submitted with all matters except access into the site reserved for future consideration. It is brought to this Strategic Committee because it proposes more than 60 residential units, in accordance with the Council's Scheme of Delegation.

1.4 Members may recall that a previous application at the Black Cat site (2018/90748) was considered and refused by the Strategic Committee of 1st August 2019. This application was also submitted in outline to consider means of access into the site only. It proposed up to 630 dwellings, up to 70 care apartments (700 in total) as well as capacity for a doctors surgery of up to 350m² and up to 500m² of 'town centre' type uses. The application was refused for the following reason:

'The Kirklees Spatial Strategy detailed in the Kirklees Local Plan seeks to provide new homes which meet the needs of the community. There is an identified and justified need for the provision of affordable housing within Kirklees which this scheme fails to sufficiently provide for. Policy LP5 requires masterplans to make efficient use of land through appropriate densities and also provide a mix of houses that address the range of local needs. The

indicative masterplan does not achieve these policy outcomes. Policy LP7 of the Kirklees Local Plan requires the effective use of land and the new developments should achieve a density of 35 per ha where appropriate. This application does not achieve this level of density and as a consequence also fails to deliver the required contributions towards affordable housing or education provision, thus in addition to being contrary to Policy LP7 it is also contrary to Policies LP4, LP5 and LP11 of the Kirklees Local Plan.

1.5 This outline proposal seeks an additional 70 units from that previously proposed and it would be policy compliant as set out in the report below.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site lies approximately 3.5k to the south west of Huddersfield town centre within the Crosland Hill district. In its entirety, the red line boundary extends to 29.3 hectares. It is broadly bounded by Blackmoorfoot Road to the south and the curtilage of businesses and dwellings on Mason Court and Crosland Hill Road to the east. This includes a Grade II Listed farm complex at the Grade II* Listed Crosland Hall and the Grade II Listed properties at 67, 69 and 69a Crosland Hill Road. Felks Stile Road lies to the west, beyond which is open land within Crosland Heath Golf Club. To the northern boundary is open land extending to approximately 12.2 hectares within the Green Belt, which is partly within the ownership of the applicant. A public footpath (HUD/234/80) runs along this northern edge.
- 2.2 It is an extensive plot that presently comprises a large number of storage sheds, hardstanding and internal roads that are spaced centrally on the land. It is presently used mainly for the storage of explosives, and provides employment for approximately 20-25 people. Vehicular and pedestrian access is from Blackmoorfoot Road via Standard Drive, which also serves a number of (vacant) dwellings (associated with the premises) and the reception/ office area.
- 2.3 The western edge of the site is generally open grassland with the boundary formed by dry stone walls. This reflects the more rural character of the area to the west, on the opposite side of Felks Stile Road. There are also a significant number of trees on the perimeter and across the site. A further feature of the land is its topography. It varies across the plot due to natural gradients, old quarry sites and the man-made platforms constructed as part of the fireworks factory. There is a fall in levels of approximately 50 meters from west to east.
- 2.4 The character of the surrounding area is mixed. To the east and south-east, there are commercial properties along Blackmoorfoot Road including the caravan storage site and Johnsons Wellfield Quarries Ltd. The remaining context is largely residential comprising a range of house types, forms and materials. The latter includes mainly natural stone on Crosland Hill to artificial stone on Mason Court. In addition to the Golf Club, the north and west of the site retains its rural character and the site essentially represents a transition from the more urban and established form of development to the east to the more open landscape to the west.

3.0 PROPOSAL:

3.1 This application seeks outline planning permission for the development of the site for up to 770 dwellings, including up to 70 care apartments. It also includes the potential to provide a doctor's surgery of up to 350m² as well as a small unit (or several small units) of up to 500m². This could be used for a potential variety of centre type uses, including retail (Use Class A1) financial and process services (A2); food and drink (Use Class A3), drinking establishments (Use Class A4), a hot food take-away (Use Class A5) or a non-residential institution (Use Class D1) – or a combination of these.

3.2 The application is submitted with all matters except access into the site reserved. The Town and Country Planning (Development Management Procedure) Order 2015 (Article 2) defines access as the following:

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

This application therefore seeks to consider the principle of residential development and the means of access only. For the purpose of this application, it relates to the means of access into the site and not 'within' it. Matters of the layout of the site, the appearance of future buildings, their scale and the landscaping of the site are all reserved for subsequent approval. They would be submitted through a future Reserved Matters application(s). In considering the principle of development, the applicant is applying for up to 770 dwellings. Consequently, the effect of this number of units on matters including the highway impact of the development on the wider transport network and education provision for future occupiers are material to the determination of the application and form part of the consideration of this proposal.

3.3 The primary means of access into the site would be taken from Blackmoorfoot Road. It would be sited approximately 70 metres to the south-west of the existing access point along Standard Drive and approximately 280 metres to the east of the Blackmoorfoot Road/Felks Stile Road junction. This new access onto Blackmoorfoot Road would be provided in the form of a priority controlled junction. It would be a 6.75 metre wide carriageway with a cycleway and 2 metre footways on either side.

3.4 To accommodate the volume of traffic movements turning into the site, the proposal would include the provision of a right turning lane on Blackmoorfoot Road. This would require the widening of the Blackmoorfoot Road carriageway along the site frontage.

3.5 A second access would be provided onto Felks Stile Road. This would also be a standard priority controlled junction. It would be constructed as a 5.5 metre wide carriageway with 2 metre footways on either side.

- 3.6 Means of access for pedestrians and cyclists would be provided at both of the vehicular access points, in the form of pedestrian footways, dropped kerbs and tactile paving. The pedestrian facilities at the Blackmoorfoot Road site access junction will link with the existing pedestrian footway on Blackmoorfoot Road. A further pedestrian link would be provided on the eastern boundary of the site to create an access to the nearby village of Cowersley.
- 3.7 Whilst submitted in outline, the applicant has provided an indicative layout, which is purely illustrative and would not form an approved plan. It principally shows a series of looped internal roads from the main access points. Such an arrangement would produce a number of development parcels within the site and allow the new residential units to be laid out in an appropriate form, with back-to-back gardens. Towards the boundaries, cul-de-sacs are shown, providing a softer composition of houses. Across the site, the layout indicates a mix of terraces, semi-detached and detached properties.
- 3.8 The illustrative plan also shows the provision of the local centre situated close to the site entrance and the care home facility in the south-west corner of the site, close to the junction of Blackmoorfoot Road and Felks Stile Road. Two primary green spaces are indicated. The largest would be along the northern boundary, within the part of the site that is Green Belt. A further open area is shown on the eastern edge of the site to form of buffer between the development and the Crosland Hill Farm listed buildings.
- 3.9 This layout plan has been supplemented by a revised Design and Access Statement, developed in the course of the planning application process to provide an element of certainty in respect of the quality and form of development at Reserved Matters stage. It includes a series of parameter plans and guidance covering a range of issues that will influence the future layout, the appearance of buildings, their scale and the landscaping of the site. These include an access and movement strategy, green infrastructure, building heights, indicative densities and principles relating to character and appearance and the development of character areas within the site.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The most relevant planning history is summarised below:

2018/90748: Outline application for the development of up to 630 residential dwellings (Use Class C3), up to 70 care apartments with doctors surgery of up to 350m² (Use Classes C2/C3/D1), up to 500 m² 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. Refused: 14th August 2019.

Prior to this application being refused, a position statement on the application had been presented to the Strategic Committee on January 3rd 2019. Progress on all aspects of the application was reported and any Member views or questions were sought. The application was accompanied by a Viability Appraisal at that time and the level of financial contribution offered was £630,000 (based upon £1,000 per market dwelling). This level of contribution was significantly below a policy compliant scheme. The Committee expressed the view that such a level of contribution, which provided for no affordable housing, was not sufficient and that further negotiation was required to address this issue.

Pre-app: 2017/20381. This pre- application enquiry proposed the use of this site for up to 700 dwellings, with access taken off Blackmoorfoot Road and Felks Stile Road, and a 500m² retail unit in the south-east corner of the site. It was considered by the Strategic Committee on 11th January 2018. The Committee also undertook a site visit at that time. Members were supportive of the principle of a residential scheme across this site and of the need for the Council to deliver additional housing. There were positive comments about the opportunity to deliver innovative design and energy efficiency solutions on the site. An initial masterplan for the entire site was presented and the masterplanning process explained and the reaction to the masterplan and the process was positive. There was a concern that the development should be satisfactorily accessed from the neighbouring road network. A pre-application public consultation exercise with the local community and Ward Councillor subsequently took place in January 2018.

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

- 5.1 Extensive negotiations have taken place between the applicant and Highways on the adequacy of the strategic network and any mitigation that may be deliverable. (This is set out in the Highways section of this report).
- 5.2 Negotiations have also taken place regarding the drainage solution on the site, and this will be appropriately conditioned.
- 5.3 The Design and Access Statement has been revised in the course of the application to provide additional guidance for any future Reserved Matters application.

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 (HS23) with an indicative capacity of 684 dwellings with the potential for a further 16 beyond the plan period (700 in total).
- 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
 - LP7 Efficient use of land and buildings
 - LP8 Safeguarding employment land and premises
 - LP11 Housing mix and affordable housing
 - LP13 Town Centre Uses
 - LP20 Sustainable travel
 - 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
- LP49 Education and Health care needs
- LP51 Protection and improvement of local air quality
- LP53 Contaminated and unstable land
- LP63 New Open Space
- LP65 Housing Allocations

Supplementary Planning Guidance/Documents

6.4 The most relevant SPG/SPD document is the following:

Highways Design Guide SPD (2019)
 Kirklees Interim Affordable Housing Policy (2020)
 Providing for Education Needs Generated by New Housing (2012)

6.5 A draft Housebuilder Design Guide SPD and Open Space SPD were published by the Council in 2020 as part of the 'Quality Places' consultation. These have undergone public consultation but have not yet been adopted. However, their 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 them 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.

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 9: Promoting sustainable transport

Chapter 11: Conserving and enhancing the natural environment

6.7 The following national guidance is also relevant:

National Design Guide (2019) - The National Design Guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. It will be more relevant at Reserved Matters stage having regard to layout, appearance, scale and landscaping.

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 Huddersfield Examiner (28 August 2020). It was also advertised by means of direct neighbour notification letters that were sent on 17 August 2020.
- 7.2 A total of 57 representations have been received objecting to the application.
- 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=2020%2f92546>

Highways

- The siting of the entrance will not be suitable. Blackmoorfoot Road is a 30mph speed limited road until a point beyond the left turn onto Sands House Lane. It then changes to a 40mph thereafter. The speed limit is seldom adhered to with speeds in excess of the national speed limit. A more suitable and safer solution would be a roundabout, which would be offset to the Sands House Lane junction and Blackmoorfoot Road;
- The top part of Blackmoorfoot Road and Felks Stile Road are not designed for high volumes of traffic. They are very narrow in parts and only enough for 2 cars to pass i.e. no pavements or parked cars;
- The traffic numbers quoted are from 2017. This is over 3 years old and traffic has got busier each year on Blackmoorfoot Road. Therefore, these figures as not reliable;
- The Traffic numbers do not take in to account that most of Blackmoorfoot Road does not have any road restrictions (e.g. yellow lines, etc.) and therefore a lot of traffic is parked on either side of the road. This does cause congestion as this reduces the road to one lane of traffic;
- The only main bus route is currently the 328 and this only goes as far up as Balmoral Avenue. This is a single decker bus service run by First. The 389 & 393 services mentioned in the planning details are the smaller Stott buses which probably hold no more than 20 people and run infrequently. The 328 bus turns down Balmoral Avenue so how will people without a car (especially older people) manage to get another quarter/half a mile or so up to the estate. The 393 mini bus will pass the estate but only carries approximately 20-30 passengers and only runs mon-sat 9-5pm no buses on an evening, bank holidays and Sundays;
- Need to enable and encourage active travel by future residents to minimise car usage and promote healthy lifestyles;

- Additional traffic on Blackmoorfoot Road generated by this development and at the former St. Luke's hospital site will be subject to increasing delays, particularly at the Manchester Road junction and at Longroyd Bridge, and the roadside environment for residents, pedestrians and shoppers, already of poor quality, will further deteriorate;
- The main pedestrian/cycling spine route across the site should be linked to Quarry Road, Crosland Hill Road and Tom Lane, and this should be a designated route, with an appropriate crossing at Dryclough Road, the route to two schools;
- The development should include a high quality pedestrian/cycle path within the northern boundary of the site to link with Felks Stile Road, also an important route to Colne Valley High School and primary schools in Linthwaite;
- The site layout should enable bus penetration;
- Some form of traffic calming needs to be put in place;
- The applicant should provide a more suitable method of entrance to the site as given the nature of the road when viewed from the Crosland hill road junction;
- The application includes inaccuracies and fails to mention the Methodist church where the consultation events were held is now earmarked for development and that in the LDP Lowdham leisure is allocated for housing circa 148 homes and land on Thewlis lane is allocated for 450 homes ,all of which will place a burden on a road;
- Many of the roads in the Colne valley and surrounding areas are not suited to increased traffic volumes, especially Milnsbridge and Longroyd Bridge. Why is increased traffic volume never addressed in large plans such as this?
- Increasing traffic on this very small road will inevitably increase the chance of an accidents, bottlenecks, road rage and jams. As such it will have a detrimental impact on property values and our quality of life - the road simply isn't fit for purpose for the current traffic volume, let alone 'any' potential increase of this nature;
- Blackmoorfoot Road and Felks Stile Road were not designed for high volumes of traffic. They are very narrow in parts and only wide enough for 2 cars to pass i.e. no pavements or parked cars. Building 770 houses will increase the volume of traffic in both directions on these roads. Will the developer be widening the roads and adding street lighting and pavements?
- There is no adequate public transport servicing this site, with the nearest bus stop at least a 15 minute walk away. This is not accessible for those with mobility issues, and will encourage residents to use cars;
- The approved St Luke's and Netherton Moor Road sites will see over 1200 additional cars on the road, between them. With an additional 700 homes

and 70 care homes, taking into consideration staff and visitors, there is potential for this number to increase by a further 1,450, or 2 cars per dwelling. In this small area of just a few square miles, this will see approximately 2500 additional vehicles on the road. Not only will this lead to severe traffic problems, but will significantly increase emissions within the local area, and Huddersfield as a whole;

- Parking between Dryclough Road and Balmoral Avenue junctions can be impassable at times which would be made worse by adding to the traffic system. Cars are already parking on pavements in a way that causes parents with prams or wheelchair users to have to move onto the busy roads to get past;
- A requirement to upgrade facilities for walking and cycling would be required to facilitate greater uptake of active travel. With safer walking and cycling facilities on local roads and footpaths, residents will be able to access shops and services and the town centre without a car.

Design

- It is imperative that the correct stipulations are made regarding materials to be used; St Luke's Hospital site are building new houses in brick in a predominantly stone built housing area;
- All dwellings should be carbon neutral.

General

- The plans include too many houses especially affordable homes. This will turn this part of Crosland Hill into a huge housing estate;
- The area is semi-rural and should remain that way;
- The Crosland Hill area would be changed from a small hamlet to a high urban area with a higher footfall;
- Reduced property values in the area;
- If plans are passed and then work is then divided amongst several house builders what controls will the Council put in place to ensure the original plans are maintained;
- Crosland Hill is a semi-rural area and attracts a number of people, particularly dog walkers and walkers in general. I feel that the plans will turn Crosland Hill into a massive housing estate which will remove the natural beauty of the area and stop people coming;
- A report on the proposed works suggests that vibro compaction will be used on the site. This can have serious impact on foundations of neighbouring properties;
- The building of the site on the former St Luke's Hospital is already going to introduce a further influx of families which will be impacting on the highways, need to access healthcare services and need school places so

the allow a further 770 houses to be built in such close proximity will have a major detrimental impact to residents of Crosland Moor/Crosland Hill.

- Support some level of housing on this site, however the number of houses planned for this area seems extortionate, when taking into consideration the local infrastructure in this area;
- A reduced number of homes on this site, made largely of affordable homes, would be much more beneficial for the area, and I am sure would be more acceptable to local residents, many of whom are not opposed to new homes, just not in a way which will impact on the local area in quite such a devastating way. A smaller number of dwellings will also cause less destruction of the high-value habitats, and is less likely to impact on existing houses which border the proposed site;
- A not for profit community waste company proposes the introduction of community waste and recycling facilities as a prerequisite for this site of 770 dwellings. Communal containers, located conveniently to serve clusters of 4 - 8 dwellings could be planned for the collection of three streams at least: source separated recyclable materials (green bin), food waste (new council obligation, destined for anaerobic digestion) and green waste (brown bin). This will make better sense for the council once segregated food waste collections are introduced, as outlined in the draft National Waste Strategy.

Living Conditions

- Concerned about the level of noise and disturbance this will cause. The site could be under development for years;
- The site boundaries are too close to existing properties on Greystone and Mason Court. Consideration must be given to move the boundaries further away so that privacy of existing properties are not disturbed;
- Privacy would be invaded as no one looks onto the residents at present and also the peacefulness and their wellness (when sat in the garden) would be decimated;
- Loss of sunlight and daylight;
- Local residents are concerned that people may not use the official access points to the site and instead climb over the walls on 2 Greystone & Mason Court to gain access.

Ground conditions

- There is gun powder and asbestos buried on the site – the residents were told the land could never be built on;
- The houses on Greystone and Mason Court are built on a former quarry site. Resident are concerned that more houses and the vibrations from the works could have an impact on their foundations;

- The land that the current dwellings sit on was unsuitable for building, and so an artificial platform was built. Great care will need to be taken to ensure these foundations would not be disturbed or damaged by any new construction work, which could cause significant damage to property, and in a worst case scenario, loss of life.

Landscape and Bio-diversity

- The development will destroy the wildlife on the site;
- It involves the loss of mature trees;
- There will be no Bee corridor to help promote keeping the Bees, insects and Fauna and wildlife and plants;
- The KC ecology report has reservations about loss of Greenfield land and heathlands habitat, and the removal of trees. Consulting the plans, it appears that an area woodland will need to be cleared, and traffic will also be funnelled through an existing, quiet residential street. This is unfair to residents, and will cause serious issues during at least 7 years of development, and beyond that time once residents move in;
- The area is well known as a habitat for wildlife that will be destroyed if housing takes place.

Infrastructure

- Schools, doctors, dentists are all full;
- Proposing a possible 'doctors' seems to be a gesture to satisfying Kirklees rather than a factual proposal. The developer has no responsibility to provide or ensure that the proposed doctors surgery is provided and therefore should be discounted during any approval consideration;
- The closest existing services are at the junction of Blackmoorfoot Road and Dryclough Road and consist of a range of shops including a post office/newsagent, mini-market, greengrocers, bakery and fish and chip shop. This is approximately 1 mile from the centre of the site. At the Park Road West junction with Blackmoorfoot Road is a small Cooperative supermarket, a pharmacy and several other small shops. In Gilroyd Lane, Linthwaite closer to part of the site in Felks Stile Road, there is a minimarket and petrol station), accessed via School Lane. This is approximately 1.25 miles from the centre of the site.

Drainage

- There will be more concrete and tarmac so where will all the water (rain) go? The drains aren't cleaned out and when it rains they overflow;
- The environmental impact of the increased hard surfaces, increased drainage and increased pressure on the existing natural drainage which has been assessed for the proposed development but how will this affect the existing residents which are further down the hill compared to the development?

- The existing infrastructure drainage within the surrounding roads will not have been designed or built for the proposed development and therefore cannot manage the additional impacts of the development without upgrade or improvement. The developer should be required to improve where required existing drainage infrastructure to ensure that the impacts of the development do not impact further down the hill on existing local residents;
- The residents have been led to believe the current drainage infrastructure can't cope with many more houses. Crosland Moor and Crosland Hill is in a hill which ultimately will cause a risk of flooding down to the bottom of Crosland Moor;
- Crosland hill is very exposed and building this development would significantly risk flooding of the existing houses. The Standard fireworks site currently allows rain to slowly soak away and building such a high number of dwellings on such a steep hill will cause flood issues;

Construction Traffic

- Construction Traffic – residents in the area already have to tolerate wagons coming to Wellfield Quarry and Lowdhams Caravans and the massively damaging impact these have on the road surface. Adding construction traffic will only exacerbate the problem.
- Site Clearance, noise of Site Traffic, plus the lengthy construction time it will take to build the whole development, would change the character of the semi-rural environment, it which we have chosen to live;
- A development in such proximity will take away any selling feature it currently holds including 'a unique detached property with outstanding views of beautiful countryside' and reduce its value considerably.

Heritage

- This number of dwellings will irreparably damage the character of Crosland Hill and forever change the setting of the grade II* listed buildings that have been there for hundreds of years.
- This development will drive significant numbers of people past Crosland Hall via Thewlis lane. This route should be made explicitly impassable to avoid ruining the setting of the Grade II* listed Crosland Hall.

7.4 A petition has also been received from a resident on Stonefield Avenue with 31 signatures. The petition raises the following objections:

- The elephant in the room is the extra traffic that will ensue from these developments at Crosland Moor (including St Lukes) and this will have a detrimental knock-on effect for both public transport as well as for cars.
- It is going to be entirely unacceptable for the residents of Crosland Moor, never mind the schools traffic, which is always a busy time for this route.

- The author is well-aware that Kirklees 'have been ordered to build 31,000 houses by the government' as part of a drive to increase available housing but this plan would be grossly unfair on the population of our area.
- Please do not foist this amount of housing on Crosland Moor because it will be a useful amount to knock off the required housing numbers.
- Environmentally it will fail – the high places around our town have previous clean air, which is a big plus when we live in such a heavily populated area

7.5 The Huddersfield Civic Society have provided a comprehensive response to the application. The initial response is summarised below:

- How do the Council ensure that community facilities and the affordable housing remain intact throughout the process from outline planning approval to delivery? It is important that commitments made by the applicant in the outline planning application are locked into the completion of the development by any and all developers and during all phases;
- There are three phases of development but the developer should be mandated to undertake the required land decontamination work across the full site at an early stage. The whole site must be effectively remediated.
- With regard to community facilities, the assumption that supply and demand will cover additional facilities required is understandable. However, if these are not planned into the master plan, they can become incompatible with the new community. HCS would like to see allocation of space for these developments, so it is an integrated approach to place-based living and working. These spaces need to be designed in, so they are cohesive and engaging. The area needs to be considered a community (and potentially an expanding one) and not just another housing development to meet home building targets;
- The provisions for a primary school on the site or in close proximity in Crosland Hill should be part of the infrastructure requirements of this level of growth in edge of town housing. The school places assessment suggests there will be sufficient primary places but inadequate secondary places. With developments of this scale we would suggest that there is a requirement for a primary school onsite in Crosland Hill to avoid the combination of developments in the ward resulting in an absence of nursery and primary school places in close proximity.
- The travel plan as written is very detailed but it appears to exist in a world that most residents in the neighbourhood would not recognise as reality in 2020. Neither does it provide a plan fit for a development that could be completed in 2030, when, as part of a low carbon economy, there may be a shift away from car use towards active travel, greater use of public transport and putting more emphasis on home working;
- Given the size of the overall development, there needs to be further consideration of the convenience of current facilities and services and where additional facilities and services could be provided;

- For this development to go ahead with the anticipated additional traffic generation, improved facilities for pedestrians (i.e. better footways) and in some case (e.g. Felks Stile Road) the introduction of footways on or adjacent to roads (with possible cycleways as well) that will be heavily used by pedestrians (and cyclists) should be required.
- There is also a need for increased or rerouted bus services to serve the site. Access to bus services would be preferable on the site, albeit at the entrances, so as to make travelling by bus and carrying shopping from bus to residence a practical alternative to car travel;
- There are some specific inadequacies in the transport plan. A roundabout at the junction of Sands House Lane would help to reduce speeds and manage the traffic in Blackmoorfoot Road and could form the entrance to the site;
- The proposal should adopt a low cost Low Traffic Neighbourhoods (LTN) (see Gear change: a bold vision for cycling and walking Dept. for Transport 27 July 2020). LTNs would effectively reduce or halt the through traffic (rat runs) by use of road closures, introduction of one-way traffic and reduction of road space that encourage walking, cycling and improve road safety;
- S.106 funding be allocated for consultation on Low Traffic Neighbourhoods in the following areas close to the proposed development: Crosland Hill; Balmoral Road/Butternab Road; Dryclough Woodside Moor End (with schools) and Beaumont Park (with Friends of Beaumont Park);
- To protect existing roads nearby used for walking and cycling we suggest that Quiet Lane status be designated to Heath Lane (Blackmoorfoot to School Lane) and that Thewlis Lane/Nether Moor Road is protected from traffic (after the Johnson's Quarry entrance) with introduction of a "No Motor Vehicles, Except for Access"
- Outline Planning Applications are only the first stage in this process but our submission seeks to raise the quality and energy efficiency and potential energy sources) of the homes before the application moves into more detailed specifications;
- The requirement for living and working sustainably in energy efficient houses needs to be part of a wider appraisal of the likely carbon impact of this development once occupied and how that fits with UK obligations to meet Net Zero Carbon by 2050 (UK legislation) or indeed Kirklees Council and West Yorkshire's 2038 targets.
- The orientation of buildings is, for instance, something that other housing estates are now addressing at the earliest stages so that solar gain is increased (winter) and reduced (summer). However, to achieve the best results, the design of the properties needs to take into consideration the layout of the estates.
- This development spans a critical period for Kirklees Council and the community when it comes to decarbonisation, with a continual halving of the emissions every 5 years (the biggest amounts in the first two 5-year

periods. However, this is not just about meeting our carbon targets, homes have to be affordable and comfortable to live in;

- Energy for electricity, heating and cooling is an important aspect of decarbonising the district. This can be done on a house by house basis or as community energy;
- Given the changes in energy mix likely to take place over the next 10-20 years, it will be important that homeowners do not have to retrofit their properties with added insulation or non-fossil fuel renewable energy because building targets took precedence over future-proofing buildings. Carbon intensive fuels are likely to get more expensive for the consumer and this should be reflexed in the outline planning application and full applications;
- The S106 agreements need to cover tree planting, greenways, parks as well as highways access changes, footpaths, cycling facilities and consultation in affected neighbourhoods on Low Traffic Neighbourhoods;
- There are some good features in the masterplan: tree planting, linear greenways, pocket parks, and a square. The Kirklees Council's tree assessment suggests that the applicant needs to improve landscaping and we are dismayed at the loss of mature trees, which should be kept to a minimum, particularly where it provides barriers to traffic noise. To complement the trees and biodiversity HCS would like to see natural water management wherever possible through SUDS.

7.6 HCS then submitted a second response, which notes the details of the submission and acknowledges that the applicant has made suggestions as to how the development might proceed. However, HCS regard many of the proposals as materially inadequate and their representation sets out the following conclusions and recommendations.

HCS notes that the applicant is currently only asking for 'Access Matters' to be agreed as part of an application for Outline Planning Permission. Accordingly, HCS asks that this Strategic Planning Committee:

- a. Considers ONLY access matters at this stage, as per the applicant's request; Response: As confirmed in the report, this application is submitted in outline with only means of access into the site to be determined at this stage.
- b. Defers consideration of all remaining matters to a future, more complete, application Response: It is not a question of deferring a consideration of the outstanding Reserved Matters. Rather, the applicant is not seeking for those matters to be determined at this stage and as such, they do not form part of the consideration of this application.
- c. does not delegate to officers the many key matters which are critical to the success of a future new community here and its impacts on existing neighbourhoods
- d. Only a future application will be able to address the many real needs to create a new community in Crosland Hill, along with several other sites in close proximity designated for housing.

e. This application raises key issues for Kirklees Council in the challenge of meeting local and national targets for housing, transport, energy, air quality and many other standards.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Lead Local Flood Authority: Objected to the original submission on the grounds that it went against previous advice and instruction given. Revised details subsequently provided. LLFA then confirmed that in light of the application being all matters reserved and therefore layout not being decided upon at this moment in time, the LLFA can support this application subject to conditions. It is noted that decisions on improvements and drainage for Felks Stile Road will need to be factored into any approval of layout that can accommodate all drainage. An assessment of current drainage including that around existing ditches along Felks Stile Road and gullies in and around the junction with Blackmoorfoot Road would be required prior to the submission of a reserved matters application should this application be approved.

KC Highways: No objections subject to conditions and appropriate contributions towards junction improvements further down the road network.

8.2 Non-statutory:

KC Policy: A development of 770 dwellings, including up to 70 extra care apartments exceeds the amount set out in the site allocation and the principle of development of this scale is considered to meet the requirements of Policy LP7.

KC Education Service: A financial contribution would be required in this case towards Secondary Provision to fund additional places at Moor End Academy. KC Education Services note this calculation assumes all 770 dwellings are for 2 or more-bedroom units. This is correct at the time of writing but subject to change following any further application [at Reserved Matter stage].

Yorkshire Water: No objection subject to conditions.

KC Conservation and Design: No objection to the development of this site subject to consideration being given to the provision of a buffer between the development and Crosland Hill Road, a development that reflects the local characteristics including street layouts, scale and materials, retain the existing dry-stone walling boundary features, retain and convert the barn at Felks Stile Road (within the blue line), landscape an area of the site to the south east of Felks Stile Road to retain the views across the valley and rural context of this building.

WY Archaeology: Recommend that the site is subject to an archaeological evaluation prior to determining the application and that a record of the Black Cat Fireworks Factory should also be made, or that a condition is imposed stating that no development take place until a programme archaeological recording has been secured.

KC Strategic Housing: There is significant need for affordable 3+ bedroom homes in Huddersfield South, along with a lesser need for 1-2 bed roomed properties. There is an additional housing need in the area, specifically for older people. Rates of home ownership are low compared to other areas within Kirklees, at 60%. 20% of homes rented privately and affordable housing constituting the remaining 20%. House prices in Huddersfield South range from around £85,000 to £160,000 and lower quartile rent in the area is £399 per month. The applicant proposes 2, 3 and 4 bed housing, a mixture of these would be suitable for this development. Affordable homes should be distributed evenly throughout the development and not in clusters, and must be indistinguishable from market housing in terms of both quality and design. In terms of affordable tenure split, across the district Kirklees works on a split of 55% social or affordable rent to 45% intermediate housing, but this can be flexible. 85 social or affordable rented dwellings and 69 intermediate dwellings would be appropriate for the development.

KC Environmental Health: Recommend conditions in the event of an approval covering noise attenuation; decontamination/remediation; air quality; and lighting.

KC Trees: Requested an amendment to the Felks Stile Road access to enable the retention of a TPO tree, which was subsequently undertaken. No objection to the revised proposal subject to a requirement that the future Reserved Matters submission should make provision for new trees as well as retaining the best of those that already exist.

KC Environment Unit: No objections in principle, but recommend conditions to ensure the potential for bio diversity enhancement across the site is ensured with an ecological masterplan and framework condition.

KC Ecology: In general, the principal of development at this site is acceptable, subject to the correct application of the mitigation hierarchy and the achievement of a 10% biodiversity net gain at a reserved matters stage. Several conditions will be required to ensure the development accord with local and nation policy.

KC Waste Strategy: It is noted that the application is for outline approval for access with all other matters reserved. Waste Strategy has no objection to the outline application provided Refuse Collection Vehicle access is adequately considered at all site access points.

Police Architectural Liaison Officer: West Yorkshire Police supports the principle of this application in its current form, subject to the advice being incorporated into the design plans. Any reserved matters submission should take account of designing out crime measures.

9.0 MAIN ISSUES

- Principle of development;
- Reserved Matters - Means of Access into the site and highway and transportation issues;
- Reserved Matters – access within the site, layout, scale, appearance;
- Reserved Matters - Landscaping
- Bio-diversity;

- Housing mix and affordable housing;
- Living Conditions of Existing and Future Occupiers;
- Ground conditions;
- Air quality;
- Flood Risk and drainage;
- Heritage;
- Climate change;
- Response to representations;
- Other matters;
- Planning obligation.

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 (HS23). 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. Also relevant are Policy LP2 in relation to place-making and Policy LP3, which requires development proposals to reflect the Spatial Development Strategy and to have regard to Policies LP1 and LP2. Finally, Policy LP7 encourages the efficient use of previously developed land in sustainable locations, provided that it is not of high environmental value.
- 10.4 The allocation extends to the entire red line boundary of the application. It is identified to have an indicative capacity of 684 dwellings during the Local Plan period with potential for a further 16 dwellings beyond the plan period (700 in total). This application proposes a development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3). The indicative number of dwellings is therefore consistent with the site allocation in principle in that it would deliver at least 700 units.
- 10.5 The Site Allocation also identifies the following constraints and site specific considerations:
- The provision of a pedestrian footway across the site frontage;
 - Improvements to local highway links may be required;
 - Potentially contaminated land;

- Air quality issues;
- Odour source near site - industrial works;
- Noise source near site - road traffic noise, licensed premises and industrial works;
- Site is close to listed buildings;
- Site is in an area that affects the setting of Castle Hill;
- Landscape character assessment has been undertaken for this site, which should be considered in the development masterplan;
- Provision to be made within the masterplan to access the north eastern portion of the site via the access from Blackmoorfoot Road/Felks Stile Road.

These matters are considered and assessed within the report below.

- 10.6 A substantial portion of the site is currently occupied by a working factory. In this regard, Policy LP8 of the Kirklees Local Plan seeks to safeguard employment land and premises currently in use for employment. However, the entire site is now the subject of a full housing allocation and as such, the principle of its re-use for residential purposes has already been accepted through the local plan process. Furthermore, it would be compatible with neighbouring residential uses and consequently, it would not prejudice the continued use of neighbouring land for employment. It is therefore sufficiently compliant with Policy LP8.
- 10.7 Furthermore, the business would need to be relocated before any development commences. Given the nature of the use (involving high explosives) a licensing process (outside the remit of the planning process) will need to be completed with the Health and Safety Executive prior to the business either closing or relocating to a site with a similar licence.
- 10.8 The application also includes provision for a community/retail facility to support the future residential occupiers. Whilst this will be subject to demand, the scheme proposes a doctors surgery of up to 350m² and a 500m² dual use facility. This could comprise the following uses: retail (Use Class A1), financial and professional (A2), restaurants and cafes (A3), drinking establishment (A4), hot food takeaway (A5) or a non-residential institution (D1) such as crèche, day nursery, hall etc. (Note: the application was submitted prior to the implementation of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 in force from 1 September 2020 and applications for planning permission submitted before that date must be determined using the previous use classes as above).
- 10.9 The NPPF identifies main town centre uses to include retail, restaurants, bars and pubs. This application would therefore introduce town centre uses in an out of centre location as there are no designated local or town centres within the application site and the site boundary is situated more than 300 metres away from an existing designated centre (i.e. it is not an 'edge-of-centre' location). The NPPF also confirms that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. It requires a local planning authority to apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. This approach is reflected in Policy LP13 of the KLP.

- 10.10 In accordance with the Framework and Policy LP13, the application has therefore been supported by a Sequential Test (ST). It is accepted that the scale of the proposed supporting uses and their location would only meet a specific, localised need resulting from the proposed residential development and the immediate surrounding area. They would not come forward in isolation of the wider development and they would be unlikely to serve a catchment area that would compete with existing centres at Dryclough Road (circa 1km to the east) and Crosland Moor (circa 1.5km to the east). Nevertheless, on the basis that Dryclough Road is the closest, this local centre forms the basis of the Sequential Test in this instance and the potential availability of existing retail or commercial premises within that centre has been considered accordingly.
- 10.11 A search of local estate agents' websites was undertaken as part of the ST to review any vacant or available units within the local centre that may be sequentially preferable to the proposed local centre having regard to their suitability, availability and viability for the intended use. No properties were identified as being available within the Dryclough Road local centre for any of the proposed uses forming part of the planning application. The ST also concludes that there are no available development plots either within or on the edge of the centre at this time that could facilitate the development of additional shops. The findings of the ST are accepted and it is also acknowledged that the scale of the proposal is such that it is clearly intended to meet local need. It would therefore not give rise to any significant retail impact on existing centres and for these reasons, the proposal is considered to comply with Policy LP13.
- 10.12 Overall, taking all these matters into account, the principle of residential development on this site, supported by a small retail/community/health facility accords with Policies LP1, LP2, LP3, LP7, LP13 and LP65 of the Local Plan. It is therefore considered to be acceptable, subject to compliance with other relevant policies in the Local Plan, which are assessed in the report below.

Means of access into the site – highway and transportation issues

- 10.13 Policy LP21 of the Kirklees Local Plan advises that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. 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.
- 10.14 A full Traffic Impact Assessment (TA) was submitted with the application, and the highway implications of the development are considered below with regard to vehicular access into the site, traffic generation and the impact of the development on the strategic network, site accessibility and access by means other than the private car.

Vehicular access

- 10.15 A new primary vehicular access into the site would be provided from Blackmoorfoot Road. It would be a priority controlled junction that would accommodate a 6.75 metre wide carriageway with a cycleway and a 2 metre footway on either side. This is the typical width of an adopted carriageway to allow all vehicles to pass each other with ease, as set out in the Council's Highway Design Guide SPD. The applicant has also demonstrated that the access could accommodate an 11.85m refuse collection vehicle and that an appropriate visibility splay can be achieved from the proposed works to the frontage. The second (secondary) access onto Felks Stile Road would be designed to be a 5.5 metre carriageway with a 2m footway on each side. Both points of access into the site are considered to be acceptable in principle in their design.
- 10.16 To accommodate the volume of traffic movements turning into the site, the proposal would include the provision of a right turning lane on Blackmoorfoot Road. This would require the widening of the carriageway along the site frontage. The existing 30 mph speed limit would also need to be relocated to beyond the site access on Blackmoorfoot Road to facilitate suitable sightlines for the development. This would be secured via a planning condition. In principle, however, this arrangement is considered to be acceptable.

Traffic generation

- 10.17 For the purposes of the Traffic Impact Analysis within the TA, a total development of 770 residential units has been assessed. This is the maximum number of dwellings that is proposed within this application.
- 10.18 Looking at traffic generation, the applicant has derived their forecast development flows using the agreed trip rates from the consented 2014 St Luke's Hospital development. This was requested by the Council's Highways Officer and agreed at pre-application stage in 2017. The trip rates and forecast traffic flows for 770 units on this basis are set out below:

	Arrival	Departure	Total number of 2 way trips
AM Peak 0700-0800	173	385	558
PM Peak 1700-1800	366	236	602

These figures exclude the proposed small-scale town centre facilities on the grounds that these would provide facilities for those living within the site. It has therefore been assumed that any trips generated by these uses would be internal and they would not result in any new traffic during peak hours.

- 10.19 The applicant has highlighted that using the average residential trip rates derived from the TRICS database (the standard industry tool of trip generation analysis for the UK and Ireland), rather than those requested by the Council, the trip rates and forecast traffic generation for 770 residential units would be appreciably less as detailed below:

	Arrival	Departure	Total number of 2 way trips
AM Peak 0700-0800	90	265	355
PM Peak 1700-1800	243	118	361

The applicant has also emphasised advice set out in the TRICS Guidance Note titled 'Change in Travel Behaviour' (July 2019). This report states that during the period from 2002 to 2017, residential trip rates have declined by around 12%. These decreases are the result of modal shift and, more notably, reductions in commuter and shopping trips due to increases in homeworking and online deliveries. It notes, for example, that there has been a 25% decrease in physical shopping trips over the past two decades.

- 10.20 A further matter is the inclusion within this proposal for elderly residential provision on the site (up to 70 units). This would further reduce the level of traffic generation from the site, particularly at peak periods. Taken together, these factors demonstrate that the trip rates that have been used for evaluating this development, which are between 36-40% higher than the average trip rates, provide an extremely robust basis for assessment.

Trip Distribution

- 10.21 Turning to trip distribution, the proposed development traffic for this application has been assigned to the local highway network using a 'gravity model', which is based on the 2011 Census method of travel to work data set. This is an accepted industry standard methodology and it was also the method used for the site by the Council for the Local Plan Examination process. For this site, it assumes that 93% of traffic would travel along Blackmoorfoot Road and 66% would travel through the Manchester Road/Blackmoorfoot Road junction.

- 10.22 It is acknowledged that there are other routes that drivers could take from the development, including:

- Crosland Hill Road;
- Sands House Lane;
- Dryclough Road,
- Balmoral Road and;
- Nabcroft Lane.

The utilisation of these routes would obviously reduce the level of vehicle movements at the junctions that have been assessed as part of this application (detailed below). Putting this into context, if it were assumed that a relatively modest 15% of the traffic forecast to travel along Blackmoorfoot Road dispersed along these routes, it would result in a reduction of between 84 and 90 two-way movements on Blackmoorfoot Road. This would equate to a reduction of around 1.56 vehicles per minute when compared to the original assessments completed as part of the traffic impact analysis. It would also reduce the impact of the proposals on the existing junctions along Blackmoorfoot Road. These redistributed trips would then be dispersed across the various routes detailed above and, given the modest number of trips involved and the range of dispersal options, such trip distribution numbers would therefore have a minimal effect on the operation of these particular routes.

Highway Impact

10.23 In understanding the background to assessing the traffic impact arising from this proposal, it is relevant to understand that these matters were fully considered during the Local Plan examination. The application site was one of 6 allocations that was modelled to assess their traffic impact. These comprised:

- Land North of Blackmoorfoot Rd (HS23) (the application site)
- Land North of Blackmoorfoot Rd (HS20) -
- Land East of Thewlis Lane (HS22)
- Land South of the Lodge (HS129)
- Land south of Blackmoorfoot Rd (MXS1)
- Land East of Netherton Moor Road (HS21)

During the LP examination, it was determined that to support these strategic housing (and employment) allocations, where it was known that there are existing levels of congestion, some major transport schemes would be necessary. For the above sites, grouped together as the South Huddersfield geographic area, two major transport schemes were identified at (i) the A62/B6432 Longroyd Bridge and (ii) A616/B6108 Lockwood Bar. In supporting the allocation, it was acknowledged that growth could not be realised without a level of significant transport infrastructure investment and the assessment was based upon the trip rates and distribution set out above. The impact of this development on these two junctions is considered below.

10.24 In addition to these two junctions, the Technical Paper and Addendum: Transport Model (April 2017), one of the Background papers to the Local Plan Examination, acknowledged an expectation that through the planning process, other more localised transport and highway improvements would be pursued if required. Taking into account the trip generation and distribution figures, a key consideration in the assessment of this application has therefore been its impact on the surrounding highway network. This has taken into account the cumulative effect of this scheme with other existing and committed developments within the vicinity (including St Luke's Hospital) as well as traffic growth. The primary focus of the assessment has been on the following junctions:

- Blackmoorfoot Road/Park Road signal controlled junction;
- A62 Manchester Road/Blackmoorfoot Road signal controlled junction;
- A616 Lockwood Road/B6108 Meltham Road/Swan Lane/Bridge Street signal controlled junction (Lockwood Bar).

10.25 The capacity of each of these has been fully evaluated in detail as part of this proposal. For the Blackmoorfoot Road/Park Road junction, this was undertaken using two scenarios – (i) pedestrians called every over cycle (16 times during peak periods i.e. pedestrian crossing lights instigated and its associated effect on traffic flow) and (ii) no pedestrian stages called. The reality is considered to be somewhere in-between. The TA analyses the 'baseline' situation against the 'with development (WithDev) scenario'. The results indicate the Degree of Saturation (DOS), which is, in effect, the demand relative to the total capacity. They also identify the Mean Max Queue (MMQ). This is the estimated mean number of vehicles that have added onto

the back of the queue up to the time the queue clears. These impacts were provided as part of an updated Technical Note in March 2021. This Note addressed concerns raised by the Council's UTC section on the original TA methodology with regard to the modelling of signalised junctions on the existing network as a result of the assignment and distribution of traffic from the proposed development. A summary of the results is set out below.

Blackmoorfoot Road/Park Road West Signal Controlled Junction

10.26 Table 1 below summarises the position for this junction in the Weekday AM peak with pedestrians every other cycle. Only this scenario is reproduced in this report on the grounds that the junction is forecast to operate more efficiently if pedestrian stages were not called (i.e. this is the less efficient scenario in terms of how the junction might operate with development).

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DOS	MMQ	DOS	MMQ	DOS	MMQ	DOS	MMQ
Blackmoorfoot Road (N)	76.3	22	92.8	37	82.2	22	99.3	51
Park Road West	75.3	12	93.5	20	82.7	18	99.7	29
Blackmoorfoot Road (S)	44.2	7	49.3	10	47.7	9	53.2	12
Park Road	62.2	7	92.1	12	75.2	9	101.2	19

Table 1: Summary of modelling for Blackmoorfoot Road/Park Road/Park Road West junction (pedestrians every other cycle) AM PEAK

10.27 The TA concludes that with the addition of the proposed development, this junction is forecast to operate within its actual capacity in the 2022 'With Development' scenarios with minimal increases in the Degree of Saturation (DOS) and Mean Max Queue (MMQ). In the 2031 'With Development' scenario the junction is forecast to operate with a DOS of below 100% on all arms apart from the Park Road arm, albeit that the forecast increase in the MMQ is only 7 vehicles. The applicant therefore concludes that the proposal would have a minimal impact on this junction in the Weekday AM peak.

Table 2 shows the same results for the Weekday PM PEAK:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DOS	MMQ	DOS	MMQ	DOS	MMQ	DOS	MMQ
Blackmoorfoot Road (N)	72.3	20	87.4	29	80.0	24	95.2	37
Park Road West	76.4	13	99.3	24	84.2	18	107.9	48
Blackmoorfoot Road (S)	75.8	19	99.2	43	84.6	24	108.4	80
Park Road	73.2	12	89.0	16	84.5	16	94.4	19

Table 2: Summary of modelling for Blackmoorfoot Road/Park Road/Park Road West junction (pedestrians every other cycle) PM PEAK

10.28 With the addition of the proposed development, the TA considers that in the P peak, this junction is forecast to operate within its actual capacity in the 2022 'With Development' scenarios, with minimal increases in the DOS and MMQ. It does forecast a queue of 43 vehicles (247 metres) on the Blackmoorfoot Road northbound arm of the junction, but concludes that this level of queuing would not interact with the A62 Manchester Road/Blackmoorfoot Road junction, which is located approximately 520 metres to the south. In the 2031 'With Development' scenario the junction is forecast to operate in excess of its actual capacity of 100% with queuing forecast on all arms of the junctions. But the queuing again does not extend to the A62 Manchester Road/Blackmoorfoot Road junction. It therefore concludes that the proposed development would not have a material impact on the operation of the A62 Manchester Road/Blackmoorfoot Road junction in the Weekday PM peak.

10.29 The applicant has subsequently undertaken further work looking at the average delay per vehicle in seconds at the junction over the modelled peak periods. For the purpose of this exercise, reference has been made only to the 2022 future year assessments rather than 2031. This is because the applicant considers that it is extremely unlikely that there would be 17% worth of peak hour growth on the network between 2017 and 2031. The applicant also states that if there is any growth over the proposed/committed developments included within the modelling, this would be likely to result in peak spreading. Therefore, it is highly unlikely that there would be any traffic growth on the network during the peak periods and limited weight should be applied to the 2031 capacity results. This approach is accepted by the Council's Highways Development Management Team.

The impact on the Blackmoorfoot Road/Park Road West Signal Controlled Junction is summarised below:

ARM	QUEUE						DELAY					
	AM			PM			AM			PM		
	With-out	With	Diff	With-out	With	Diff	With-out	With	Diff	With-out	With	Diff
Black-moorfoot Road (N)	22	37	+15	20	29	+9	32	44	+12	31	40	+9
Park Road West	12	20	+8	13	24	+11	41	77	+36	45	109	+64
Blackmoorfoot Road (S)	7	10	+3	19	43	+24	24	19	-5	34	84	+50
Park Road	7	12	+5	12	16	+4	47	102	+55	50	74	+24

Table 3: Summarises the Mean Max Queue in Vehicles and the Average Delay per Passenger Car Unit (s/PCU) Without and With Development with Peds Every Other Cycle

10.30 From this assessment it can be seen that the largest increase in delay is 64 seconds (just over a minute), which occurs on the Park Road West arm of the junction in the 'PM peak With Development' (Pedestrians Every Other cycle) scenario. This represents the largest increase in delay a vehicle using this junction is predicted to experience. The applicant maintains that journeys through this junction would be likely to form part of a longer journey. Therefore, such a relatively modest increase is likely to be considerably less than fluctuations in daily journey times that occur each day, due to the daily variation in traffic flows on the highway network. Consequently, it cannot reasonably be considered to be a severe impact. Officers do not dispute this assessment.

10.31 Overall, it is evident that this junction would face some capacity issues as a result of the proposed development, which would lead to increased queuing. However, the actual impact on journey times would be relatively limited. Moreover, a recent scheme to improve this junction has been carried out to further the efficiency of the signal timings and provide updated equipment, including Bluetooth monitoring. These works were funded by the recent development at the Former St Luke's Hospital site. It is considered that no further improvements could be provided at this junction without physically creating more space, which would require the demolition of existing buildings and shops. This is not a realistic proposition. Furthermore, given the robust vehicular trip that has been used in this application in the assignment and distribution of traffic, the assessment is considered to be a 'worst case scenario'. In reality, the impact upon this junction is unlikely to be as substantial. It would therefore not be considered to represent a 'severe' cumulative impact on the road network, which is the threshold identified in the NPPF for refusing development on highway grounds.

A62 Manchester Road/Blackmoorfoot Road Signal Controlled Junction

10.32 The same analysis has been undertaken for the A62 Manchester Road/Blackmoorfoot Road Signal Controlled Junction for the AM and PM Peak, summarised in the Tables 4 and 5 respectively below:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DOS	MMQ	DOS	MMQ	DOS	MMQ	DOS	MMQ
A62 Manchester Road (E) Left Ahead Right	67.7	22	88.8	9	79.3	7	97.6	15
Blackmoorfoot Road Right Left Ahead	77.6	15	100.1	32	87.1	14	113.0	115
A62 Manchester Road (W) Ahead Right Left	75.3	9	84.3	13	80.0	13	85.9	14

Table 4: Summary of modelling for AM PEAK for the A62 Manchester Road/Blackmoorfoot Road Signal Controlled Junction

In the 2022 'With Development' scenario, this junction is forecast to operate at its actual capacity. The largest increases in the Degree of Saturation and Mean Max Queue would be on the Blackmoorfoot Road arm junction. In the 2031 'With Development', the junction is forecast to operate in excess of its actual capacity on the Blackmoorfoot Road arm. However, the TA states that this is based on a robust assessment and, in reality, the level of traffic included within the junction would not occur during the peak period. It therefore concludes that the impact 'with development' would be minimal on the operation of the junction overall.

Table 5 below sets out the position in the PM Peak:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DOS	MMQ	DOS	MMQ	DOS	MMQ	DOS	MMQ
A62 Manchester Road (E) Left Ahead Right	79.4	7	87.9	11	91.1	12	98.8	39
Blackmoorfoot Road Right Left Ahead	78.6	15	84.4	12	88.1	15	96.6	22
A62 Manchester Road (W) Ahead Right Le	51.1	9	56.2	7	58.1	7	61.9	8

Table 5: Summary of modelling for PM PEAK for the A62 Manchester Road/Blackmoorfoot Road Signal Controlled Junction

10.33 In the PM Peak, the junction is forecast to operate within its actual capacity with the addition of the development traffic. The modelling of this junction indicates that in the design year, 2022, the junction operates within capacity with the development flows. In the design year (2031) the modelling suggests that capacity issues may arise. However, this is, again, on the basis of the robust vehicular trip rate detailed above.

10.34 Furthermore, the applicant has detailed the average delay per vehicle in seconds at this junction over the modelled peak periods:

ARM	QUEUE						DELAY					
	AM			PM			AM			PM		
	With-out	With	Diff	With-out	With	Diff	With-out	With	Diff	With-out	With	Diff
A62 Manc Road (E)Left Ahead Right	22	9	-13	7	11	+4	15	26	+9	13	20	+7
Black Moor Foot Road Right	15	32	+17	15	12	-3	21	73	+52	26	32	+6

Left Ahead												
A62 Manc Road (W) Ahead Right Left	9	13	+4	9	7	-2	24	33	+9	15	19	+4

Table 6: Summarises the Mean Max Queue in Vehicles and the Average Delay per Passenger Car Unit (s/PCU) Without and With Development

Table 6 indicates that the largest increase in delay is 52 seconds (slightly less than a minute), which occurs on the Blackmoorfoot Road arm of the junction in the AM peak. This represents the largest increase in delay a vehicle using this junction is predicted to experience. Again, in the context of a wider journey time, this impact would be limited. Taking into account that forecast growth rates are considered likely to be subject to a reduction given the current trends noted above, the impact on this junction would not be considered to represent a 'severe' cumulative impact on the road network.

A616 Lockwood Road/B6108 Meltham Road/Swan Lane/Bridge Street Signal Controlled Junction

10.35 Turning to the Lockwood Road junction, Tables 7 and 8 summarise the Weekday AM and PM peak scenarios:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DOS	MMQ	DOS	MMQ	DOS	MMQ	DOS	MMQ
Bridge Street Left Ahead	64.6	9	70.4	10	76.7	11	83.5	13
Bridge Street Right	97.3	21	99.6	25	112.3	62	113.9	67
A616 Lockwood Road Left Ahead	66.4	14	66.4	14	68.4	15	68.4	15
A616 Lockwood Road Right	96.0	9	96.0	10	109.0	15	109.8	15
Swan Lane Left Right Ahead	99.1	25	101.9	30	111.7	49	114.4	58
B6108 Meltham Road Ahead Right Left	84.5	20	84.5	20	87.1	23	87.1	23
B6108 Meltham Road Ahead Right	56.7	4	56.7	4	63.3	5	63.3	5

Table 7: Summary of modelling for AM PEAK for the A616 Lockwood Road/B6108 Meltham Road/Swan Lane/Bridge Street Signal Controlled Junction

Table 7 shows that in the Weekday AM Peak, the junction is forecast to operate close to or in excess of its actual capacity in the 2022 and 2031 Base scenarios. It is predicted that the proposed development would result in increases of 1.6% in traffic flows at the junction, which equates to an additional 45 two-way movements.

Table 8 below shows the same situation for the PM Weekday Peak:

Arm	2022				2031			
	Base		With Dev		Base		With Dev	
	DOS	MMQ	DOS	MMQ	DOS	MMQ	DOS	MMQ
Bridge Street Left Ahead	94.1	17	97.9	21	113.4	41	106.7	33
Bridge Street Right	75.0	9	73.1	9	86.3	11	80.5	10
A616 Lockwood Road Left Ahead	90.1	26	91.9	27	92.2	30	103.7	50
A616 Lockwood Road Right	70.2	9	71.9	8	72.8	9	86.5	12
Swan Lane Left Right Ahead	95.5	19	100.0	24	112.6	45	104.4	32
B6108 Meltham Road Ahead Right Left	43.9	9	44.8	9	44.7	9	50.3	10
B6108 Meltham Road Ahead Right	85.2	4	99.1	7	100.9	8	127.8	19

Table 8: Summary of modelling for PM PEAK for the A616 Lockwood Road/B6108 Meltham Road/Swan Lane/Bridge Street Signal Controlled Junction

10.36 Looking at Table 8, in the weekday PM Peak, this junction is forecast to operate close to, or in excess of, its actual capacity in the 2022 and 2031 baseline scenarios. With the addition of the proposed development, it is forecast that there would be an increase in the DOS and MMQ, although it is identified to be minimal. The TA concludes that the proposed development would result in increases of 1.8% in traffic flows at the junction, which would equate to an additional 48 two-way movements.

10.37 Turning to the average delay per vehicle in seconds, the assessment identifies the following:

ARM	QUEUE						DELAY					
	AM			PM			AM			PM		
	With -out	Wit h	Dif f	With -out	Wit h	Dif f	With -out	Wit h	Diff	With -out	Wit h	Diff
Bridge St Left Ahead	9	10	+1	17	21	+4	54	58	+4	103	123	+20
Bridge Street Right	21	25	+4	9	9	+1	95	114	+19	58	56	-2
A616 Lockwo od Road Left Ahead	14	14	0	26	27	+1	40	40	0	53	58	+5
A616 Lockwo od Road Right	9	10	+1	9	8	-1	181	181	0	56	58	+2
Swan Lane Left Ahead Right	25	30	+5	19	24	+5	122	151	+29	104	136	+32
B6108 Meltham Road Ahead Right Left	20	20	0	9	9	0	52	52	0	29	30	+1
B6108 Meltham Road Ahead Right	4	4	0	4	7	+3	66	66	0	138	228	+90

Table 9: Summarises the Mean Max Queue in Vehicles and the Average Delay per Passenger Car Unit (s/PCU) Without and With Development

10.38 Table 9 indicates that the largest increase in delay would be 90s (one and a half minutes), which occurs on the Meltham Road Ahead Right arm of the junction in the PM peak. This represents the largest increase in delay a vehicle using this junction is predicted to experience. Again, the applicant concludes that such a modest increase is likely to be considerably less than fluctuations in daily journey times that occur each day, due to the daily variation in traffic flows on the highway network.

10.39 The Council's Highways Development Management Team confirm that it is established that this junction is currently running over capacity. Consequently, the assignment and distribution of traffic from this development would have a negligible effect on its operation. However, a major highways scheme is already planned by the Council as part of the Huddersfield Southern Corridors project to address the current capacity issue, which will also deliver betterment and mitigation to the impact arising from this proposal.

Lockwood Bar and Longroyd Bridge Junction

10.40 As detailed above, as part of Local Plan examination, two major transport schemes were identified to support six housing/employment allocations, including the application site that would require mitigation to accommodate full Local Plan build-out by 2030. These were the A62/B6432 Longroyd Bridge and A616/B6108 Lockwood Bar. For the reasons set out above, the focus of this application has been solely on the Longroyd Bridge junction, which it is considered requires mitigation.

10.41 A previous calculation based on 825 residential units for the residual traffic impact the development would have at the Longroyd Bridge junction has been revised to accommodate up to 770 dwellings. Highways Development Management therefore recommend that to accommodate growth from this development, a contribution of £552,980 would be required towards the Longroyd Bridge congestion scheme. This would be secured by means of the S106 Legal Agreement and would make a significant and important contribution to the implementation of improvements at Longroyd Bridge.

Summary of key impacts on the highway network

10.42 The access arrangements and impact on the highway network arising from up to 770 dwellings proposed within this application has been subject to a thorough assessment. The key points are summarised below:

- Access arrangements onto Blackmoorfoot Road and Felks Stile Road comply with guidance within the Council's Highways Design Guide SPD;
- The trip rates that have been used for assessing this development are the same as those used during the Kirklees Local Plan examination process. They are between 36-40% higher than the average trip rates, such that they provide an extremely robust basis for assessment;
- The TRICS Guidance Note titled 'Change in Travel Behaviour' (July 2019) states that during the period from 2002 to 2017, residential trip rates have declined by around 12%. These reductions are the result of modal shift and, more notably, reductions in commuter and shopping trips due to increases in homeworking and online deliveries. This further reinforces the robustness of the Transport Assessment;
- The assumed trip distribution rates for this proposal, that 93% of traffic would travel along Blackmoorfoot Road and 66% would travel through the Manchester Road/Blackmoorfoot Road junction, are based upon the method used for the Council's Local Plan Examination process and they are considered to be robust.

- Even if a greater proportion of traffic were to use alternative routes locally, these redistributed trips would then be dispersed across so many routes that the trip distribution numbers would have a minimal effect on the operation of these particular routes.
- On the Blackmoorfoot Road/Park Road West Signal Controlled Junction the largest increase in delay as a result of this proposal is assessed to be 64 seconds in the ‘2022 With Development PM peak’ (Pedestrians Every Other cycle). In the context of wider journey times, this would not be significant. Furthermore, without physically demolishing buildings around this junction, it would not be feasible to create more space to improve it and, in any event, this is not a realistic proposition.
- On the A62 Manchester Road/Blackmoorfoot Road Signal Controlled Junction the largest increase in delay is assessed to be 52 seconds in the ‘2022 With Development AM peak’. Again, in the context of a wider journey time, it is considered that this impact would be modest.
- At the A616 Lockwood Road/B6108 Meltham Road/Swan Lane/Bridge Street Signal Controlled Junction, the largest increase in delay is assessed to be that of 90 seconds in the ‘2022 With Development PM peak’. This would, again, be a modest increase in journey time overall, particularly given the robustness of the traffic generation figures.
- A significant contribution of £552,980 would be sought towards the Longroyd Bridge congestion scheme through the S106 agreement.

Site accessibility – public transport

- 10.43 The nearest bus stop to the site is located on Blackmoorfoot Road, close to the existing access on Standard Drive (Bus stop ID: 45019334). This would be approximately 300 metres from the centre of the application site. The eastbound bus stop has a bus pole displaying service information. No facilities are provided for the westbound stop as there are no pavement facilities on the westbound side of the road. This stop provides access to Bus Service 393, which runs from Huddersfield to Blackmoorfoot. It provides a day-time hourly service Monday to Saturday to Huddersfield Bus Station (approximately 30 minutes journey time), the earliest departure from Blackmoorfoot Road currently being 0818 and the last departure from Huddersfield being 1650. There is a further bus stop (ID45019334) at the junction of Felks Stile Road with Blackmoorfoot Road and another on Felks Stile Road close to the entrance to Crosland Heath Golf Club (45050805), also served by the 393. Future residents towards the north of the site could further access the service from the stop at Tom Lane on Crosland Hill Road by using the proposed footpath connection from Quarry Road.
- 10.44 Whilst these bus stops currently offer only a daily hourly service Monday to Saturday, it would provide the opportunity for future residents to arrive in Huddersfield by bus before 9am and to access a service back to the site in the late afternoon. Whilst somewhat limited, it does provide some accessibility by means other than the private car.

10.45 It is recognised that the 393 route is a tendered service and paid for by the West Yorkshire Combined Authority in full. The continuation of all tendered services is subject to the availability of funding and would be assessed against specific criteria. In responding to this application, West Yorkshire Metro have advised that the 393 is currently part of a package of services that cost in the region of £800k per annum to operate. This aspect of the package costs around £65k per annum to operate. In the course of this application, WY Metro have advised that if further funding could be secured through this proposal, they would be able to fund enhancements to this service. They therefore requested that the applicant fund the following:

- £150k per annum for a minimum of 5 years to be used for enhancing the 393 and pump priming either or both the 328 and 387 services (£750K in total).
- Incorporate a bus turning area or road layout that allows buses to circulate to facilitate bus services into the site.
- Provide a minimum of 2 bus shelters with Real-time information displays (for either new stops within the site or upgrading other local stops) (£23k per stop)
- Provide 2 bus stop poles (for alighting) within the site. (£500 per stop)
- Travel Plan Fund to the value of £393k for the number of units currently indicated.

10.46 Whilst Officers acknowledge the benefits of extending the service into the site, in reporting the previous application to this Strategic Planning Committee, the report stated as follows:

'Officers are of the view that the need for extending the bus service and the costs of meeting this i.e. £750m over 5 years has not been satisfactorily justified by METRO. The site is in a sustainable location and details of the bus and pedestrian access to the area detailed within the Highways section of [that] report. The Local Plan acknowledges the distinction between essential infrastructure necessary to make the development acceptable in planning terms and desirable infrastructure which would improve connectivity and sustainability of which the bus extension scheme is considered to fall into the later'.

The circumstances are unchanged by this proposal in terms of the existing bus provision and the distinction between essential and desirable infrastructure. It is therefore considered that a contribution of £750m over 5 years cannot be sought by this proposal as it would not meet *all* of the necessary tests for a planning obligation set out within the NPPF of being a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

10.47 However, the application would, nonetheless, generate a meaningful contribution towards a sustainable travel fund of approximately of approximately £397,000 for up to 770 dwellings. Discussions have been held with Officers at the West Yorkshire Combined Authority regarding the opportunity to use a proportion of this fund to extend the bus service for 2-3 years at a point that the site is established (approximately 200 dwellings) when the potential passenger numbers could be sufficient to support the use of the service going forward. WYCA have advised that there is scope for a service extension within these terms, which would significantly further the

accessibility of the site to means of travel other than the private car. Furthermore, the opportunity to consider incorporating a bus turning area within the site, that would allow buses to circulate to facilitate bus services, could then be reviewed at each relevant phase of the Reserved Matters, subject to bus service demand and provision at that time. The payment schedule, mechanism and administration of the sustainable travel fund would therefore be agreed with Kirklees Council and detailed in the S106 agreement. In addition, the applicant has also prepared framework Travel Plan, which would need to be monitored at the appropriate phase of development.

10.48 In summary, the following contributions have been agreed as part of this application to promote accessibility by means other than the private car:

- A Sustainable Travel Plan Fund to the value of £393,000 for the number of units currently indicated;
- A £15,000 contribution towards the cost of implementing, maintaining, and monitoring the Full Travel Plan (£3000 per annum for the first 5 years of the development);
- £46,000 for a minimum of 2 bus shelters with ‘Real-time’ information displays (for either new stops within the site or upgrading other local stops) (£23k per stop)
- The provision of 2 bus stop poles (for alighting) within the site. (£500 per stop) should this come forward at a future stage of development;

Site Accessibility – Cycles and Pedestrians

10.49 Turning to accessibility to the site for cycles and pedestrians, the TA refers to the Institution of Highways and Transportation (IHT) document titled “Guidelines for Providing for Journeys on Foot”, which suggests distances for desirable, acceptable and preferred maximum walks to town centres, commuting, schools and elsewhere. These are 800m, 2000m and 2200m respectively. It also indicates that advice contained within other documents, including Manual for Streets, suggests that a distance of circa 2km typically represents an acceptable maximum walking distance for the majority of land uses. The TA also highlights the Department for Education’s (DfE) ‘Home to School Travel and Transport’ statutory guidance document, which suggests that the maximum walking distance to schools is 2 miles (3.2 kilometres) for children under 8 and 3 miles (4.8 kilometres) for children over the age of 8. Within this context, there are a range of existing amenities within these relevant walking distances (measured from the centre of the site and at a speed of 3 miles per hour) including:

Local Amenity	Distance (m) and indicative walking time	Criteria Distance (m)
The Sands Public House	300 (4 mins)	1600m
Convenience Store/Post Office	1320 (20 mins)	1600
Co-op	1920 (29 mins)	1950
Moor End Academy	1620 (24 mins)	1950
Colne Valley High School	1900 (35 mins)	1950

In terms of Colne Valley High School, it is acknowledged that there is no footway along Felks Stile Road/Church Road to access it. However, it is also accepted that due to the nature of the road, there is no scope to deliver such a provision. It would also not be a reasonable requirement of this application given the basis for calculating school place contributions set out in the report below. In any event, the 389 bus service operates along Felks Stile Road and is designated as a bus route for pupils to use to travel to and from this school. The bus service arrives at the school at 0840 hours and departs at 1520 hours to coincide with the school day.

- 10.50 Furthermore, in the course of this application, the applicant was asked to review how this site would fit into the surrounding access network, particularly with regard to cycling and walking. There is currently a public footpath (HUD/234/50) that runs along the northern boundary of the site connecting through to Felks Stile Road to the West (via HUD/234/30) and Kinder Avenue (via HUD/234/10) to the North West and to Crosland Hill Road via Quarry Avenue. The Design and Access Statement includes an access and movement strategy, which shows that in designing the future Reserved Matters, the development can readily connect with these existing public rights of way to provide walking connections through to Crosland Hill Road and to Cowersley. In terms of cycling, there are presently no dedicated cycle routes in the immediate vicinity of the site. The nearest is the National Cycle Network Route 68, This lies approximately 1.2 miles to the west, which is reasonably accessible along Blackmoorfoot Road.
- 10.51 In terms of accessibility within the site for cycles and pedestrians, this will be assessed at Reserved Matters stage as part of 'layout'. However, it is advised that the access plan for the new Blackmoorfoot Road entrance does incorporate provide a cycle lane to each side of the carriageway. Furthermore, in the development of the Spine Road, the Design and Access Statement states that it is currently planned at a high level as a shared surface for cyclists and vehicles. However, it acknowledges that integration of a segregated cycle lane could be explored at the reserved matters stage. Modal filters could also be integrated to retain permeability for pedestrians and cyclists but to eliminate through traffic on some minor roads to create a low-traffic neighbourhood. It confirms that further consideration will be given to street design to ensure adherence to new standards set out in national cycling design guidance document 'LTN 1/20 Cycle Infrastructure Design'. This will be pursued further at the Reserved Matters stage. The proposed masterplan would also open up new routes across the site for pedestrians and cyclists, via the creation of paths, parks and boulevards. It is therefore considered that there is the scope within the site to ensure high levels of accessibility for pedestrians and cyclists.
- 10.52 Overall, it is concluded that the proposal is acceptable with regard to the matter of access and highway impact. Subject to relevant conditions and the planning obligations specified above, it has been demonstrated that the proposed development can accommodate sustainable modes of transport and be accessed effectively and safely by all users and that any significant impacts from the development on the transport network can be viably and appropriately mitigated. It is concluded that the development would not result in a severe cumulative highway impact given the proposed mitigation. It would therefore comply with Policies LP20 and LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

Reserved Matters – access within the site, layout, scale, appearance

- 10.53 Policy LP7 of the KLP relates to the efficient and effective use of land and buildings. It states that housing density should ensure the efficient use of land, in keeping with the character of the area and the design of the scheme. It advises that development should achieve a net density of at least 35 dwellings per hectare, where appropriate.
- 10.54 With regard to layout, scale and appearance, Policy LP24 of the KLP advises that good design should be at the core of all proposals in the district. It sets out a number of key principles necessary to promote good design, including ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. It also states that the risk of crime should be minimised by enhanced security and promotes well-defined routes, overlooked streets and places. It recommends that the needs of strategically different users should be met and any new open space should be accessible, safe, located within the site and well integrated into wider green infrastructure networks. Furthermore, Policy LP63 advises that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, to be provided in accordance with the Council's local open space standards or national standards where relevant.
- 10.55 Matters of access within the site layout, scale and appearance are not for consideration as part of this application. They are reserved for future assessment as part of a Reserved Matters submission should outline planning permission be approved. However, given the scale and nature of this proposal, the application is supported by an indicative site layout plan and a Design and Access Statement, which has been revised in the course of the planning application. It has also been accompanied by a Landscape Visual Impact Assessment (LVIA), which is appropriate given the site's scale and prominence as viewed from a distance, especially across the Colne Valley to the north. It is considered that the LVIA has been robustly undertaken with numerous receptors included in all directions, and assesses the level and scope of the impact of the development of this site accurately. Each Reserved Matter is considered briefly below.

Access within the site and layout

- 10.56 The illustrative layout submitted with the outline planning application on submission indicates how a development of up to 770 dwellings (including up to 70 care apartments), as well as a local centre facility might be laid out. Based on the site area given on the application form of 29.3 hectares, this would deliver a density of 26 dwellings per hectare if the care home apartments are included, or 24 dwellings per hectare without. Based upon the illustrative layout, and taking into account 7.8 hectares of open space provision within the allocation boundary, the net developable area reduces to 21.5 hectares. The scheme would then deliver a density of 32 dwellings per hectare without the care home and 36 dwellings per hectare with. The actual density will need to be assessed at Reserved Matters stage, taking into account the wording of Policy LP7. This confirms that lower densities (below 35dph) will be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

10.57 It is advised that Officers raised some concerns about the illustrative layout in the course of the application, including the following:

- The development of one large residential housing estate without sufficient regard to context and place making that also suggests extensive areas of hard-surfacing to front gardens and large areas of hard surfacing would be unlikely to be acceptable at Reserved Matters stage;
- The Spine Road as a minimum should accord to Green Streets® Principles;
- The opportunity to create a low cost Low Traffic Neighbourhood should be considered (highlighted by the Huddersfield Civic Trust);
- No sense of character areas;
- The layout does not clearly reflect the findings of the urban grain study, including the local historic street patterns and local vernacular typical of the Colne Valley;
- Dominated by vehicles e.g. extensive car parking to frontages.

10.58 In addition, the Council's Conservation and Design Team highlighted a number of key influences on future development, principally relating to the historic context of the surrounding area, which will also influence the future Reserved Matters. These include the small historic linear settlement of Crosland Hill, which comprise several listed buildings and non-designated heritage assets dating to the 19th century and earlier as well as the impact on the setting of Castle Hill and the visual proximity of the Milnsbridge and Golcar Conservation Areas (refer to the Heritage Section below).

10.59 In response, the applicant prepared a revised Design and Access (D&A) Statement and a series of Parameter Plans, which can be used to guide any future Reserved Matters submission. This revised D&A reflects the details set out within the Parameter Plans, including the following:

Parameter	Implications for the Reserved Matters submission
Structural Open Space	<ul style="list-style-type: none"> - Landscape buffer at the entrance to the site along Blackmoorfoot Road; - Landscape buffer to the east between the proposed development area and existing dwellings along Crosland Hill Road; - An area of natural play along the northern boundary where the application site protrudes into the green belt.
Land Use	<ul style="list-style-type: none"> - Local centre close to the main entrance - Extra care facility in the south-west corner to provide a modest gateway feature both along Blackmoorfoot Lane and to the Felks Stile Road access
Access and Movement	<ul style="list-style-type: none"> - A well-defined street hierarchy between the main spine road, secondary streets, tertiary lanes and mews streets and identification of these routes on the Access and Movement Strategy Plan. - Exploration of integrating Green Street Principles at the Reserved Matters stage on key routes

	<ul style="list-style-type: none"> – Principles for the widths of primary, secondary and tertiary access roads in accordance with the Highways SPD
Green infrastructure	<ul style="list-style-type: none"> – Green links through the site running north-east to south-west and north-west to south east. – Pocket parks within the site; – The masterplan includes a total of 20 hectares of open space, 7.8 hectares of which is within the application site boundary. The remaining 12.2 hectares is the green belt land within the ownership boundary to the north of the site; – Suggested landscaped edge - dwellings to be set back a minimum of 10m from the northern boundary line and 20m along the western boundary line (Felks Stile Road) – Buffer planting to the houses on Mason Court.
Density and Mix	<ul style="list-style-type: none"> – Higher density within the southern and central area of the site around the spine road and key junctions; – Lower density immediately adjacent to existing development on Crosland Hill Road, along the northern boundary and part of the western edge; – Medium density across the remainder within the site.
Layout	<ul style="list-style-type: none"> – Introducing Neighbourhood Design principles e.g. 4 character areas: (i) Blackmoorfoot Green at the centre of the site with a higher density (contemporary terraces and townhouses) and a more formal character; (ii) Felks Style Edge influenced by the character of Felks Stile Road creating a rural lane feel with grass verges and stone walls to either side. Designed to be lower in density with larger semi-detached and detached properties and a more informal character; (iii) Valley View along the northern edge of the site to have a an irregular, fractured urban grain with curvilinear streets to prevent the formation of a harsh, linear urban edge given its high visibility and sensitive location adjacent to the Green Belt and (iv) Crosland Place – an area to provide a transition between the development and the existing residential areas off Crosland Hill Road. It would be lower density than Blackmoorfoot Green but higher density than the sensitive edges of the site along Felks Stile Road and the green belt edge. The character of this area should take reference from the adjacent residential areas off Crosland Hill Road.
Sustainability Principles	<ul style="list-style-type: none"> – Energy efficiency of housing stock to reduce energy demand; – Waste management plan; – implement the cooling hierarchy to prevent/mitigate

	<p>against overheating in homes;</p> <ul style="list-style-type: none"> – provide safe and attractive walking routes within the development; – Water management e.g. use of swales and natural vegetation filter.
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In addition, the layout would need to have appropriate regard to guidance within the Council's Open Space SPD in terms of calculating the amount of open space required, the type needed and the location of such provision. These matters will all be determined at Reserved Matters stage.

Scale

10.60 The originally submitted Parameters Plan indicated that the majority of the site would be developed with buildings up to 2 storeys in scale with a generous area identified within the centre/south-eastern part of the site as a 3-storey zone. However, in the course of this application, Officers advised that there was insufficient evidence with this submission to justify a scale of up to 3 storeys in the zone indicated, in terms of wider views into and out of the site, including being mindful of views to and from Castle Hill. Furthermore, it was advised that two storey is the predominant scale in the locality and because the site slopes from west to east down towards Crosland Hill, the intended area for 3 storey development would be quite prominent. The Parameters Plan has subsequently been revised so that the 'up to 3 storeys' zone is caveated to acknowledge that the appropriate scale of development would be subject to details of appearance at Reserved Matters stage and the two cannot be disassociated. Consequently, the appropriateness of 'up to 3 storeys' on part of the site will be subject to a visual and design assessment at Reserved Matters stage to take account of topography, context, heritage assets, residential amenity and appearance.

Appearance

10.61 The appearance of the future development on this site will also be determined at Reserved Matter stage to ensure that it is based upon a thorough contextual analysis to provide good design that is appropriate to its scale and function, in accordance with Policy LP24 and guidance within the NPPF. This is considered within the revised Design and Access Statement. It acknowledges that due to the site's elevated nature and visibility from surrounding areas, choosing the right materiality, for example, will be vital for the scheme. Careful consideration must be given to the choice of materials and their colours to ensure that the proposed development blends with the landscape as much as possible and is in keeping with the local vernacular. In this regard, the D&A includes a townscape analysis of the local context, noting the predominance of stepped linear streets, urban strata in wider views across the valley as well as courtyard clusters nearby. The variety of housing typology proposed e.g. terraces, townhouses, semi-detached and detached properties would also generate a diverse character having regard to the different neighbourhoods to be created.

Summary on access within the site, layout, scale, appearance

- 10.62 Taking all these factors into account, it is concluded that matters of access within the site, layout, scale and appearance, including density, will be considered fully as part of a future Reserved Matters application. However, there is sufficient information within this application to ensure that a scheme can be delivered that will meet the Council's design aspirations in accordance with KLP Policies LP7 and LP24. In this regard, a condition is proposed that the Reserved Matters shall be developed broadly in accordance with the Design and Access Statement and Parameters Plans to ensure compliance with both local and national policy.

Reserved Matter - Landscaping

- 10.63 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. In this case, the site includes mature tree lines established along the southern and eastern application site boundaries and internal tree cover that comprises predominantly low quality regenerative shrubs and small stature trees and pockets of more established moderate quality tree groups. In addition, a Tree Preservation Order has recently been served (but not yet confirmed) on the woodland to the front of the site comprising deciduous and evergreen species. This would prohibit anyone from cutting down, topping or lopping any of the trees within this area within the Council's written consent.
- 10.64 In terms of the impact of the site's access arrangements, the proposed access from Blackmoorfoot Road would result in a new opening in the woodland that has developed along the road at this point. Should this outline permission be approved, it would override the TPO. Moreover, it is considered that the trees in this group are mostly young or semi mature trees and whilst they do provide amenity value due to their grouping and proximity to the road, the young composition of the woodland would make it easier to replace in terms of both time and wildlife benefit. This would be secured through a detailed landscape scheme at Reserved Matters stage. As originally proposed, the site access onto Felks Stile Road would have run through a group of trees and would have required the removal of a TPO tree. The position of the access has subsequently been amended in the course of this application to ensure that its removal is no longer necessary.
- 10.65 Within the site, although landscaping is a Reserved Matter for future consideration, it is recognised that a large, phased development of this scale will always require significant changes to the existing landscape. That is particularly the case on the Black Cat site due to the extent of man-made structures/levels across the site and the absence of tree and vegetation management across it. Many of the tree groups are situated on man-made platforms that would need to be cleared to create appropriate development plateaus. The change of use of the site to residential development would require a new arrangement of built form and associated green infrastructure, resulting in a number of existing buffer / screening planting groups requiring removal due to their unsuitability within a new residential scheme and the impact on the aspirations for new green infrastructure. It is therefore expected

that a high number of trees would need to be removed. However, this is predominantly limited to low quality regenerative trees that have become established following absent tree and vegetation management across the site.

- 10.66 The Council's Tree Officer has advised that whilst there may be a few other areas where more trees could be retained, this can be resolved during the submission of Reserved Matters. A detailed design/layout for the site should utilise detailed tree survey data at an early stage and seek to retain those trees capable of providing a contribution to the future site use. Given the tree cover on the site at present, a detailed and substantial tree mitigation strategy would be required to form part of a detailed application for the site layout. Consequently, at that time, the reserved matters would need to be supported by an updated impact assessment and an Arboricultural Method Statement. This would demonstrate the protection of retained trees throughout the various phases of construction. The scheme should also seek to meet Green Streets Principles to ensure a good level of canopy cover across the built areas of the site. On this basis, however, there is no objection to the scheme in this regard and it sufficiently accords with Policy LP33 as far as it can at this outline stage.

Heritage

- 10.67 To the east of the site, close to the boundary, are a number of Grade II and Grade II* Listed Buildings including Crosland Hall, Crosland Hall Cottage and Crosland Farm Buildings on Crosland Hill Road, 67, 69 and 69a Crosland Hill Road and 100, 102 and 104 Crosland Hill Road. Section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. It is therefore important that any development in the vicinity respects the character and setting of this building. This approach is consistent with the objectives of Policy LP35 of the KLP.
- 10.68 The application is supported by a Historic Environment Desk-based Assessment, which considers the impact of the proposal on these Listed Buildings. It also assesses the impact on designated assets within a range of 5km, including Castle Hill – Scheduled Monument, as well as the closest Conservation Area (Milnsbridge) to the north-east and any archaeological significance.
- 10.69 With regard to the Listed Buildings closest to the site, Crosland Hall is Grade II* Listed and it sits within its associated farm buildings and cottage. The Heritage Assessment notes that the current setting of this group of assets is best described as the edge of a residential area, as it is perceived from Crosland Hill Road. However, Thewlis Lane, bounded by dry-stone-walls either side, despite being currently disused and overgrown, is preserved. Thewlis Lane connects this group of assets to the site, and therefore to the former agricultural fields, quarries and fireworks factory within the application area. Existing access is currently blocked by the fencing around the site. Thewlis Lane is considered to form part of the setting of this group of heritage assets, and making a positive contribution to their significance. Thewlis Lane would be unaffected by the development albeit that the proposal would include the retention of the northernmost stone-wall, which bounds Thewlis Lane.

- 10.70 The fields to the north of Thewlis Lane are considered to make a positive contribution to the setting of this group of assets as they are the last remnants of the layout and boundaries of agricultural land which once surrounded the assets on all sides. On the grounds that the proposed development involves the partial development of these fields, the proposal is assessed to result in a negative effect on the setting of this group of assets, and consequently on their significance. However, the indicative layout indicates that an area of open space would be retained adjacent to this group of buildings to create a buffer between them. It is considered that this would serve to sufficiently preserve their significance albeit that this would need to be assessed again at Reserved Matters stage once the layout is formally submitted. Any harm to their significance would need to be weighed against the public benefits of the proposal at that time and to determine whether any additional mitigation would be required.
- 10.71 Turning to the other Listed Buildings on Crosland Hill Road, the Heritage Assessment considers that the existing setting of these designated assets is much changed from the original. Consequently, it does not make a contribution to their significance, and therefore, even though the proposed development would change the immediate setting of these assets, it would have a neutral effect on their significance as a result. This assessment is accepted by Officers.
- 10.72 In considering the potential impact on the setting of wider heritage assets, the assessment notes that in primary legislation, only the setting of listed buildings is protected. The setting of scheduled monuments and Conservation Areas is not, albeit the NPPF states that the setting of a designated heritage asset can contribute to its significance. It acknowledges that there are long views from the highest points of the site, particularly toward Milnsbridge Conservation Area and more distant assets, such as Castle Hill Scheduled Monument and therefore, the site does form a small part of the wider landscape within which these assets are located. However, the contribution made by the site to their setting, where it contributes to their significance, is assessed to be very small given the scale of the views afforded from those assets. Consequently, given the distances between them and the fact that development would be perceived as infill against an existing residential settlement, the proposal is not assessed as having a significant impact on these assets within the long views.
- 10.73 Overall, whilst a further assessment will be necessary at the Reserved Matters stage, based upon the information submitted with this outline proposal, it is considered that the site is of a sufficient scale that the setting of the nearby listed buildings is capable of being preserved and the development would not harm their significance. For the reasons stated, it would also not have any significant impact on those heritage assets within long views.
- 10.74 With regard to archaeology, there is some evidence suggesting potential for later prehistoric to Iron Age and Romano British activity in the vicinity. The site's use as a fireworks factory from 1910 is also of archaeological and architectural interest. It is therefore recommended that the site is subject to an archaeological evaluation prior to the development commencing and that a record of the Black Cat Fireworks Factory is also made. This will be secured by condition. It will require a written scheme of archaeological investigation before any development takes place, to include the statement of significance

and research objectives, a programme and methodology of site investigation and recording, a programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of the resulting material.

- 10.75 Subject to the above, it is considered that special regard has been given to the desirability of preserving the setting of nearby Listed Buildings and to any features of historic or archaeological interest that the site possesses. A further detailed assessment will be undertaken at Reserved Matter stage. For these reasons, the application is considered to sufficiently comply with Policy LP35 of the KLP and guidance within the NPPF.

Bio-diversity

- 10.76 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.
- 10.77 The applicant has submitted an Ecological Update Report, to be read in conjunction with an Ecological Assessment prepared by Tyler Grange in 2018 and a Bio-diversity Net Gain Metric calculation. The original Ecological Report identified the presence of various protected species across the site. It acknowledged the presence of a number of important ecological factors that would require further investigation in order to inform adequate mitigation or measures for protection. It was intended that these would be used to inform a future layout.
- 10.78 The updated Ecological Report also recognises that there are a number of habitats within the site, including amenity grassland, heathland, scrub and grassland as well as buildings, hardstanding, gravel and quarry. In preparing the report, all buildings and structures within the site were re-inspected. It concludes that there have been no significant changes to the ecological baseline as a consequence of the updated data search, Phase 1 Habitat Survey or Preliminary Bat Roost Assessment. In summary, no significant changes have occurred to either the known distribution of protected species, the designation of sites, planning policy or the baseline conditions at the site since the Ecological Assessment in 2017/18. It also provides a provisional biodiversity net gain assessment, which indicates that with the lowest quality habitats used in green spaces at the site, the design would achieve a low net gain but with higher value habitats incorporated into the design, it could achieve a 10% net gain within the site boundary.

- 10.79 The Council's Ecologist has considered the Ecological Report and advised that in general, the suite of surveys undertaken are suitable for the site in order to determine likely ecological impacts at outline stage. They will require updating as part of any reserved matters application to ensure that decisions are made using an accurate understanding of current ecological conditions. With regard to the Biodiversity Metric, it is noted that the current plans indicate that areas of woodland (W1, W2 and W3) and heathland, which are considered of local importance, are likely to be removed to facilitate the development proposals. Heathland is considered to be a habitat of principal importance within Kirklees. Therefore, the removal of these habitats is undesirable, and the lack of adequate mitigation or compensation does not demonstrate correct application of the mitigation hierarchy. This would require further consideration at Reserved Matters stage.
- 10.80 Furthermore, the applicant has liaised with the Council's Bio-diversity Officer to determine how a biodiversity net gain could be achieved on the site, with an intention to demonstrate that at least 10% could be achieved using the green belt area. The ecological appraisal makes several recommendations for habitat enhancement and creation, which could be incorporated into the scheme in order to achieve a net gain. These measures would need to include suitable mitigation for the loss of heathland and woodland, which would require the same habitats to be created and no net loss of woodland cover. Options to include these within the open space/green infrastructure within the site and within the blue line boundary would be explored to inform the final designs and layout of the site at Reserved Matters stage. Based on the evidence submitted to date, the scale of the size is such that a 10% net gain would be achievable. A net gain in biodiversity would therefore be required post-development to be secured by means of a planning condition.
- 10.81 Finally, the northern section of the site (outside the redline boundary but within the blue line) is included within the Kirklees Wildlife Habitat Network (KWHN). Although this area is to be retained, adequate protection from indirect impacts of the development would be required. The current indicative design plans indicate that a buffer zone would be included between residential properties and the KWHN and this is welcomed and encouraged. The current illustrative layout also illustrates planted corridors at the boundaries and across the centre of the site which would provide additional links to the KWHN. However, the KWHN could be strengthened and protected from additional recreational pressures due to the development via the provision of a habitat management and creation plan. This will also need to be reviewed on submission of the Reserved Matters.
- 10.82 Overall, at this outline stage, the proposal is considered acceptable with regard to bio-diversity, subject to the correct application of the mitigation hierarchy and the achievement of a 10% biodiversity net gain demonstrated within the reserved matters. Subject to relevant conditions to achieve these objectives, the proposal is therefore considered to accord with KLP Policy LP30.

Affordable housing provision and housing mix

- 10.83 Taking into account the annual overall shortfall in affordable homes in the district, KLP Policy LP11 states that the Council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 dwellings. It advises that the proportion of affordable homes should be 20% of the total units on market housing sites. This requirement will be secured by means of a Section 106 agreement with details of the location of these units provided at that time. The applicant has confirmed that they are seeking a policy compliant scheme to deliver 20% affordable homes on a split of 55% social or affordable rent to 45% intermediate housing. Based on the provision of 770 residential dwellings (maximum), this would equate to 85 social or affordable rented dwellings and 69 intermediate.
- 10.84 Turning to housing mix and house type, this will be determined at Reserved Matters stage as part of the layout. However, the indicative housing mix set out within the Design and Access Statement indicates a blend of apartments (92 – 12% including 70 extra care units), 2 bedroom units (208 – 27%), 3 bedroom units (208 - 40%) and 4 bedroom units (162 – 21%). The Council's Strategic Housing Team advises that there is significant demand for affordable 3+ bedroom homes in the area, along with demand for 1 and 2 bed dwellings. A mixture of 2, 3 and 4 bed housing would therefore be suitable for this development and will be secured as part of the Reserved Matters submission.
- 10.85 It is acknowledged that in reporting the previous proposal to this Committee, the Officer Report noted that an extra care scheme was not considered to be an appropriate development for this site, given the proximity of the location to existing services and community facilities and given the needs of the occupiers, as well as the lack of an enhanced bus service. However, the actual needs of the future occupiers of an extra care facility are unknown at this stage. Furthermore, the Council's Strategic Housing Team advise that there is a specific housing need in the area for older people and in its indicative siting towards the south-east of the site it would be in close proximity to the bus stop at the junction of Felks Stile Road and Blackmoorfoot Road. Consequently, there are insufficient grounds to preclude and housing mix will therefore be fully assessed at Reserved Matters stage.
- 10.86 Overall, it is considered that the proposal would have the capacity to contribute to housing mix within the Huddersfield South Housing Market Area and 20% of the units would be affordable. This would comply fully with the requirements of Policy LP11.

Living conditions of existing and future occupiers

- 10.87 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.

10.88 Layout is a reserved matter such that the impact of the proposal on the living conditions of existing and future will be determined in due course as part of any Reserved Matters application. This will need to have regard to guidance within the Council's pending Housebuilders Design Guide in terms of maintaining high standards of residential amenity and providing appropriate separation distances to avoid negative impacts on light, outlook and to prevent overlooking.

Noise/odour

10.89 For future occupiers, the applicant has also submitted a Noise Assessment, which undertook a detailed environmental sound survey in order to produce a sound map of the proposed site layout based on this information. The survey was based on measurements taken from four positions on each boundary to assess typical environmental sound levels at the site. This concluded that during the entire survey period, road traffic along the surrounding road network remained the dominant sound source.

10.90 With regard to industrial noise, during the daytime survey period, no significant sources of industrial sound were audible within the site from either the caravan storage facility to the north east or the quarry to the south east, on the opposite side of Blackmoorfoot Road. The Report therefore concludes that an industrial sound impact assessment is unlikely to be required for the daytime period.

10.91 The saw shed of the quarry, situated adjacent to Blackmoorfoot Road, is, however, understood to operate continuously 24 hours a day. Within the Noise Assessment, it was therefore assessed in the evening period once residual noise levels had reduced. The dominant source of sound associated with the operation of the saw shed comprised continuous machinery cutting noise from within the building. The assessment indicates that the rating level of the existing industrial sound from the saw shed is likely to achieve a difference of up to +5dB when compared to the lowest representative night-time background sound level at the nearest proposed residential properties (limited to a number of properties situated to the North East of the site along the boundary with the caravan storage facility). This is an indication that the existing industrial sound could potentially have an adverse impact at the nearest proposed residential properties during the night-time period. However, the Noise Assessment determines the impact to be low.

10.92 The Council's Environmental Health Officer considers that a difference of around +5dB is likely to be an indication of an adverse impact and is not an insignificant increase above background noise levels. The provided noise modelling shows an increase in noise levels along Blackmoorfoot Road and any properties will be exposed to higher levels of road traffic noise. The report states that in order to achieve the internal daytime and night-time requirements, openable windows must remain closed. It advises that background ventilation would therefore be provided by ventilators in the building façade and manual ventilation would be provided via openable windows at the occupier's discretion. Trickle ventilation would not be sufficient to help control thermal comfort without the need to open windows and would therefore not be acceptable as the internal daytime and night-time noise requirements would be exceeded during manual ventilation conditions. A condition is therefore necessary requiring a further noise assessment report to

inform the Reserved Matters layout to show which rooms in which plots would not achieve satisfactory indoor sound levels with windows open. For these rooms, an alternative ventilation scheme would be required to help control thermal comfort and avoid over heating during hot weather without the need to open windows.

- 10.93 Overall, it is considered that issues regarding noise on the site can be resolved by conditions, which are recommended, in order to protect future occupiers and to satisfy the objectives of Policy LP24. Given the scale of the site, any mitigation would be provided a part of any full or reserved matters application that seeks approval for layout. Any issues of noise/ odour arising from the proposed 500m² of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use) would also need to be addressed by planning conditions in the event that the end use related to food preparation or required any form of mechanical ventilation/extraction.

Lighting

- 10.94 The application includes the submission of a Lighting Assessment to take account of the fact that artificial lighting associated with the development has the potential to cause impacts at existing sensitive receptors in the vicinity of the site and the potential to expose future residents to any existing light spillage issues. The exact level of artificial light experienced by future residents would, however, depend on the final design to be determined at Reserved Matters stage. The Lighting Assessment determines that the site is currently on the edge of town and it has been carried out to ensure that it can be developed within the parameters of Environment Zone 2 - the equivalent light generation/ environment of a rural area or village. Given the scale of the site, and the potential for the impact of light pollution from a distance, this is considered to be an appropriate zone on the fringes of a built up area.
- 10.95 Also, given the nature of the site and the presence of certain habitats within and adjacent to it, this relatively low level of illuminance would further allow for habitat protection where necessary (e.g. in relation to trees on the edge of the site, which are being retained) as a means of seeking bio-diversity enhancement. It is considered that the issue of lighting can be satisfactorily addressed by a condition to stipulate that the lighting levels conform to the limitations for Environment Zone 2. This would serve to protect the living conditions of existing and future occupiers.
- 10.96 Taking into account the matters above, it is concluded that the site is of a sufficient scale that a scheme can be developed at Reserved Matters stage that would protect the living conditions of existing and future occupiers. Subject to the imposition of relevant planning conditions, it would therefore comply with the objectives of Policy LP24 and guidance within the NPPF.

Ground conditions

- 10.97 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 1000sq m 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. As such no objection is raised to this scheme in this regard and it is compliant with Policy LP38.

- 10.98 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 Phase II Geo-Environmental Site Assessment. These documents acknowledge that the site comprises the former Black Cat Fireworks factory. It incorporates multiple buildings associated with fireworks manufacturing and activities still exist on site. It has also been the site of former quarries. Polycyclic aromatic hydrocarbons (PAHs), asbestos-containing materials, heavy metals and metalloids and ground gas were identified as possible risks to site receptors and the report recommended intrusive work to confirm.
- 10.99 The Assessments detail the field investigation and laboratory results. The site constitutes widespread made ground, generally comprising of inert material, which was proposed as the possible source for several contaminants. Elevated heavy metals, PAH, naphthalene and total petroleum hydrocarbon were above soil screening values and the report recommends that remediation will be required in relation to ground contamination. Asbestos is common at sites with historical industrial land use. Twenty-four samples were analysed for asbestos and from these, five contained asbestos fibres. Analysis of four samples determined that the asbestos content was very low or less than the limit of detection (<LOD) and no inhalation risks were identified during the movement and placement of these asbestos-containing soils beneath plots. The findings suggested that asbestos was generally associated with localised shallow made ground and one instance of deeper made ground. From this, 'hotspot' excavations and the placement of piled impacted soils at depth beneath the plots would be proposed.
- 10.100 However, the Council's Environmental Health Officer considers that any disturbance may liberate asbestos fibres and present a serious health risk. Piling practices may also present a risk. Consequently, before any development commences on site, further risk-modelling is considered necessary relating to inhalation risk to site receptors. It is considered that the proposals for asbestos remediation should show clear efforts to limit future exposure to site workers and end-users. This can be secured by means of a planning condition.
- 10.101 In addition to soil analysis, ground gas monitoring was carried out as a moderate ground gas source generation potential had been assigned to the site. The report identifies that the site has minimal risk methane and carbon dioxide and monitoring was terminated after less than 3 months. However, the Council's Environmental Health Officer considers that a ground gas regime for the site is necessary, which can also be secured by condition. Subject to the imposition of these conditions, it is considered that the proposal is sufficiently compliant with Policy LP53.

Air quality

- 10.102 Policy LP51 of the KLP relates to the protection and improvement of local air quality and confirms that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people. In this case, the application is supported by an Air Quality Assessment to assess the potential air quality impacts of the proposal. It classifies the development as 'Major' according to the West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance. The assessment considers the impact of the development during both the operational and construction phases.
- 10.103 The southern site boundary of the proposed development is adjacent to Johnsons Wellfield Quarry. This mineral extraction of sandstone is still currently active and has a history of dust generation in the area. Dust emissions and the potential concurrent dust impacts during the construction phase on nearby sensitive receptors was therefore assessed. For the operational phase, the pollutants modelled were Nitrogen Dioxides (NOX) and Particulate Matter (PM10) using a baseline year of 2019 with a future year of 2022 representing the first year of occupation of the development (these relate particularly to traffic generation). Consideration was also given to the impact the development would have on Kirklees Council's Air Quality Management Area (AQMA) 9, which incorporates roads bordering and within the Huddersfield ring road.
- 10.104 The report concludes that during the construction phase there is the potential for air quality impacts due to dust emissions from both the development site and the mineral extraction from Johnsons Wellfield Quarry. However, the implementation of good practice dust control measures as detailed in the Assessment would provide suitable mitigation during the construction phase and reduce potential impacts to an acceptable level. These measures can be secured by condition.
- 10.105 For the operational phase, modelling was undertaken at sensitive receptor locations to predict future pollutant concentrations due to predicted vehicle movements to and from the site, with and without the development. The pollution concentrations for NO² and PM₁₀, as well as dust emissions from Johnsons Wellfield Quarry, were predicted to be negligible. The report concluded that air quality impacts because of the development would not be significant at any sensitive location in the vicinity of the site.
- 10.106 The Council's Environmental Health Officer agrees with the methodology of the Air Quality Assessment and considers the approach to be satisfactory. However, this is subject to the implementation of appropriate mitigation measures during the construction phase, to be conditioned. It is also subject to further details to be provided to inform the layout at Reserved Matters stage. These will include enhanced pedestrian connections to the surrounding area to encourage sustainable transport modes, Electric Vehicle (EV) charging points and the production of a Travel Plan, to be secured by condition. In addition, the applicant will need to prepare a monetary cost damage calculation in accordance with the West Yorkshire Low Emission Strategy -Technical Planning Guidance. This is a calculation of pollutant emission costs from the development to determine the amount (value) of

mitigation that is expected to be spent on measures to mitigate the impacts. This will also be secured by condition once the layout and number of dwellings is ascertained through a future Reserved Matters application. Subject to the imposition of these conditions, the proposal is considered to comply with Policy LP51.

Flood Risk and drainage

- 10.107 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.
- 10.108 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 was required with the application. 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.
- 10.109 Given its topography and the underlying geology, it is determined that the site would be unsuitable for infiltration methods of drainage. Consequently, on-site storage would be necessary and the LLFA have confirmed that surface water attenuation can be provided on site to incorporate the stated number of properties/units. Given the scale of the site and the mix of uses and surfacing (i.e. there are very extensive areas of hard standing associated with the existing factory), there will be two outfalls - outfall A to Crosland Hill Road, and outfall B to Blackmoorfoot Road. The appropriate levels of discharge have previously been agreed with Yorkshire Water and the appropriate levels of discharge will be conditioned, as well as a reduction in existing run off from the hard standing areas. These rates would be 27 l/s to outfall A and 6 l/s to outfall B, which is considered to be acceptable.
- 10.110 The LLFA have highlighted that the inclusion of an entrance onto Felks Stile Road is likely to allow a surface water flood route into the site that currently does not occur. This will need to be managed by condition.
- 10.111 Subject to the imposition of drainage conditions above, as well as further conditions requiring interceptors for any commercial premises, a plan to minimise flood risk and pollution post site strip and through various construction phases, and an interceptor in larger parking areas, the proposal is considered acceptable from a flood risk and drainage perspective. It will also be a requirement that the applicant enter into a legal obligation to ensure the maintenance and management of SUDS systems for the lifetime of the developed site.

Climate Change

- 10.112 An assessment of the proposal's impact on climate change is limited at this stage, given that it is an outline application with all matters except access into the site reserved for future consideration. It is appreciated that the demolition of existing structures and the construction of new buildings has a footprint in terms of CO₂ emissions. However, at this stage, no information in respect of the form of construction has been provided as these are detailed matters that will be assessed as part of any future Reserved Matters submission. At that stage, consideration could be given to the life cycle of building materials and encouragement to the use of materials that have a low embodied impact.
- 10.113 Energy efficiency would also be considered at the Reserved Matters stage. It is likely that as a minimum, a fabric-first approach would be adopted for the development. This would mean ensuring minimal heat loss through fabric, thermal bridging and air infiltration. Other measures might include low energy lighting, water efficient fittings such as flow restrictors and water efficient appliances to minimise water consumption. Furthermore, measures to encourage future residents of the proposed development to use sustainable modes of transport could be secured. This would include adequate provision for cyclists (including cycle storage for residents) and electric vehicle charging points. In order to clarify these measures, a condition is recommended to require details of measures to promote carbon reduction and enhance resilience to climate change at Reserved Matters Stage.

Other Matters

Crime Prevention

- 10.114 The Council's Designing out Crime Officer has provided comments on the indicative site layout. On the basis that it is purely illustrative at this stage, the applicant is encouraged to provide the relevant information at the Reserved Matters stage so that the security at the properties can be designed in line with the 'Crime Prevention Through Environmental Design (CPTED) 1&2 principles of Designing Out Crime'. To address this matter, conditions relating to lighting and secure by design are recommended.

Flexibility in the timescales for submission of Reserved Matters

- 10.115 The applicant has advised that there are a number of complexities associated with the development of the application site, which could result in delays for the submission of reserved matters applications across it as a whole, particularly for the later phases. These factors include the following:
- Relocation of the Fireworks site and surrendering of licenses
 - Engineering and detailed design challenges associated with phasing (e.g. initial and interface infrastructure, multiple developers etc.)
 - Unknown sales rates (past estimates have been quite slow, which could delay subsequent phases).

The applicant has therefore requested flexibility in the timescales for the submission of future reserved matters. This is permitted by Section 92 of the Town and Country Planning Act 1990. The applicant has suggested a standard 3 year limit for the submission of reserved matters for the first phase

(with standard 2 years for implementation), a 5 year limit (from the date of permission) for the submission of reserved matters for the second phase and a 7 year limit (from the date of permission) for remaining reserved matters / phases. This would be longer than the default period of approval of all reserved matters within three years from the date of the permission, to begin before the expiration of two years from the date of approval of the last of the reserved matters to be agreed. In support, the applicant has put forward an indicative timescale for delivery set out in Table 10 below. For the avoidance of doubt, this timeline is provided as an example only. It does not confirm the precise timing for existing occupiers vacating the site or other events taking place:

Table 10: Indicative Delivery Timescales – Precise timings unconfirmed at this stage

Year	Annual / Cumulative	Comments
2021		Assumes permission granted. Marketing period commences late 2021.
2022		Relocation of fireworks operator (unconfirmed at this stage), notice period for tenant farmer, terms to be agreed with Phase 1 developer.
2023		Reserved matters approved for Phase 1 (i.e. within 3 years). Tender and contractor appointments. Discharge of planning conditions submitted.
2024		Discharge of planning conditions approved. Enabling works and infrastructure commence (e.g. access, remediation, earthworks, primary infrastructure connections etc.).
2025	40 / 40	First homes completed in Phase 1. Reserved matters submitted for Phase 2 (i.e. within 5 years).
2026	80 / 120	Phase 1 continues. Tender/contractors, discharge of conditions and enabling works for Phase 2 commence
2027	120 / 240	Phase 1 completes at circa 200 units. First homes in Phase 2 complete.
2028	80 / 320	Phase 2 continues. Reserved matters submitted for Phase 3 (i.e. submitted within 7 years of permission granted)
2029	80 / 400	Phase 2 continues. Tender/contractors, discharge of conditions and enabling works for Phase 3 commence
2030	120 / 520	Phase 2 completes at circa 280 units. First homes in Phase 3 complete
2031	80 / 600	Phase 3 continues
2032	80 / 680	Phase 3 continues
2033	80 / 760	Phase 3 completes at circa 280 – final numbers/completion year depend on care home delivery.

10.116 Officers appreciate the difficulties of bringing this site forward for development, not least the requirement to relocate the existing facilities and to remediate the site. However, its delivery would also contribute significantly to the Council's housing supply and the Local Plan anticipates 282 dwellings from this site in its five year housing land supply. Based upon the applicant's submission, Phase 1 would be completed by circa 2027 with a further 280 by

2030 (within the period of the current Local Plan). Delivery is based upon an annual completion rate of 80 dwellings per year, which may be optimistic but not unrealistic. It is therefore considered that the applicant has provided a reasonable justification for allowing an extended timeframe for the submission of Reserved Matters. Whilst acknowledging the implications for the five year supply, this needs to rely on 'clear evidence' of deliverability. It is therefore recommended that any application for the approval of the reserved matters for the first phase be made not later than 3 years from the date of this permission and an application for approval of the reserved matters for the second phases be made not later than 5 years from the date of this permission and all other phases within 7 years.

11.0 EDUCATION PROVISION

11.1 The impact of the development upon schools in the catchment area has been fully considered in the course of this application. All community and controlled schools have a defined Priority Admission Area (PAA). It has this name because children living there normally have priority for admission over children who live elsewhere. For this site, the following schools form the PAA:

- Oak CE Primary School (Junior)
- Beaumont Primary School
- Moor End Academy (Secondary).

11.2 These schools would also be the closest in distance to the site as follows:

- Oak CE Primary School – approximately 0.9 miles
- Beaumont – approximately 1 mile
- Moor End Academy (Secondary) – approximately 1 mile.

These distances are all walkable or accessible by bicycle.

11.3 Turning to capacity, forecasts of education capacity are only available up to 2024/25 and it is acknowledged that the build-out rate for the Black Cat site is likely to be longer, as detailed above. Nevertheless, in terms of primary and secondary provision, school admission numbers within the PAA are forecast as follows:

Primary Provision

School	Net Capacity	Current Role Nos.	20/21	21/22	22/23	23/24	24/25
Beaumont	630	256	346	436	526	564	592
Oak CE PS	945	756	738	718	701	726	765

Secondary Provision

School	Net Capacity	Current Role Nos.	20/21	21/22	22/23	23/24	24/25
Moor End	1000	988	969	994	997	999	1000

- 11.4 Based upon delivering up to 770 dwellings, it is estimated that the development would generate the following number of school places – 160 primary school places and 77 secondary school places.
- 11.5 As set out above, at primary school level, both Beaumont and Oak Primary Schools would have the capacity to accommodate the projected numbers without the need to fund additional places.
- 11.6 Turning to secondary provision, an additional 77 places would be required at Moor End to accommodate projected numbers. This is the basis upon which the required education contribution of £1,312,020 has been calculated, which would be secured via a S106 contribution.
- 11.7 It is acknowledged that parents can express a preference for any school. However, this does not automatically mean they can secure a place at their preferred school. They do, however, have priority for at least one primary school and one secondary school wherever they live in Kirklees.
- 11.8 In this regard, it is recognised that the development is close to the border of Colne Valley High School's PAA and neighbouring primary schools include Linthwaite Clough J I & EY, Linthwaite Ardron CE (VA) J & I and Woodside Green, A SHARE Academy. However, Education Services confirm that currently, there is very little pupil movement from the Beaumont Primary Academy / Oak CE Primary School and Moor End Academy PAAs toward the Colne Valley and Linthwaite area.
- 11.9 Furthermore, it is not feasible within either the scope of a planning application or the education planning process to predict precisely how many children may travel outside the PAA. Developments can obviously take some years before they commence and then take a number of years to complete. This means there may be significant changes between the approval of planning permission and the point where the development starts, which then has an impact on local education places. Local spare capacity is used before investment is made to expand school places.
- 11.10 It is for this reason that flexibility is sought within the Section 106 to those schools within the geographical vicinity of the application site rather than named schools. This is considered to satisfy the requirements of Policy LP49 of the Kirklees Local Plan, which advises, amongst other matters that where the scale of development proposed may impact on education provision, the need for the provision of additional school places will be a material consideration when proposals for new housing development are considered.

12.0 RESPONSE TO REPRESENTATIONS

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

Highways

The siting of the entrance will not be suitable. Blackmoorfoot Road is a 30mph speed limited road until a point beyond the left turn onto Sands House Lane.

Response: The safety of the access has been fully assessed by the Council's Highways Officer.

The traffic numbers quoted are from 2017. This is over 3 years old and traffic has got busier each year on Blackmoorfoot Road. Therefore, these figures are not reliable.

Response: The traffic survey base flows have been recorded in 2017 and an accepted 'growth factor' has been provided for the future years 2022 and 2031. This assumes the increase of traffic on the network, including the associated trips generated from this development. This has been assessed and mitigation measures are proposed as outlined in the report.

The only main bus route is currently the 328 and this only goes as far up as Balmoral Avenue. How will people without a car (especially older people) manage to get another quarter/half a mile or so up to the estate?

Response: Accessibility and proximity to bus services is fully set out in the report.

The main pedestrian/cycling spine route across the site should be linked to Quarry Road, Crosland Hill Road and Tom Lane, and this should be a designated route, with an appropriate crossing at Dryclough Road, the route to two schools.

Response: There are existing pedestrian crossing facilities on Blackmoorfoot Road in the form of a Zebra crossing at the junction of Tom Lane and a traffic island below Gramfield Road. This would provide a link from the development to local schools.

The development should include a high quality pedestrian/cycle path within the northern boundary of the site to link with Felks Stile Road, also an important route to Colne Valley High School and primary schools in Linthwaite;

Response: A pedestrian connection to Felks Stile Road would be secured as part of the layout to be determined at Reserved Matters stage.

The application includes inaccuracies and fails to mention the Methodist church where the consultation events were held is now earmarked for development and that in the LDP Lowdham leisure is allocated for housing circa 148 homes and land on Thewlis lane is allocated for 450 homes, all of which will place a burden on a road;

Response: The cumulative impact of development has been fully assessed as set out in the report.

Design

It is imperative that the correct stipulations are made regarding materials to be used, St Luke's Hospital site are building new houses in brick in a predominantly stone built housing area.

Response: This will be considered at Reserved Matters stage when a future application for the appearance of the dwellings is forthcoming.

All dwellings should be carbon neutral.

Response: The Government does not presently require housebuilders to build zero carbon homes at this time. It would be strongly encouraged by the Council at Reserved Matters stage and it is intended that a Climate Change Statement be required to support a Reserved Matters application to demonstrate how the development would incorporate measures to promote carbon reduction and enhance resilience to climate change.

General

Reduced property values in the area.

Response: The effect of development on the value of existing properties is not a material planning consideration. This has been long established in case law.

If plans are passed and then work is then divided amongst several house builders what controls will the Council put in place to ensure the original plans are maintained?

Response: The Council will impose conditions to ensure an appropriate quality of development and development in accordance with approved plans and these conditions can be enforced through the planning process in the event of non-compliance with approved plans.

A report on the proposed works suggests that vibro compaction will be used on the site. This can have serious impact on foundations of neighbouring properties.

Response: No evidence has been submitted in this regard and any impact on an individual property would be a private civil matter between landowners.

Support some level of housing on this site, however the number of houses planned for this area seems extortionate, when taking into consideration the local infrastructure in this area.

Response: The provision of 700 homes is consistent with the Local Plan. This scheme would deliver up to 770 (including 70 extra care units). It would nonetheless represent the efficient use of land, which is supported by both local and national planning policy and the impact of this number of dwellings has been fully assessed as part of this application. The actual number of houses will, nevertheless, be determined at Reserved Matters stage when an application is sought for the housing layout.

A not for profit community waste company proposes the introduction of community waste and recycling facilities as a prerequisite for this site of 770 dwellings. Communal containers, located conveniently to serve clusters of 4 - 8 dwellings could be planned for the collection of three streams at least: source separated recyclable materials (green bin), food waste (new council obligation, destined for anaerobic digestion) and green waste (brown bin). This will make better sense for the Council once segregated food waste collections are introduced, as outlined in the draft National Waste Strategy.

Response: This would be a matter for a future developer to consider.

Living Conditions

Concerned about the level of noise and disturbance this will cause. The site could be under development for years.

Response: Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts) are not a material consideration. However, the concern is understood and a Construction Management Plan would be sought to establish the approach to be taken to management future construction works having regard to the living conditions of adjoining occupiers.

The site boundaries are too close to existing properties on Greystone and Mason Court. Consideration must be given to move the boundaries further away so that privacy of existing properties are not disturbed.

Response: The boundary of the site is the extent of the applicant's ownership. The privacy of adjoining occupiers can only be determined when the layout of any houses is put forward at Reserved Matters stage.

Loss of sunlight and daylight

Response: Layout does not form part of the assessment of this application and as a result, any overbearing impact on adjoining occupiers cannot be determined at this stage.

Local residents are concerned that people may not use the official access points to the site and instead climb over the walls on 2 Greystone & Mason Court to gain access.

Response: The provision of suitable pedestrian routes and connections through the site and to the surrounding area will be fully considered at Reserved Matters stage.

Ground conditions

There is gun powder and asbestos buried on the site – the residents were told the land could never be built on.

Response: The Council's Environmental Health Officer is satisfied that the site can be suitably remediated to allow building to proceed.

Landscape and Bio-diversity

The development will destroy the wildlife on the site and it involves the loss of mature trees.

Response: There will be some loss of trees across the site and some loss of wildlife in the short-term as a result. However, as detailed in the report, the Council will seek to achieve a Bio-diversity Net Gain of 10% across the site as the development comes forward. A full and detailed landscape scheme will also be required at Reserved Matters stage to mitigate for the loss of existing tree planting within the site.

Infrastructure

Schools, doctors, dentists are all full and proposing a possible 'doctors' seems to be a gesture to satisfying Kirklees rather than a factual proposal. The developer has no responsibility to provide or ensure that the proposed doctor's surgery is provided and therefore should be discounted during any approval consideration.

Response: The provision of health facilities falls within the remit of NHS England. The Local Plan through site allocations cannot allocate land specifically for health facilities because providers plan for their own operating needs and local demand. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours. Whilst the concern is understood, it is not a matter that can be addressed by the planning system. Nevertheless, there is the opportunity within these scheme in terms of land provision for a doctor's surgery to be constructed if the demand existed.

Drainage

There will be more concrete and tarmac so where will all the water (rain) go? The drains aren't cleaned out and when it rains they overflow. The environmental impact of the increased hard surfaces, increased drainage and increased pressure on the existing natural drainage which has been assessed for the proposed development but how will this affect the existing residents which are further down the hill compared to the development?

Response: The applicant has submitted a drainage strategy, which is considered to be acceptable by the Lead Local Flood Authority. Further information will be required through detailed planning conditions prior to the commencement of development to ensure that the drainage is acceptable within the site and it does not result in flooding issues elsewhere, as required by both local and national planning policy.

Heritage

This number of dwellings will irreparably damage the character of Crosland hill and forever change the setting of the grade II* listed buildings that have been there for hundreds of years.

Response: The impact on heritage assets is fully considered in the report.

Huddersfield Civic Society comments

How do the Council ensure that community facilities and the affordable housing remain intact throughout the process from outline planning approval to delivery?

Response: Affordable housing will be secured through the S106 Legal Agreement. The community facilities will be subject to demand and unfortunately, cannot be categorically secured through the outline planning process in the event that there is no demand for such facilities. It is considered that it would be more detrimental to construct a facility that would remain empty or unused/unmanaged. The application does, at least, include that scope for a community building to be included at Reserved Matters stage or the opportunity for other types of community facilities e.g. allotments, well-designed communal green space.

There are three phases of development but the developer should be mandated to undertake the required land decontamination work across the full site at an early stage. The whole site must be effectively remediated.

Response: The whole site will be subject to a remediation strategy, to be secured by condition to ensure that decontamination is undertaken appropriately and safely.

The provisions for a primary school on the site or in close proximity in Crosland Hill should be part of the infrastructure requirements of this level of growth in edge of town housing. The school places assessment suggests there will be sufficient primary places but inadequate secondary places. With developments of this scale we would suggest that there is a requirement for a primary school onsite in Crosland Hill to avoid the combination of developments in the ward resulting in an absence of nursery and primary school places in close proximity.

Response: As highlighted, the Council's Education Service do not identify any demand for primary places as there is capacity within both Beaumont Primary Academy and Oak CE Primary at the present time and moving forward. Consequently, a requirement for an on-site Primary School could not be justified.

The travel plan as written is very detailed but it appears to exist in a world that most residents in the neighbourhood would not recognise as reality in 2020. Neither does it provide a plan fit for a development that could be completed in 2030, when, as part of a low carbon economy, there may be a shift away from car use towards active travel, greater use of public transport and putting more emphasis on home working.

Response: A further Travel Plan will be required by condition moving forward to take account of any changing conditions.

For this development to go ahead with the anticipated additional traffic generation, improved facilities for pedestrians (i.e. better footways) and in some case (e.g. Felks Stile Road) the introduction of footways on or adjacent to roads (with possible cycle ways as well) that will be heavily used by pedestrians (and cyclists) should be required.

Response: The rural nature of the existing roads typically preclude the provision of separate cycling facilities around the site. Pedestrian connections have been considered from within the site to existing local services and facilities, which would be likely to be the main attractors for pedestrian movement.

There is also a need for increased or rerouted bus services to serve the site. Access to bus services would be preferable on the site, albeit at the entrances, so as to make travelling by bus and carrying shopping from bus to residence a practical alternative to car travel.

Response: This is addressed in the report.

There are some specific inadequacies in the transport plan. A roundabout at the junction of Sands House Lane would help to reduce speeds and manage the traffic in Blackmoorfoot Road and could form the entrance to the site.

Response: The highway impact of the proposal is addressed in the report above.

The proposal should adopt a low cost Low Traffic Neighbourhoods (LTN) (see Gear change: a bold vision for cycling and walking Dept. for Transport 27 July 2020). LTNs would effectively reduce or halt the through traffic (rat runs) by use of road closures, introduction of one-way traffic and reduction of road space that encourage walking, cycling and improve road safety.

Response: The Design and Access Statement has been amended to say that consideration will be given to the opportunity for Low Traffic Neighbourhoods at the Reserved Matters stage. This opportunity can be reviewed on submission of layout as a Reserved Matter.

S.106 funding be allocated for consultation on Low Traffic Neighbourhoods in the following areas close to the proposed development: Crosland Hill; Balmoral Road/Butternab Road; Dryclough Woodside Moor End (with schools) and Beaumont Park (with Friends of Beaumont Park).

Response: It is not considered that such a contribution would meet the tests set out in the NPPF for planning obligations, namely, being necessary to make the development acceptable in planning terms and directly related to the development.

To protect existing roads nearby used for walking and cycling we suggest that Quiet Lane status be designated to Heath Lane (Blackmoorfoot to School Lane) and that Thewlis Lane/Nether Moor Road is protected from traffic (after the Johnson's Quarry entrance) with introduction of a "No Motor Vehicles, Except for Access"

Response: Given the nature of Thewlis Lane/Nether Moor Road, it is considered that this development will not have a significant impact in terms of additional traffic generation. To implement such an order requires a separate legal process, which is not guaranteed to be approved should any objections be made. In addition, it is considered that enforcement of such measures at this location would be impractical. Heath Road is not considered to be of such that would have any material benefit from implementing such a status, with again a separate lengthy legal process required for its justification.

The orientation of buildings is something that other housing estates are now addressing at the earliest stages so that solar gain is increased (winter) and reduced (summer). However, to achieve the best results, the design of the properties needs to take into consideration the layout of the estates.

Response: This would be considered as part of any future Reserved Matters submission pursuant to the site layout.

Energy for electricity, heating and cooling is an important aspect of decarbonising the district. This can be done on a house by house basis or as community energy.

Response: A condition is proposed requiring the submission of a climate change statement to demonstrate how the development would incorporate measures to promote carbon reduction and enhance resilience to climate change.

HCS Considers ONLY access matters at this stage, as per the applicant's request.

Response: As confirmed in the report, this application is submitted in outline with only means of access into the site to be determined at this stage.

HCS recommend that the Committee defers consideration of all remaining matters to a future, more complete, application.

Response: It is not a question of deferring a consideration of the outstanding Reserved Matters. Rather, the applicant is not seeking for those matters to be determined at this stage and as such, they do not form part of the consideration of this application.

HCS recommend that the Committee does not delegate to officers the many key matters which are critical to the success of a future new community here and its impacts on existing neighbourhoods.

Response: For a development of this scale, it is anticipated that any Reserved Matters application would be brought back to a Strategic Committee for determination in any event.

Only a future application will be able to address the many real needs to create a new community in Crosland Hill, along with several other sites in close proximity designated for housing.

Response: The importance of place-making is understood and it will be fully considered at Reserved Matters stage. 4

This application raises key issues for Kirklees Council in the challenge of meeting local and national targets for housing, transport, energy, air quality and many other standards.

Response: It is considered that these matters are addressed in the report.

13.0 PLANNING OBLIGATIONS

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

1) Affordable housing – 20% provision with a tenure split of 55% social or affordable rent to 45% intermediate housing

2) Open space – On-site provision to be assessed at Reserved Matters stage and to include any off-site contribution to address shortfalls in specific open space typologies.

3) Education – Contribution of up to £1,312,000 based on 770 dwellings. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.

4) Highway improvements – Up to £552,980 towards the Longroyd Bridge Junction Improvement scheme – based on 770 dwellings.

5) Sustainable transport – Measures to the value of £397,000 to encourage the use of sustainable modes of transport, implementation of a Travel Plan and £15,000 towards Travel Plan monitoring, the provision of 2 new bus shelters within the vicinity of the site with Real Time information displays (23K per stop) and the potential to include for 2 bus stop poles within the site at Reserved Matters stage (£500 per stop).

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

8) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain in the event that it cannot be delivered on site.

9) Air quality – Contribution (amount to be confirmed) up to the estimated damage cost to be spent on air quality improvement projects within the locality.

- 13.2 The requirement for an obligation to retain 20% affordable housing of the split proposed (unless otherwise agreed) in perpetuity in accordance with KLP Policy LP11 and with regard to off-site open space in accordance with Policy LP63 is set out in the report above.
- 13.3 The contribution towards education is sought having regard to the requirements of Policy LP49 of the KLP. The policy states, amongst other matters, that the need for the provision of additional school places will be a material consideration when proposals for new housing development are considered. It states that developers should work with the council at the earliest opportunity to ensure the phasing of development and appropriate mitigation is identified in a timely manner to ensure education provision can be secured. The contribution has been determined in accordance with the Council's policy and guidance note on providing for education needs generated by new housing. This confirms that The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. Contributions will only be sought where the new housing will generate a need which cannot be met by existing local facilities. This is determined through examination of current and forecast school rolls of relevant primary and secondary schools at that time, their accommodation capacities and consideration of the type of housing to be provided. This ensures a consistent approach to securing the education contribution within the planning application process.
- 13.4 The contribution towards improvements to Longroyd Bridge is consistent with the objectives of Policy LP4 of the KLP. This policy confirms that essential infrastructure is defined as infrastructure that is required to make development acceptable in planning terms. It confirms that new development should contribute to the provision of infrastructure, taking account of local and strategic needs and financial viability and that this may be achieved on-site or off-site through planning conditions or legal agreements as in this case. The contribution to a sustainable travel fund will meet the objective of encouraging sustainable modes of travel required by Policy LP20.
- 13.5 The introduction of maintenance and management clauses within the S106 will secure the long-term maintenance and management of the specific elements of the scheme to meet the specific policy objectives to which they refer.
- 13.6 Finally, the heads of terms in relation to biodiversity will ensure that the site meet its net gain requirements and to accord with the objectives of Policy LP30. Similarly, the requirement for a monetary cost damage calculation is in accordance with the West Yorkshire Low Emission Strategy -Technical Planning Guidance and to comply with the requirements of Policy LP51.
- 13.7 For these reasons, these contributions are necessary to make the development acceptable in planning terms, directly related to, and fairly and reasonably related in scale and kind to the development. The contributions therefore conform to guidance within the Framework.

14.0 CONCLUSION

- 14.1 This application seeks outline planning permission for the development of the Black Cat site for up to 770 dwellings including 70 care apartments. It also includes the potential to provide a doctor's surgery of up to 350m² as well as small unit of up to 500m² for a potential variety of centre type uses, including retail (Use Class A1) financial and process services (A2); food and drink (Use Class A3), drinking establishments (Use Class A4), a hot food take-away (Use Class A5) or a non-residential institution (Use Class D1) – or a combination of these. It is submitted with all matters except access into the site reserved.
- 14.2 As a local plan site allocation, the principle of residential development is clearly appropriate and the provision of a small local centre and/or community facility/doctors surgery will support future residents subject to demand. Sufficient information has also been submitted with this application to demonstrate that an acceptable means of access into the site from Blackmoorfoot Road and Felks Stile Road can be achieved. The cumulative impact of this proposal, having regard to both existing and committed sites has also been fully assessed and deemed acceptable subject to the mitigation measures set out in this report.
- 14.3 A full assessment of technical matters pursuant to the development of this site has also been carried out, including drainage, remediation, lighting, air quality, landscape and biodiversity have all been satisfactorily addressed at this outline stage and can be appropriately conditioned. It has also been determined that the future submission of the Reserved Matters of layout, scale, appearance and landscaping are capable of delivering a high quality development that meets the Council's place making aspirations.
- 14.4 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 sustainable development and accordingly, it is recommended for approval.

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

1. Application for approval of the reserved matters for the first phase of development not later than 3 years from the date of this permission. Application for approval of the reserved matters for Phase 2 not later than 5 years from the date of this permission and all remaining Phases not later than 7 years from the date of this permission.
2. Development to begin not later than, whichever is the later of the following dates - the expiration of 2 years from the date of approval of the last reserved matters application for the first phase or before the expiration of 5 years from the date of this permission.
3. Details of the reserved matters for each phase before that phase commences.

4. Construction of the accesses into the site in accordance with the approved plans.
5. Development of the Reserved Matters in broad accordance with the Design and Access Statement up to a maximum of 770 dwellings, including up to 70 care apartments.
6. Submission of a Phasing Plan.
7. Submission of a Construction Environment Management Plan (CEMP).
8. Details of off-site highway improvements (to include the relocation of the 30mph sign).
9. Provision of visibility splays in accordance with the approved plans.
10. Details of the junction and associated highway works, between the proposed estate road(s) and Blackmoorfoot Road/Felks Stile Road.
11. Full Travel Plan.
12. Method for collection and storage of waste.
13. Details of temporary waste collection.
14. Closure of redundant accesses.
15. Highways condition survey.
16. Details of retaining walls/structures adjacent to the adoptable highway.
17. Submission of details relating to internal adoptable roads.
18. Details of surface water drainage works including the means of restricting the discharge for the relevant area of the site to the public sewer network at a maximum rate of 27 (twenty seven) litres per second.
19. Separate systems of drainage for foul and surface water.
20. Details of the proposed means of disposal of foul water drainage for the whole site.
21. Petrol, oil and grease interceptors for large parking areas.
22. No development to take place/commence until a written scheme of archaeological investigation (WSI) has been submitted and approved.
23. Submission of an Ecological Design Strategy.
24. Requirement to achieve a Bio-diversity Net Gain.
25. Landscape and Ecological Management Plan (LEMP).
26. Lighting Design Strategy for Bio-diversity.
27. Air Quality Impact Assessment prior to the submission of the each phase of Reserved Matters.
28. Dust mitigation measures for each phase.
29. Electric Vehicle Charging Points for each phase.
30. Submission of a Phase 2 Intrusive Site Investigation Report.
31. Submission of Remediation Strategy.
32. Implementation of the Remediation Strategy.
33. Submission of Validation Report.
34. Noise assessment where ventilation required.
35. Details of external artificial lighting.
36. Tree Protection measures.
37. Details of crime prevention measures in accordance with guidance from WY Police.
38. Finished site levels (including existing and proposed cross-sections).
39. Implementation of noise mitigation measures.
32. Submission of a ventilation scheme for habitable rooms.
33. Details of noise from fixed plant and equipment.

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92546>

Certificate of Ownership – Certificate B signed – notice served on site owner.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 01-Jul-2021

Subject: Planning Application 2019/90902 Outline application for the demolition of 1no. dwelling and erection of 98no. dwellings with consideration for access landscaping and layout rear of, 271, Cliffe Lane, Gomersal, Cleckheaton, BD19 4SB

APPLICANT

Richard Morton, KCS
Development Ltd

DATE VALID

19-Mar-2019

TARGET DATE

18-Jun-2019

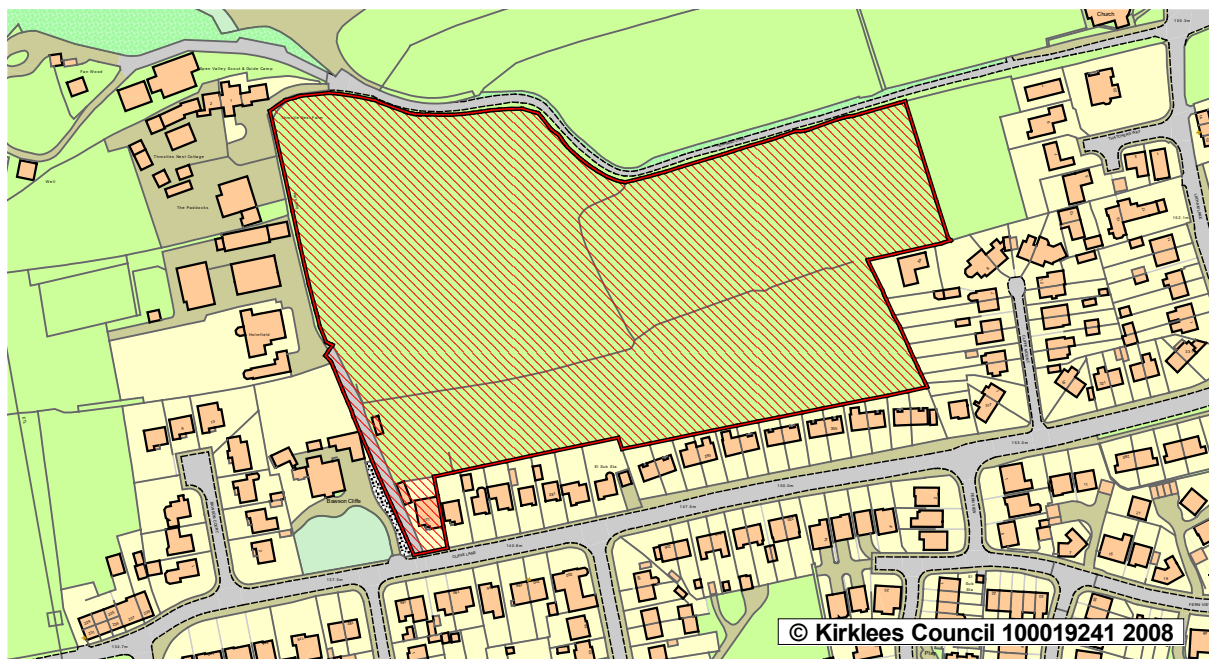
EXTENSION EXPIRY DATE

29-Jan-2021

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Liversidge & Gomersal

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Refuse planning permission for the following reason:

1. In the absence of a completed Section 106 agreement the development fails to provide for affordable housing, education, public open space, landscape maintenance and management, sustainable travel, flood risk and drainage management and maintenance. Without such contributions, the proposal would fail to accord with Policies LP4, LP11, LP20, LP21, LP27, LP28, LP32 and LP63 of the Kirklees Local Plan as well as Chapters 4, 5, 9, 14 and 15 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This is an application for outline planning permission, with all matters reserved (other than access, landscaping and layout), for residential development.
- 1.2 The application is presented to the Strategic Planning Committee as the proposed development is likely to involve more than 60 residential units. This is in accordance with the Council's Scheme of Delegation.
- 1.3 The application was presented to the Strategic Planning Committee on 19th December 2019 to delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Secure the signing of a section 106 Agreement to secure the provision of: Public open space provisions including off site commuted sum (£117,596.00) and future maintenance and management responsibilities of open space within the site.

*Implementation and maintenance of offsite drainage works.
Maintenance and management responsibilities of drainage (including pumping station) within the site, until adoption.*

Contribution towards the provision of bus shelters at bus stops 23726 and 15480 (£26,000), a residential travel plan fund (£49,049.00) and Travel Plan Monitoring Fee, consisting of five payments of £2,000 (£10,000.00).

20% (i.e. 20 dwellings) of total number of dwellings (i.e. 98 dwellings) to be affordable, with a tenure split of 50% (i.e. 10 dwellings) "affordable rented" and 50% (i.e. 10 dwellings) to be "intermediate dwellings."

£262,948 towards Education requirements arising from the development, including:

Primary Provision – Gomersal Primary (£26,946) and Gomersal St Mary’s (£62,247) = £89,193

Secondary Provision – Whitcliffe Mount = £173,754

Implementation of the Phasing Plan

2. Complete the list of conditions including those contained in this report and issue the decision notice.

1.4 Committee members resolved that authority be delegated to the Head of Planning and Development to approve the application and issue the decision notice, completed the list of conditions and secure the signing of the section 106 agreement.

1.5 Since committee the following have taken place:

- Amended documents and plans have been provided to include and correspond with the site layout plan that was presented to committee.
- In accordance, with paragraph 54 of the National Planning Policy Framework it was agreed that the phasing plan should be secured by planning condition rather than planning obligation.
- Agreement of the planning obligations to be included in the draft section 106 agreement to secure the planning obligations outlined in paragraph 1.3.
- Agreement of the planning conditions outlined in section 11.

1.6 However, the applicant has failed to complete and sign the Section 106 agreement within the 3 months of the date of the Committee’s resolution and has failed to meet subsequent deadlines set by officers. On 12th May 2021 the Head of Planning and Development had agreed that if the Section 106 agreement was not signed and received by the council by Friday 18th June 2021 then the planning application will be presented to the next available planning committee with a recommendation for refusal, which is now the case. This approach is consistent with NPPF paragraph 54 which seeks *“Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”*

2.0 SITE AND SURROUNDINGS:

2.1 The application site is 3.60 hectares (8.90 acres) in size and is part of a site allocated for housing in the Local Plan (site allocation ref: HS116).

2.2 The site consists of detached dwelling plot 271 Cliffe Lane and several irregular size fields, currently used for grazing. There are no significant buildings that exist within the field boundaries, although there are some small structures to the north east and south west. The fields are divided from one another by either timber posts wire fencing, or trees and unkempt field hedgerows. Field hedgerows, trees and timber fencing denote the site from Ferrand Lane/Cliffe Lane, which runs along the site’s northern and western boundaries and are rural routes, designated as a public footpath (Reference SPE/56/10).

- 2.3 Within and around the edge of the site can be found several tree preservation orders. Two tree preservation orders exist at 271 Cliffe Lane, (Reference: SP2/70/t25 and SP2/70/t26) however, they have been historically removed. Several tree preservation orders have been issued since the submission of this application, and can be found at the centre (Reference: 08/19/t4) and along the northern (Reference: 08/19/t1 and 08/19/t2) and north western parameters (Reference: 08/19/t3 and 08/19/g1) of the site.
- 2.4 The site slopes downhill from south east to north west. Its south east corner adjacent to properties associated with Cliffe Mount is approximately 150m Above Ordnance Datum (AOD) and its north western corner near to Spen Valley Scout and Guide Camp is approximately 130m AOD. There are some small variations in levels throughout the site, particularly towards the centre.
- 2.5 Majority of the site is greenfield, found on the north western edge of Gomersal. To the north is very much open countryside. Properties that adjoin the site's boundary consist of those associated with either Cliffe Lane to the west and south and Cliffe Mount to the east.
- 2.6 Further afield, Gomersal Conservation Area can be found immediately to the north east of the site, together with the grade II listed Gomersal Methodist Church. The site has some landscape sensitivity resulting from its location, with wider, open views to and from the north from the surrounding public footpath network.
- 2.7 Part of the application site is within a Development High Risk Area as defined by the Coal Authority

3.0 PROPOSAL:

- 3.1 Outline planning permission (with details of access, landscaping and layout) is sought for residential development of the site. Dwelling no. 271 Cliffe Lane is proposed to be demolished to facilitate the site's single vehicular access with Cliffe Lane. The route of the public footpath that runs along the site's northern and western boundaries (Reference SPE/56/10) would remain unaffected. However, there would be a number of design changes to the public footpath at the entrance to Cliffe Lane and there would be a new footpath link between the site and Ferrand Lane to the north east. Also, a new potential access to a smaller field to the north east, which forms part of the same site allocation has been proposed.
- 3.2 The proposed layout shows 98 dwelling units arranged around an estate, loop road arrangement. The proposed design of roads consist of a standard carriageway design with footways and visitor parking, shared surface treatments and private driveways. The proposed scale and appearance of these houses are reserved matters. However, the layout and schedule of accommodation shows a mixture of terrace, semi-detached and detached housing typologies, some with garages. Each dwelling house would have curtilage car parking and a private amenity space. The proposed layout also shows the location of a substation.

3.3 Landscaping is proposed as part of the application and details have been submitted which shows the proposed different public open space (POS) typologies. The location of the proposed POS takes into account the site constraints, such as protected trees, mining shafts and the rural setting of the adjacent public footpath, Gomersal conservation area and listed buildings. The POS also provides the necessary space for the attenuation pond and pumping station.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None relevant.

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

5.1 Written pre-application advice (ref: 2017/20254) was provided on 25th October 2017 with regards to an enquiry for 135 dwelling houses. At the time of the enquiry officers were unable to support the principle of residential development as it was designated as a green belt site and the Local Plan had yet to be adopted. However, advice was still provided regarding highways, layout and design, ecology and trees, contributions and environmental matters.

5.2 Since the submission of the planning application, extensive negotiation has taken place between the applicant and officers regarding policies LP5, LP7, LP11, LP24 and Site HS116 of the Local Plan, with regards to housing density, mix and type of accommodation as well as the relationship with the adjoining land also within the same site allocation. As a result the applicant revised the planning application and increased the number of proposed dwellings from 92 to 98, as well as provided additional information justifying the proposal. Also, a site layout plan has now been provided that shows an access road up to the application site's north eastern boundary that would enable access to be provided for the adjoining site that is within the same site allocation.

5.3 Discussions have taken place between officers and the agent regarding the proposed relationship between dwellings and the central Public Open Space; the provision of an access point with the adjacent land in the same allocation; reducing the visual dominance of the parked car and the incorporation of 'green street principles.'

5.4 The Coal Authority initially objected to the planning application seeking further intrusive site investigations. These investigations have now been carried out and the site layout has been amended, accordingly to the satisfaction of the Coal Authority.

5.5 Negotiations have taken place between the Highway Authority and the applicant's Highways Consultant regarding parking requirements, bin storage and collection points as well as carriageway design. These matters have now all been resolved with the revision of the site layout.

- 5.6 The Lead Local Flood Authority initially submitted a holding objection citing lack of a condition survey of the existing drainage assets towards Ferrand Lane and lack of confirmation (from Yorkshire Water) about the feasibility of adopting the sewer asset. Subsequent negotiations took place between the Lead Local Flood Authority and the applicant's drainage consultant regarding the drainage solution on the site, and this has been satisfactorily resolved and can be appropriately conditioned.
- 5.7 The council's Public Rights of Way officer raised concerns regarding the proposal's relationship with the public footpath (SPEN 56/10), adjacent to the Holmfield access track and the properties to the west. The public footpath (SPEN 56/10) continues along Ferrand Lane to the north of the site and emerges onto Latham Lane to the north-east. Subsequent amendments have been made to the boundary treatments to the public footpath to address these concerns. Additionally, it was agreed with the officer that further details can be secured by condition.
- 5.8 Since the planning application was presented to planning committee extensive negotiations have taken place between the applicant and officers regarding the drafting of the planning conditions and planning obligations. Officers have set several deadlines to bring the application to a successful conclusion but all of these deadlines have not been met with regards to receipt of a signed S106 Agreement.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

- 6.2 The site is allocated for housing in the Local Plan (site allocation ref: HS116).
- 6.3 Relevant policies are:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP4 – Providing infrastructure
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP11 – Housing mix and affordable housing
LP20 – Sustainable travel
LP21 – Highway safety 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
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space
- LP65 – Housing allocations

Supplementary Planning Guidance / Documents:

6.4 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Strategic Housing Market Assessment (2016)
- Highways Design Guide Supplementary Planning Document (2019)
- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy (2016)

National Planning Policy and Guidance:

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

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

6.6 Other relevant national guidance includes:

- Planning Practice Guidance for England (First published in 2014)
- Technical housing standards – nationally described space standard (First published in 2015)
- National design guide (2019)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised via site notices, a press notice, and letters delivered to addresses abutting the application site. The application was advertised as a major development, a development affecting a Public Right of Way and a development affecting the setting of a listed building and a conservation area. This is in line with the council's adopted Statement of Community Involvement. Amended plans and documentation along with the change in description, in response to consultation has resulted in another round of publicity, with the end date being 29th November 2019.

7.2 106 representations were received in response to the council's first round of public consultation, which ended on 7th May 2019. Redacted versions of these representations have been posted online. All representations raised objections to the proposed development. The following is a summary of the points raised:

- Loss of a green area/natural environment/rural good quality grazing fields/countryside/green belt/separation between settlements.
- Many home owners purchased their homes for the landscape and views, which this development will impact.
- Local village character, landscape and visual impact.
- Brownfield sites should be developed first.
- The housing needs figures should be re-examined as unsound population estimates have been used in the forecasting of housing figure targets.
- Impact on house prices.
- Gomersal and the locality has already had a number of residential developments.
- Adverse impact on quality of life and an unacceptable health impact on local residents.
- Unacceptable impact on existing neighbouring residential amenity, particularly the neighbouring bungalows with small gardens – Overshadowing, loss of light, view/outlook and privacy.
- For such a large development there should be more than one access point.
- Unacceptable severe impact on traffic flows and highway safety particularly at peak times on Cliffe Lane and the surrounding road network which consist of narrow carriageways and footways, sharp bends, parked cars, speeding and rat running.
- Exacerbate an existing issue with Heavy Goods Vehicles travelling to/from the nearby businesses.
- The proposed sight lines for cars exiting from the proposed new development would make it very difficult to join the main road due to the height of the wall to the adjacent large house (Bawson Cliffe).
- Inadequate local road infrastructure, including Cliffe Lane and access for construction traffic and machinery.
- Junction improvements are required in the locality to facilitate a potential increase in traffic.
- Noise, dust, disturbance and air quality implications, particularly along Cliffe Lane and Ferrand Lane.

- Unacceptable impact on residential amenity during construction.
- Impacts associated with contractor's parking during construction.
- Consideration has not been given in terms of vehicle and movements to and from Fanwood scouts camp and Throstle Nest Farm, particularly at weekends when the camp is busier.
- Ferrand Lane should not be used for vehicular traffic any future residential development.
- The planned traffic calming measures will not resolve the existing traffic issues and those associated with the development.
- Ferrand Lane and the public footpath that surrounds the site has numerous pot holes, unlit and is in a poor state of repair. It should benefit from the necessary improvements.
- The development may result in an increase in litter, crime and antisocial behaviour along Ferrand Lane, particularly near to the church graveyard.
- Bus routes have changed and there is an inadequate service.
- The loss of the fields, mature trees and hedgerows will mean the loss of habitats and an adverse impact on wildlife.
- Concern about the proposed design, construction and maintenance of the new public open space and the effect it could have on wildlife and on the Kirklees Wildlife Habitat Network.
- Although the ecological assessment recommends the installation of bird and bat boxes on new houses, housing developers cannot be forced to do this.
- Development will have an adverse affect on the rural setting of the conservation area and listed buildings.
- This development represents overdevelopment which is out of character with the surrounding area.
- Schools are already oversubscribed. Children are being allocated places at Mirfield which is not now covered by a bus service from this area
- Doctors and Dentists do not have the capacity for this level of development and are already oversubscribed.
- Poor and inadequate consultation with local residents at the Local Plan and outline planning application stages.
- The proposal will affect the character of Spen Valley Way.
- It will ruin the local scout camp site which is a facility for the local youth.
- The site has a natural stream and already floods, this development will therefore, increase local flood risk, particularly local watercourses and downstream.
- Concern regarding the proposed balancing tank and/or soak away as these are known to silt up over time.
- The proposal will weaken local house's water pressure which is already weak.

- The flood route plan shows a potential adverse impact on the Fanwood campsite.
- What safeguards will be put in place if the power to the pumping station fails?
- Will there be a link between the pumping station and the proposed gravity fed surface water outlet?
- Will this pumping station have the capacity to take additional flows should the area of the development be extended?
- The easement of the pumping station should be retained wholly within the development site alone.
- The easement of the pumping station should be retained wholly within the development site alone.
- Poor drainage on the site is evident during high rainfall resulting in flooding of field, public footpath and affecting Fan Woods Campsite.
- The scheme contains insufficient details or robust examination of the amount of surface water that will need to be drained from the site.
- Disagree with the proposed surface water discharge strategy and there being any viable, effective, sustainable, watercourse discharging from the gateway at Fanwood to the unnamed beck located on the northern boundary of the Fanwood Scout Campsite. There are also third party land ownership issues required for the proposed drainage strategy.
- A number of properties on Cliffe Lane have land drains under their gardens to prevent flooding and there is a spring at the eastern end of the site which causes water to flow in a stream to the rear of the existing properties – conditions should be imposed to avoid any potential issues.
- The proposal will increase flooding and reduce agricultural footprint of neighbouring farms.
- Coal Authority designate the area as “development high risk,” thus there is a coal mining risk to future residents.
- There is evidence of shallow depth underground mine workings. These seams may require stabilisation by grouting. Again this is why a proper investigation is required before any development commences, rather than rely on a desktop study. This also could lead to subsidence and damage to adjacent properties.
- In the 'Geo environmental Desk Study Report, (5.2)' submitted by the developer, there is reference to unsuitable made ground for foundations, which could lead to significant settlements and that pile driving may be required to achieve an acceptable foundation for some of the properties.
- In the 'Report Conclusion 7', it states that there is risk with contamination of the land. In order to fully assess and classify the risks to human health, a Phased II intrusive investigation, including chemical testing of soils and groundwater and gas monitoring, would be required. Can this be conditioned before development commences?
- Insufficient affordable housing - most of these dwellings will sell for £200k.

- The applicant's Design and Access Statement suggests the use of dwelling houses over 2 storeys which would not be in-keeping with the local character.
- There should be sensitivity to the historical environment and use of natural stone colour rather than red brick would be more appropriate as this would complement the natural surroundings.
- Bungalows should be proposed to accommodate an ageing population.

7.3 29 representations were received in response to the council's second round of public consultation, which ended on 29th November 2019. Redacted versions of these representations have been posted online. All representations raised objections to the proposed development. The following is a summary of the points raised:

- Green belt land that should not be developed and brownfield sites should be developed first.
- Drub Lane will become a primary route for the commuters from the proposal site when travelling to the M62/M606 and should therefore form part of the analysis for the proposal.
- Adverse effect on open views and tranquillity of the countryside.
- Unacceptable impact on the wildlife.
- Detrimental effect on the character of the area.
- Oversubscribed and impact on local amenities including local schools, doctors and dentists.
- There is limited infrastructure to accommodate such an increase in housing in terms of the Environment, Roads and Drainage.
- Issues with coal mining in the area.
- Will the development company or even Kirklees council be taking out extra insurance policy's against further damage to surrounding properties that may be damaged from the ground disturbance from the proposed development?
- Traffic implications, particularly at peak times on Cliffe Lane. The road is narrow and have had many near misses over the years also lorry traffic from the local business.
- Impact on the local and wider strategic road network and road junctions, which is dangerous to pedestrians and school children.
- There is only one vehicular access which could result in over 100 vehicles accessing Cliffe Lane at any one time, which will be particularly an issue at the morning peak at school term.
- The extra traffic to and from the site would add to congestion on narrow roads/lanes with 'hard to get out of ' junctions and sharp bends that have a fair amount of traffic accidents as well as suffer from rat running.
- Gomersal already suffers from flooding events.

- Surface water run-off will go into a stream that will also be used by the Merchant Fields Hunsworth development of 298 houses – this stream can't cope with the amount of water. Who will be liable in the long term for such impacts?
- Lack of necessary parking (particularly for 4 bedroom properties) that could lead to traffic congestion on the roads within the site and consequently pose a threat to the emergency services if access is required.
- The proposed visitor car parking is poorly positioned and inadequate in number.
- The proposed widths of the roads should be clearly stated, particularly at the proposed site entrance.
- The proposed site section drawings would result in an unacceptable impact on Ferrand Lane and goes against the site plans to retain the green landscape.
- Phase 4 contains at least 1, potentially 2 mine shafts. Plans to develop this land will need consultation with the Coal Authority.
- Difficulty in getting off cars off driveways now, which this proposal will exacerbate.
- The lights from the traffic leaving the development will shine directly through existing dwellings front windows.
- 3 / 4 bedroom houses will tower over bungalows with small gardens affecting their outlook and privacy.
- If the plans go ahead no contractors vehicles should be allowed to park on Cliffe Lane in the vicinity of the site or the surrounding streets as this will cause considerable inconvenience to existing residents.
- Recent wet weather has shown the lower corner of the site becomes heavily flooded, and the latest site plans have not addressed this issue.
- Suitability and safety of connecting and using Ferrand Lane, which has no lighting, uneven surface and no bins.
- The church grounds could be a "hang out" spot for youths which could lead to litter, a noise nuisance and antisocial behaviour.
- Depending on the layout and the height of the houses proposed at phase 4 could cause an unacceptable loss of light, overshadowing, overlooking, loss of privacy and effect the efficiency of existing roof solar panels.
- Depending on the design, appearance and materials which the houses are build could create an eye sore as modern brick houses would not fit into the surrounds especially being so close to a listed building.
- There is a listed tree which overhangs onto the phase 4 development, there needs to be assurance that branches would not be cut down / damaged during the building of the houses.
- The proposed access road to Phase 4 would destroy a considerable amount of this hedge classified as a category B hedge and is protected. The loss of the hedge would have an adverse impact on the setting of the

heritage assets and not be in keeping with maintaining the agricultural character of Ferrand Lane.

- The extent of the gas and stability of the shafts and adjacent land should be established to prevent damage to existing properties adjacent to the site. If the Authority are minded to approve this application the developers should as part of the approval take out a substantial bond to cover the cost of any damage to adjacent properties as a result of the development.
- The proposed block of 5 two bedroom houses would have an unacceptable impact in terms of outlook on the existing dwelling houses at Cliffe Lane, residents will feel 'closed in.' The block should be redesigned.
- Another 6 dwelling houses as well as the Phase 4 houses will have a significant impact on local traffic.
- Narrowing the road to accommodate a visibility splay is unacceptable for heavy goods vehicles.
- There is no direct public transport access to any of the out or area schools so this means extra car journeys.
- The report from Yorkshire Water regarding sewage and drainage, was written before the recent severe flooding behind the residence 271 Cliffe Lane. In the light of this event, Yorkshire Water should revise their findings before accepting this plan
- Contradiction of the Planning Inspectors Recommendations for the allocation of site H591.
- Inadequate Drainage.
- Lack of Holistic Assessment of Forthcoming and Committed Developments Sites.
- Lack of Mitigation for Transport Impacts.
- How many households were directly contacted regarding this planning application?
- Any speed survey data held by the Council for the entirety of Cliffe Lane? (including from speed Indicator devices)
- What happens if the pumping station fails due to a power cut or a mechanical fault?
- All of the recommendations suggested in the Geotechnical report should be carried out before planning permission is granted.
- Bus timetables have changed and now there are no direct links to other towns and cities such as Bradford.
- The proposal will have an unacceptable impact on the public rights of way (Spen 56) to the west of the site as it will create a narrow pathway which is dark and enclosed.
- All the houses and bungalows overlooking the green fields will lose their privacy and open views, the erection of fences/hedges will leave us hemmed in.

- There should be flexibility regarding the proposed density to take into consideration the site constraints, particularly the rural character of Ferrand Lane.
- Ransom land was not included within the proposed design when considering the planning application site during the Local Plan Inquiry. The access road should be proposed up to the site boundary with the neighbouring land that is within the site allocation.
- There is no reason why the site cannot fulfil its density requirements.

7.4 Although fewer representations have been received in response to the council's second round of consultation, it is not assumed that those residents who previously objected no longer have concerns.

7.5 Since the previous consultation, amendments have been made to the proposals. These amendments primarily related to the landscape scheme in relation to the PROW and ensuring that the proposed access road is shown up to the site boundary on the site plan. Given the nature of these changes, officers considered that the proposals did not necessitate reconsultation.

7.6 One member of the public has requested that in the absence of a signed section 106 agreement then appropriate action should be taken in accordance with point 3 of the recommendation set out in the planning committee report (19th December 2021).

7.7 Responses to these comments are set out later in this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Natural England – No comments

The Environment Agency - No comments

The Coal Authority – No objection. Recommends further site investigations to inform an appropriate scheme of remediation and treatment for the mine entries. Intrusive site investigations are also required to determine the exact ground conditions and the presence or otherwise of shallow workings beneath the application site. In addition, consideration needs to be given to the risk posed by mine gas to the application site and proposed development.

KC Lead Local Flood Authority - Support the outline application subject to the imposition of drainage related conditions.

KC Highways - No objections subject to the imposition of highway related conditions and appropriate contributions towards sustainable travel measures.

Historic England - Do not offer any comments but recommend that the views of the council's specialist conservation and archaeological advisers give advice on this matter.

Yorkshire Water - No objection in principle to the proposed foul pump rate of 3 (three) litres per second. submitted on drawing 4730-JPG-ZZ-00-DR-D-1400 (revision P07) dated 02.04.2019 prepared by JPG Group.

8.2 **Non-statutory:**

Police Architectural Liaison Officer – Advice provided regarding the proposed dwelling boundary treatments, particularly those adjacent public footpath, along the western boundary. Advice also provided regarding natural surveillance of the proposed public open space as well as the proposed alignment and vegetation associated with the proposed footpath connection in the north east corner.

KC Conservation and Design – No objection. This proposal very much takes on board previous comments at the Local Plan Public Inquiry and the various pre-application meetings. In terms of the impact upon the historic character of the area I am comfortable with the approach especially by moving the development further south from Ferrand Lane

KC Ecology – No objection. After the receipt of a landscape scheme, conditions and obligations are recommended to secure biodiversity net gain, management of the post development habitats, along with other ecological measures specified in the supporting ecological information.

KC Education – Education contribution of £262,948 is required (Gomersal Primary - £26,946; Gomersal St Mary's - £62,247 and Whitcliffe Mount - £173,754).

KC Environmental Health – No objection subject to the imposition of conditions covering:- Submission of an Intrusive Site Investigation Report (Phase II Report), Submission of Remediation Strategy, Implementation of the Remediation Strategy, Submission of Validation Report and Sustainable Transport Conditions. Also, in agreement with the proposed mitigation measures outlined in the ENS Noise Report reference: NIA/6337/15/6195/v3 dated 13/11/2018 to protect occupiers of the proposed development from noise.

KC Landscape – Off-site sum of £117,596 required towards public open space, potentially towards towards the existing equipped Spen Lane Community Play Area or other existing doorstep provision, subject to citizen and Ward member engagement. Further details sought regarding the design and maintenance of the public open space, as well as advice provided regarding bin provision.

KC Planning Policy – Site is allocated in the Local Plan (ref: HS93, previously H218), therefore the principle of residential development at this site has been established. Local Plan sets out a number of constraints and specific considerations. Indicative layout is for 127 dwellings, which represents a density of 36 units per hectare, in line with policy LP7. Policy LP11 applies, and requires 20% affordable housing (although a higher proportion is encouraged), and a mix (in terms of size and tenure) of housing suitable for different household types, which take into account the latest evidence (the 2016 Kirklees Strategic Housing Market Assessment). Policy LP21 applies, particularly parts b and e. Although the proposed development's detailed design and layout would be Reserved Matters, policy LP24 can still inform

the outline proposal – parts a and g are particularly relevant. Policy LP63 requires new housing development to provide or contribute towards new open space. Further advice provided regarding securing the development of the allocation, density requirements and affordable housing.

KC Public Health – There is no objection in principle to the application, however we would like the developer to consider the recommendations submitted by consultees namely - West Yorkshire Police – Crime Prevention, Kirklees Council - Landscape, Ecology, Environmental Health. Also, recommend that seating is included in the public open space to encourage social interaction In line with Policy LP48 of the Kirklees Local Plan

KC Public Rights of Way – Lack of details regarding the footpath (Spenborough 56), setting and treatment. Landscape plan lacks detail of boundaries proposed and location. No response offered on the design of the northwest corner of the site, bearing in mind the obstruction up there. If decision to be issued, a condition requiring submission of a scheme, to be agreed, implemented and retained at appropriate trigger points should be included. This requirement may include works, given the design/layout proposed. Otherwise, PROW would object on current submissions.

KC Strategic Housing – There is significant demand for affordable 3+ bedroom homes in the area. The application proposes a mixture of house types and tenures, which is most welcomed. Affordable homes should be distributed evenly throughout the development and not in clusters, and must be indistinguishable from market housing in terms of both quality and design. Whilst most of the affordable homes are adequately distributed across the proposed development in line with policy, there are 5 affordable rent properties in one single location, which should be further separated if possible. In terms of affordable tenure split, across the district Kirklees works on a split of 55% social or affordable rent to 45% intermediate housing, but this can be flexible. The current proposals comprise 10 affordable rented dwellings and 10 affordable dwellings to be sold, which Strategic Housing welcome.

KC Trees – No objection subject to a future reserved matters application is supported with an arboricultural method statement, in accordance BS 5837, to show how the retained trees will be protected during the construction phase.

Northern Gas Network – No objection.

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

- 8.3 Ward members have been informed of the planning application and have raised a number of queries but have not provided any formal comments on the planning application.

9.0 MAIN ISSUES:

- Principle of development
- Urban design issues
- Residential amenity and quality
- Heritage issues
- Highway issues
- Flood risk and drainage
- Landscape and biodiversity
- Environmental and public health
- Site contamination and stability
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL:

Principle of development

- 10.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The application site was previously green belt land, but is allocated for housing in the Local Plan (site allocation ref: HS116 (previously H591), which relates to a slightly larger 3.87 hectare site). In line with policy LP65 of the Local Plan, full weight can be given to this housing site allocation, which identifies the following constraints relevant to the site:

Constraints

- Improvements to local highway links may be required
- Protected trees adjacent to potential access point on Cliffe Lane
- Site is close to a listed building
- Part/all of the site is within a High Risk Coal Referral area

Other site specific considerations

- Site access must be from Cliffe Lane not Ferrand Lane
- There should be a sensitive approach to the design and landscaping of the site in order to maintain the agricultural character of Ferrand Lane

- 10.4 In addition, the site allocation policy indicates that the entire site allocation has an indicative capacity of 135 dwellings
- 10.5 A resident has questioned the evidence that supported the allocation of the site for residential development, and several residents have argued that brownfield and other land should be developed instead of this site. Allocation of this site and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land. However some release of green belt land was also demonstrated to be necessary in order to meet development needs. Also, it should be noted that the Local Plan Inspector Report (30 January 2019) provided commentary regarding site allocation H591 (as it was then proposed), but did not identify unresolvable constraints that would prevent development coming forward.
- 10.6 During the site allocation process, it was demonstrated that a direct access to the site could be achieved from the existing highway network at Cliffe Lane. The site was considered to be well contained, adjacent to an existing settlement boundaries and that an appropriate design could be achieved to avoid any adverse impacts on the landscape, public rights of way and nearby heritage assets. The site was promoted for development by all of the concerned landowners. Therefore, the application site is part of an accepted Local Plan housing allocation and as such the site has already been robustly assessed as being accessible and in a sustainable location. Thus, the principle of development would accord with the vision and strategic objectives, as well as policy LP1 (Presumption in favour of sustainable development) of the Local Plan.
- 10.7 However, officers' recommendation to accept the principle of residential development at this greenfield site, is not given lightly. If this site is to be released for development, the development's impacts would need to be mitigated, and a high quality development will be expected. These matters are addressed later in this report, and would require further consideration at Reserved Matters stage.

Urban Design issues

Masterplanning

- 10.8 As explained in paragraph 6.23 of the policy justification for policy LP5 of the Local Plan, masterplans are to be submitted where there are multi-plot developments, which may have multiple landowners. Masterplanning is therefore important, to co-ordinate the delivery of infrastructure and to ensure that the place shaping principles and other policy requirements set out in the plan are met.

- 10.9 The site allocation consists of multiple landowners and this planning application does not include the land owner to the north east of the site allocation. The Local Plan Inspector had specifically stated that access for the site allocation should be taken from Cliffe Lane and not Ferrand Lane. The initial site layout plan showed that access would not be able to be achieved with the site to the north east, hence this site would be considered to be undevelopable and contrary to policy LP5 of the Local Plan. This issue was identified during the planning application process and officers encouraged all of the concerned parties to work together in addressing this matter.
- 10.10 Since then, it is understood that there has been some dialogue between the relevant parties but officers are unsure as to the extent of such dialogue. Subsequently, a 'Proposed Site Plan Potential Phasing' (Reference:1332 SK 23) and 'Proposed Site Plan Adjacent Scheme Connection' (Reference: 1332 SK 24), as well as a supporting letter (Reference: J1026304) was submitted by the applicant. Within the supporting letter, the applicant explains that:
- “Although several attempts have been made to engage the adjacent landowner, no agreement has been formed to bring the entire allocation forward in one application, but the proposal illustrated in this application does not restrict the adjacent landowner submitting a planning application for residential development on their own land. The site is not phased, no community facilities or employment uses are proposed and drainage infrastructure does not preclude development of the adjacent land coming forward. Therefore, there is no need for infrastructure to be coordinated and given matters relating to design, scale and appearance are not being considered in this outline application, the necessity to coordinate place-shaping principles and other policy requirements can be the subject of a later reserved matters application.”*
- 10.11 Site plans show how sufficient space has now been provided to allow for an access to be established between the planning application site and the remainder of the site within the site allocation to the north east. Site plans also indicatively show how the proposed access road could serve up to 5 dwelling houses on the field to the north east.
- 10.12 It must be noted that the council has received a representation from neighbouring land owner's solicitor objecting to this planning application. The objection primarily relates to the inclusion of ransom land within the planning application site, which was not included within the details submitted for the Local Plan site allocation submission. Furthermore, the solicitor has explained how their client cannot reach an agreement with the applicant for the acquisition of the ransom land. The solicitor argues that as the neighbouring land owner cannot achieve access with Ferrand Lane and it is imperative for an access to be achieved across the ransom land with the application site that would have access with Cliffe Lane. The ransom land will not be able to be developed unless the ransom demands of the developer/landowners are met, however, unreasonable. The solicitor has stated that the ransom land and neighbouring site are needed to provide the housing required to meet the districts future housing needs for the period of the Local Plan. The solicitor has also explained how case law has demonstrated that securing such access can be agreed by section 106 agreement, which would achieve the council's statutory duty to deliver the Local Plan.

- 10.13 Officers had requested that the applicant avoid a ransom situation, which may delay in the delivery of housing across the entire site allocation. The council sought independent legal advice for another planning application (Reference: 2017/92568) with a similar issue with respect to policy LP5 of the Local Plan. The advice concluded that the planning system cannot supersede property rights, which allow developers to have ransom strips. To a significant degree the ransom value and costs associated with providing the road are matters for the different land owners and are not the concern of the Council as long as all of the allocation is delivered. The latest, revised site plan demonstrates how there is sufficient space for an access road to be developed up to the site boundary, enabling the eventual development of the nearby site. NPPF Paragraph 54 explains how planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. As such, officers now consider that appropriate planning conditions rather than planning obligations can ensure that the necessary triggers can be put in place for the delivery of the access road to the north east boundary.

Density

- 10.14 Local Plan Policy LP7 requires housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme. Developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings. The importance of making effective use of land is also recognised in Chapter 11 of the NPPF, section B1 in the recently published National Design Guide and guidance on the effective use of land within the PPG, which was updated on 22nd July. Furthermore, the site makes up a significant portion of the housing allocation, which has an overall indicative capacity of 135 dwellings, which reflects the density of 35 dwellings per hectare.
- 10.15 The original planning application sought permission for the erection of 92 dwelling houses on 3.62 hectares of land, which represented a density of 25 dwellings per hectare. Officers subsequently raised concerns that this proposal would not achieve an appropriate density in line with the above policy considerations.
- 10.16 The applicant has now revised the planning application for the erection of 98 dwelling houses, which represent a gross density of 27 dwellings per hectare. A supporting letter and constraints plan states that the net density of the planning application is now over 35 dwellings per hectare taking into account the various policy and physical site constraint factors. Although, some of these factors are disputed, officers are still satisfied that due to the site's protected trees, mine exclusion zones, topography and the setting of Ferrand Lane would reduce the net developable area to around 3 hectares. Thus, officers consider that the proposal would deliver a density of around 33 dwellings per hectare. Although, still lower, officers consider that the proposed density is in keeping with the suburban character of the area and the design of the scheme in accordance with policy LP7 of the Local Plan.

Housing Mix and Affordable Housing

- 10.17 Local Plan policy LP11 states that housing proposals must aim to provide a housing mix (size and tenure) suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different house types. The aim of this policy is to create balanced and mixed communities.
- 10.18 Officers raised concerns with the original site layout with respect to the use of only detached and semi-detached units that were predominately 3 and 4 bedrooms, with no use of terrace built forms or apartments blocks. Officers considered that this also contributed in policy LP7 of the Local Plan not being achieved in relation to housing density. Also, little justification against the latest evidence base, such as the Kirklees Strategic Housing Market Assessment (SHMA) was provided for the proposed housing mix and tenure.
- 10.19 The revised site plan is still predominately defined by semi-detached dwelling units but there is now a block of five terrace dwelling units. It could be said that more terrace dwelling units and even an apartment block could still be incorporated into the scheme to achieve greater densities and a mix of dwelling forms. The applicant has provided a supporting letter with the revised site layout explaining how they have carried out an exercise trying to incorporate more terrace houses within the net developable area. The applicant claim that these schemes resulted in being poorly designed and unsympathetic to the local character, primarily due to the need for bin refuse points and car parking. As such, the applicant dismissed them, as they would not accord with policy LP24 of the Local Plan.
- 10.20 As shown in the following table, more two bedroom dwelling units are now proposed. In addition, officers considers that a supporting letter now provides sufficient justification for the proposed housing mix and tenure. More importantly, the SHMA acknowledges the importance of providing 3 and 4 bedroom semi-detached and detached properties to provide for the core of the Kirklees housing market.

No. of bedrooms	Original Proposal	Revised Proposal
Two bedrooms	12 units (13%)	27 (28%)
Three bedrooms	50 units (54%)	52 (53%)
Four bedrooms	30 units (33%)	19 (19%)
	92 dwelling units	98 dwelling units

- 10.21 Within this provision, the applicant proposes 20 affordable housing units, comprising 1 four-bedroom dwelling house, 8 three-bedroom dwelling houses and 11 two-bedroom dwelling houses. With an overall affordable housing provision of 20.4%, the proposed development would comply with Local Plan policy LP11's requirement for 20% of the proposed development's residential units to be provided as affordable housing, and the indicative mix of affordable unit sizes accords with advice from KC Strategic Housing officers.
- 10.22 The applicant has provided a plan showing a tenure split of 50% affordable rent housing and 50% intermediate housing. Although, there is preference of a tenure split of 54% social or affordable rent and 46% intermediate tenure, there is scope for flexibility, as such the proposed tenure split is considered acceptable. Strategic Housing officers have stated that most of the proposed affordable homes are adequately distributed across the proposed development in line with policy LP11 of the Local Plan. However, they have

requested that the proposed terrace of five affordable rent properties should be further separated if possible. However, it is considered that this is not necessary as the affordable housing provision has already been evenly distributed across the site. In addition, the scale and appearance of the dwelling houses could be secured at the reserved matters stage to ensure that they are indistinguishable from market housing in terms of both quality and design.

Layout

- 10.23 Policy LP24 of the Local Plan requires that good design to be at the core of all planning decisions. Chapters 12 of the NPPF state that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps make development acceptable to communities.
- 10.24 As recognised by the Local Plan Inspector, the application site is well contained, with existing built development to the east and south, and Ferrand Lane defining its northern boundary. Although there are views to and from the adjoining countryside, the site's containment and strong hedgerows on the northern edge limit this relationship. The northern and western site edges are also marked by planting, which provide defensible Green Belt boundaries. The proposed development would sit comfortably within this context without appearing sprawling and as an inappropriate enlargement to Gomersal. Although the proposed development would be visible from several public vantage points, it would be seen in the context of the existing built form and would therefore not cause significant landscape visual impact. Furthermore, the extensive areas of green belt land to the north and west, together with the surrounding landscape features, would ensure that there is sufficient undeveloped green space maintained between existing settlements.
- 10.25 The proposal seeks outline planning permission with matters of access, landscaping and layout to be considered and matters of scale and appearance to be considered at a reserved matters stage. As such, the following assessment is based on the above stated matters.
- 10.26 The proposed main access point has been determined where the applicant can achieve access, at 271 Cliffe Lane. This will result in the demolition of a property and the construction of a two way access point, which is considered acceptable by Highways Development Management officers. This means of access would connect to a loop road that would eventually serve the entire site allocation. The proposed streets have been characterised by different widths and surface treatments, which would create a hierarchy of streets and spaces that in turn would aid legibility and a 'sense of place.' Pedestrian access to the public footpath, known as Spenborough 56, is also shown to the north east of the site, which officers generally welcome.

- 10.27 The shape of the site and the lie of the land have dictated the proposed geometry and layout of the proposed development. The proposed layout would create a large urban, perimeter block, whilst dwelling houses along the site's peripheries have been positioned to integrate with existing dwelling houses at Cliffe Lane and at Cliffe Mount. This arrangement would also allow the dwelling houses to have a positive relationship with majority of the streets and spaces, including the existing Ferrand Lane, with some taking advantage of the open views of the countryside to the north.
- 10.28 The proposed layout incorporates a central Public Open Space (POS) that has been established to accommodate the protected tree and mining features. Officers would have liked to have seen a better a relationship between the proposed dwelling houses to the north and the POS. Additionally, it would have been preferred if the proposed private driveways, adjacent to the POS were connected to reduce walking distances and thus encourage its use. A large area of POS is proposed along the northern boundary at the lowest point of the site. The POS would assist in the delivery of a development platform and provide the necessary drainage infrastructure. In addition, it would ensure that the rural character and appearance of Ferrand Lane and the setting of the nearby heritage assets would be maintained.
- 10.29 During the planning application process, officers have continually raised concerns about the reliance of a single parking treatment, which is driveways to the front of the dwelling houses, with little or no mitigating planting. As such, the parked car would visually dominate the street scene in certain locations. However, the proposed layout would achieve the necessary tenure mix, housing density and parking requirements. Therefore, on balance, the proposed design could be considered to be broadly acceptable in line with policy LP24 of the Local Plan and Chapter 12 of the NPPF.

Residential Amenity and Quality

- 10.30 Paragraph 127 clause (f) of the NPPF and clause (b) of policy LP24 of the Local Plan requires proposal to provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.
- 10.31 Representations have raised concerns about the proposed relationship between the proposed residential dwellings and the bungalows at Cliffe Lane. Representations have explained that the bungalows have limited rear garden space with low level boundary treatment, are elevated above the site and some have rear extensions/conservatories that take advantage of the wider rural, open views. It is acknowledged that the proposed development will disrupt the open aspect of the site. However, it is considered that such disruption is considered necessary to facilitate the proposed development of the site allocation. To protect residential amenity a hedge and fence is proposed along this boundary. The site plan shows a separation distance in excess of 21 metres between existing and proposed dwelling houses in this location. There is a separation distance of around 19 metres shown between the proposed dwelling houses and the bungalows with rear projections. Officers consider that the proposed separation distances and boundary treatments between the proposed and existing dwelling houses at Cliffe Lane are acceptable when considered against clause b of Policy LP24 of the Local Plan.

- 10.32 Existing dwellings at Cliffe Mount have a number of long gardens and the proposed dwellings would not impact on these dwelling houses. However, a dwelling house has been developed in rear garden of no. 8 Cliffe Mount, which is a dormer bungalow and was granted in September 2010 (Planning Reference: 2008/62/90153/E1). The site plan shows a separation distance in excess of 21 metres between the principle elevation of 8a Cliffe Mount and the principle elevation of a proposed dwelling house, which is considered acceptable. A separation distance of 6.5m has been achieved between the side elevation of 8a Cliffe Mount, which contains a secondary kitchen window, a door and rooflights with the side elevation of a proposed dwelling house. Although, a greater separation distance would have been preferred, it is considered that the reserved matters application could secure that no windows or doors were incorporated into the façade of the concerned dwelling house to protect residential amenity.
- 10.33 Officers consider that a planning condition should be imposed that removes permitted development rights for all of the plots adjacent to 8a Cliffe Mount and dwellings at Cliffe Lane. This measure would ensure that no large, overly dominant extensions, outbuildings or dormers would be constructed, which could have an adverse harmful impact on the uniformity and character of the development or create significant amenity issues to adjacent occupiers.
- 10.34 Other residential dwelling units are located far enough away from the application site so as not to be adversely affected by the proposed development in terms of natural light, privacy and outlook.
- 10.35 Policy LP24 of the Local Plan does not specify a minimum requirement (in sqm) for private outdoor amenity space for dwellings nor does it set out minimum separation distances to protect residential amenity. However, plans show reasonably sized private gardens are proposed for all of the dwellings. Each of the dwellings would have a rear garden that range from 9m to 12m in length and tend to be sited behind front driveways. As such, sufficient separation distances between the proposed dwellings would be achieved to protect residential amenity.
- 10.36 The quality of the proposed residential accommodation is also a material planning consideration and a number of representations have raised this as an issue with the application. Although the Government's Nationally Described Space Standards (NDSS) (March 2015) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. The applicant has not provided any floor plans as it is intended that 'scale' will be determined at the reserved matters stage. The Design and Access Statement has stated that the dwelling houses would be predominately 2 storeys in height to respect the local character of the locality. In addition, the latest plans include a schedule of accommodation that demonstrates how the proposed dwelling houses could exceed the NDSS.

Heritage issues

- 10.37 Impacts on heritage assets can manifest themselves in two ways; those of a direct impact on the assets themselves, and impact on their setting. There are no direct impacts but there is the potential to impact on their settings. [Setting](#) is defined in the NPPF as "The surroundings in which a [heritage asset](#) is experienced. Its extent is not fixed and may change as the asset and its

surroundings evolve. Elements of a setting may make a positive or negative contribution to the [significance](#) of the asset, may affect the ability to appreciate that significance or may be neutral."

- 10.38 The setting of a Listed Building is required to be considered for any development under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In terms of the Conservation Area, section 72 (1) of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area. The setting of heritage assets is also a requirement for consideration under paragraph 190 of the NPPF and policy LP35 of the Local Plan.
- 10.39 The accompanying Heritage Statement explains how there are twenty designated heritage assets as well as a number of non-designated heritage assets within a 1km radius from the site. These include grade II and II* listed buildings and the Gomersal Conservation Area. It is considered that the proposed development could impact on the setting of the nearest designated heritage assets, which includes the Gomersal Conservation Area, the grade II listed Wesleyan Methodist Chapel. It is also considered that the proposed development could impact on the nearest non designated heritage assets, which include Gomersal Methodist Church School, located in the conservation area, to the north west and buildings known as Throstle Nest and Bawson Cliffe to the west.
- 10.40 There is no Appraisal for the Gomersal Conservation Area, however, its character is defined within Appendix 1 of the Kirklees Unitary Development Plan as: "A loosely knit linear settlement of large imposing houses and public buildings in a mature landscape. These include the seventeenth century Pollard Hall, Red House and Peel House, together with a more closely grouped arrangement of smaller property around small squares at the junctions of Oxford Road, Moor Lane, Knowles Lane and Queen Street. Mainly stone built but with exceptions notably the brick built Red House."
- 10.41 Wesleyan Methodist Chapel falls within the Conservation Area and is the closest of the designated buildings. It was built in 1827-8 at the instigation of E. Brooke of Honley. It has a symmetrical façade of a broad bow of four bays flanked by single bays to each side with rounded arched doorways and a single light above to match those in the bow. To the rear the building is more varied where a series of alterations and extensions have provided a range of heights and angles. Its graveyard is bounded by a low stone wall and mature trees with incidental views through to the west and northwest. The principal setting of the chapel comprises its position on and views from Latham Lane, including its associated Sunday School buildings and its graveyard to the rear, which forms part of its curtilage.

- 10.42 The site lies just outside the Gomersal conservation area the boundary of which runs along the centre of Ferrand Lane and the graveyard of the grade II listed Methodist chapel. However, it is considered that there is nothing within the development site or beyond that adds to the appreciation and/or understanding of either the chapel, its graveyard or the associated Sunday school. Furthermore, given the heritage assets general east-west orientation and the site's mature hedgerows and trees, limits the intervisibility between the site and the assets in question. The wider setting of these heritage assets, particularly to the south are already influenced by the modern urban form. The proposed development would mean the loss of agricultural fields that currently define their south western periphery. However, it is proposed that the mature hedgerows and trees that define the site's northern periphery would be maintained, together with a landscape buffer.
- 10.43 The non-designated heritage assets found immediately to the west of the site, include Bawson Cliffe and Throstle Nest. Bawson Cliffe is a three bay mid-late Victorian stone built villa fronting Cliffe Lane, with a number of modern residential buildings found around its periphery. Throstle Nest has the potential to have 18th century origins but has undergone a series of additions and alteration and is found within a scrapyard. Although, the site does define their eastern aspect, visibility is restricted due to intervening boundary walls, as well as mature hedgerows and trees. It is considered that the site would not affect the significance of these assets. Furthermore, the site plan shows landscaped areas are proposed immediately adjacent to both of them, which will in turn help to assimilate them into the proposed built environment.
- 10.44 West Yorkshire Archaeology Service have checked the West Yorkshire Historic Environment Record and there are no apparent archaeological implications to the proposed development.
- 10.45 It is not anticipated that the proposed development would adversely affect the significance of nearby designated and non-designated heritage assets. This assessment is supported by the applicant's Heritage Statement, which asserts that the proposed development would sustain the significance of nearby heritage assets. As such, this proposal would accord with the policy LP35 of the Local Plan, chapter 16 of the NPPF.

Highway issues

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

- 10.47 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.48 Vehicular access to the development will be provided with the demolition of dwelling house 271 Cliffe Lane and the construction of a new priority junction with Cliffe Lane. The proposed new access will replace the existing vehicular dropped crossing access to Holmfield, with a new access to Holmfield to be provided from within the site via an existing gate. The Holmfield access track is a public footpath (SPEN 56/10) which continues along Ferrand Lane to the north of the site and emerges onto Latham Lane to the north-east. Bollards are proposed at the Cliffe Lane end of the right of way to prevent vehicular access directly from Cliffe Lane, as alternative access is to be provided from within the site. The public footpath is to be retained on its existing route, and the construction of the access will not have a detrimental effect on pedestrians using the public footpath. Additionally, a pedestrian connection is proposed to the north east corner of the site with Ferrand Lane, which is a designated public footpath (Ref: SPE 56/10), which is welcomed and accords with Local Plan policy LP24 in terms of connectivity.
- 10.49 A speed survey was carried out on Monday 6th November 2017 to establish the speed of traffic on Cliffe Lane in the vicinity of the proposed site access junction. The results of the speed survey show 85th percentile wet weather traffic speeds of 32mph in both directions. Manual for Streets recommends that visibility splays of 2.4m x 47m are provided in both directions based on 32mph. The proposed site access drawing shows that visibility splays of 2.4m x 53m to the east and 2.4m x 48m to west are achievable, measured to a point 0.5m into the carriageway i.e. the adjacent wheel track. The proposed vehicular access has been designed to accord with the recommendations of Manual for Streets (MfS) and the Highways Design Guide Supplementary Planning Document. As such, the proposed site access junction has been designed to provide these visibility splays which will necessitate the construction of a build out of the footway to the northern side of Cliffe Lane. To achieve this and maintain a 6m carriageway width along Cliffe Lane through the junction, a subsequent reduction in the footway width on the south side of Cliffe Lane to a minimum 1.5m over a length of some 40m is required.
- 10.50 Cliffe Lane is a two way carriageway that runs in an east west direction that is approximately 6.5m in width with footways either side that vary from 1.1m and 2.0m in width. It benefits from street lighting, is subject to a 30mph speed restriction, and has no yellow line markings along its kerbs. Bus stops can be found at approximately 160m to the east of the proposed access point. They are currently served by bus service number 200, which runs between Cleckheaton and Leeds via Birstall, Howden Clough, Morley, White Rose Centre, Beeston and Holbeck.

- 10.51 Traffic counts were undertaken on Thursday 8th November 2018. The counts were undertaken during the morning between the hours of 07:00 and 10:00, and during the evening between the hours of 16:00 and 19:00. The likely trip generation for the proposed development has been established using the Trip Rate Information Computer System (TRICS) data. The applicant's Transport Assessment and subsequent Addendums predicts that, in 2024, a residential development of 98 dwelling units at this site would generate 78 two way vehicular movements in morning peak hour (07:30 to 08:30) and 78 two way vehicular movements in the evening peak hour (16:30 to 17:30) onto the highway network.
- 10.52 Based on these predications, the applicant has used junction modelling software to assess the impact of the proposed development on a number of junctions within the locality. The junction assessment also included a number of committed developments that would likely affect the 2024 traffic flows (Highgrove Beds Site, Spen Lane, Ref: 2013/91872, Former Maccess Office Site, Spen Lane, Cleckheaton Mills, Bradford Road, Ref - 2014/92998 and Rawfolds Way, Bradford Road, Ref - 2015/92093). The junction assessment showed, all but one were operating either within or well within capacity. The only junction that is predicted to operate marginally over capacity during both peak hours is the operation of the A643 Spen Lane/A651 Oxford Road/A643 Church Lane signalised junction show that the junction.
- 10.53 In terms of the Local Plan allocation sites, the Kirklees Local Plan sets out a sustainable strategy for planned growth currently up to 2031, including proposals for planned mitigation to the local road network. This is underpinned by an extensive district wide strategic modelling exercise of the transport network (which takes into account current local road network/public transport use and forecasts planned growth). The modelling also takes into account local, cross-boundary road network issues connecting into neighbouring authority areas.
- 10.54 From the perspective of transport, the cumulative transport impacts of the Local Plan land allocations, (together with existing local road network use and development which has planning permission but which is not yet built) are understood. Additionally, it should be noted that the site together with the neighbouring land was allocated for 135 dwelling units. This evidence provides a significant material planning consideration in the determination of planning applications and has informed the council's Infrastructure Delivery Plan that identifies potential mitigation measures at current and forecast areas of congestion.
- 10.55 The Transport Assessment shows that there have been no accidents within the immediate vicinity of the site on Cliffe Lane or Ferrand Lane and Highways Development Management officers have raised no objection on highway safety grounds.

- 10.56 The internal site layout has been designed, to accommodate an 11.85m long refuse vehicle, on-street visitor parking spaces and bin collection points. The site plan also shows that each residential dwelling unit would have adequate in-curtilage parking spaces (2 parking space for 2 and 3 bedroom dwellings and 3 parking spaces for 4 bedroom dwellings), as well as cycle and bin storage facilities. The proposed layout is compliant with the council's Highways Design Guide, and Highways Development Management (HDM) officers do not object to the latest site layout plan.

Flood risk and drainage

- 10.57 The site is located within Flood Zone 1 (the areas least likely to flood), and given the size of the site (i.e. in excess of 1ha), a Flood Risk Assessment (FRA) has been submitted with the application relating to surface water run off matters. The Environment Agency have been consulted and have raised no objection to the proposal.

- 10.58 A schematic drainage layout has been provided which shows that surface water will be discharged at a rate of 5 l/s/ha into a watercourse located to the north west of the site, via one of the three options. These options will allow for further discussions to take place with offsite land owners on their preferred solution. A planning condition is recommended to secure an updated FRA and Drainage Strategy to secure the necessary design option. Attenuation calculations have been carried out and to take into account a 1 in 30 year event and 1 in 100+ climate change event an attenuation pond and tank are proposed within the lowest point at the site to the north west corner. The Lead Local Flood Authority have raised no objections to this proposal subject to the necessary planning conditions.

- 10.59 It is proposed that that foul water will be discharged to an existing 225mm public foul sewer in Cliffe Lane. A foul pumping station will be provided on site to pump flows to the public foul sewer in Cliffe Lane at a pump rate of 3 l/s. The pump station will be designed in accordance with Sewers for Adoption and Yorkshire Water details and specifications to include a below ground wet well containing submersible centrifugal pumps. The compound boundary design will be in accordance with Yorkshire Water design specification and requires a 1.8m high palisade security fence coated green to blend in with the surroundings complete with access off the highway to allow for maintenance. Yorkshire Water have not raised any objections to this proposal subject to the necessary planning conditions.

Landscape and Biodiversity

- 10.60 The planning application site consists of a dwelling house and garden as well as several agricultural fields with mature hedgerows and trees.

- 10.61 There are several protected trees within and adjacent to the planning application site, several of which were served during the lifetime of the planning application (References: 08/19/t1, 08/19/t2, 08/19/t3, 08/19/t4, 08/19/g1). It should be noted that there are two tree preservation orders (Reference: SP2/70/t25 and SP2/70/t26) on the land found at the proposed access point with Cliffe Lane, which no longer exist but have previously received consent for their removal. The Tree officer has raised no objections but has requested that any reserved matters application is supported by an Arboricultural Method Statement to show how the trees would be protected during construction.
- 10.62 Majority of the site falls within a Bat Alert area and the northern boundary and a central section of the site is designated as being part of the Wildlife Habitat Network (Broad habitat type - Grassland). This proposal will result in the loss of the central section of the Wildlife Habitat Network within the site. However, officers consider that the creation and management of a landscape buffer strip along the northern boundary of the site will compensate against the loss of connectivity and function of the Kirklees Wildlife Habitat Network. The application is supported by an Ecological Appraisal which explains how: the habitats within the proposals site are generally considered to be of low conservation value. The Appraisal explains how some features on site provide suitable habitat for, breeding and roosting bat and bird species, amphibians and small mammals such as hedgehogs. The development is considered feasible with minimal impact on biodiversity provided that mitigation and enhancement measures detailed within this report are incorporated within the site proposals. The residual ecological impacts are not anticipated to be significant.
- 10.63 The council's Biodiversity officer has reviewed the planning application and recommended planning conditions and/or obligations in relation to lighting design strategy, construction management and biodiversity net gain. This would ensure that the proposal was in accordance with policy LP30 of the Local Plan and Chapter 15 of the NPPF.
- 10.64 The applicant has submitted a landscape plan that shows the soft landscaping features to be provided on the site. The landscape plan shows how existing landscape features can be supplemented and how it would work with the proposed site layout, taking into account the site's attenuation features and adjacent public rights of way. The landscape plan also shows how a landscape buffer to the north of the site would help to protect the character and appearance of Ferrand Lane and the surrounding heritage assets in accordance with policy LP32 of the Local Plan. However, officers recommend a planning condition requiring a more detailed landscape plan to secure an appropriate landscape scheme in relation to the drainage features, public rights of way, and achieving the necessary biodiversity enhancement.

10.65 The Landscape officer has explained how the planning application triggers the requirement for a Local Equipped Area of Play (LEAP) as per Fields in Trust Guidance. The planning application does not include a LEAP so an appropriate financial contribution is sought towards the existing equipped Spen Lane Community Play Area or other existing provision.

Environmental and public health

10.66 The applicant has submitted a Noise Report and Air Quality Impact Assessment. Environmental health officers have reviewed these reports and do not consider these matters as a barrier to development. With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of electric vehicle charging points. In addition, a Full Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, should be secured via Section 106 obligations.

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

10.68 Regarding the social infrastructure currently provided and available in Gomersal (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local GP and dental provision, there is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

Site contamination and stability

10.69 The applicant has submitted a Geoenvironmental Desk Study Report which explains how the site may have been subject to shallow mining of coal, which will also require investigation and may require stabilisation works. The report goes on to conclude that based on past site history, made ground may be present on site and there may have been the potential pollutant linkages. As such, the site should be considered to be a moderate risk with respect to contamination. In order to fully assess and classify the risks to human health, any underlying perched groundwater, surface water and buildings/services, a Phase II intrusive investigation, including chemical testing of soils and groundwater and gas monitoring would be required. Environmental health officers have reviewed the planning application and requested planning conditions requiring Submission of an Intrusive Site Investigation Report (Phase II Report), Submission of Remediation Strategy, Implementation of the Remediation Strategy and the Submission of Validation Report. This would ensure that the planning application would accord with Local Plan policy LP53.

10.70 The application site is within the Development High Risk Area as defined by the Coal Authority, therefore within the site and surrounding area there are coal mining features and hazards. This is, however, not a reason for refusal of outline planning permission. The applicant has submitted a Coal Mining Risk Assessment which identified two mine entries and subsequently carried out the necessary site investigation work. The proposed site layout which is not a reserved matter has been revised during the application process to take into account of the features and their risk zones. The Coal Authority, now support the proposal subject to appropriate mitigation measures for nearby plots, as well as further site investigation work of the condition of these features to inform an appropriate scheme of remediation and treatment for the mine entries. Intrusive site investigations are also required to determine the exact ground conditions and the presence or otherwise of shallow workings beneath the application site.

10.71 A number of representations have been received requiring the above information to be provided before a decision is issued. However, it is considered that the necessary works can be secured prior to the commencement of development in line with paragraph 54 of the NPPF, which states that *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.”*

Planning obligations

10.72 Planning obligations, that would need to be secured by a Section 106 agreement, would be necessary to mitigate against the impacts of the proposed development, should planning permission be granted. In accordance with paragraph 56 of the NPPF, planning obligations should only be sought where they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

10.73 For clarity and completeness, should this application be approved the following contributions would be secured through a section 106 agreement, which are all considered to be policy compliant

Affordable Housing

10.74 In accordance with Local Plan policy LP11:
20 plots to be affordable (20%), of which:
10 plots ‘affordable rented’
10 plots to be ‘intermediate’

Education

10.75 In accordance with Local Plan policy LP49:
Primary Provision – Gomersal Primary (£26,946) and Gomersal St Mary’s (£62,247) = £89,193
Secondary Provision – Whitcliffe Mount = £173,754
Total = £262,948

Flood Risk and Drainage

- 10.76 In accordance with Local Plan policies LP27 and LP28:
Implementation and maintenance of offsite drainage works.
Maintenance and management responsibilities of drainage (including pumping station) within the site, until adoption.

Public Open Space and Landscape

- 10.77 In accordance with Local Plan policy LP63:
Off-site commuted sum - £117,596.00
Management company to manage and maintain onsite landscape areas

Sustainable Travel

- 10.78 In accordance with Local Plan policies LP20, LP21, LP23 and LP24:
Off-site commuted sum for bus shelters at bus stops 23726 and 15480 - £26,000
A residential travel plan fund - £49,049.00
Travel Plan Monitoring Fee - £10,000 (five annual payments of £2,000)
- 10.79 A draft section 106 agreement to secure the above planning obligations has been agreed with the applicant but as of the 18th June 2021 it has not been signed by the relevant parties and as such has not been secured.

Representations

- 10.80 The majority of concerns raised in representations are addressed earlier in this report. Other matters raised are addressed as follows:

Construction impacts – To address construction noise, dust and other potential impacts, a condition requiring the submission and approval of a Construction Management Plan is recommended.

Impact on house prices – This is not a material consideration relevant to this planning application.

Increased crime risk – There is no evidence to suggest that residential development at this site would increase the risks of crime being committed elsewhere in Gomersal.

Flooding impact of the Spen Valley Scouts camp – Lead Local Flood Authority have not raised any objections in relation to the proposed site's drainage strategy and flood risk assessment, particularly with regards to flood routing.

Failure of the foul water pumping station – The pumping station will be designed in accordance with Sewers for Adoption and Yorkshire Water standards. This will include the provision of a series of alarms which will alert Yorkshire Water in the event of pump failure, within the pump station design there is an allocation of emergency storage to allow sufficient time for the maintenance team to attend and rectify any issues, thus mitigating any potential effluent spillage. Prior to adoption by Yorkshire Water, a section 106 agreement will ensure the necessary management and maintenance measures are secured to prevent any potential effluent spillage.

Failure to consider traffic impacts on Drub Lane – The development generated trip diagrams at Appendix BGH26 of the TA, based on the higher Kirklees trip rates, show that the proposed development will generate 20 additional two-way vehicle movements to/from the M62/M606 junction via the A638 Bradford Road, during both the weekday morning and evening peak hours. Even if a proportion of these trips were to use Drub Lane as an alternative route, the traffic impact on Drub Lane would not be noticeable as the additional movements will be well within the day to day variations in traffic flow along the route.

Other Matters

- 10.81 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant threshold (housing developments which would deliver 60 dwellings or more), officers have asked the applicant to agree to provide a training or apprenticeship programme to improve skills and education. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. For this application, the applicant has confirmed that any developer partner would be expected to maximise opportunities for apprenticeships, the employment of long-term jobseekers, and training. Officers have suggested that an Employment and Skills Agreement be entered into.
- 10.82 The application site is within a mineral safeguarding area relating to surface coal resource (SCR) with Sandstone and/or Clay and Shale. Local Plan policy LP38 states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant in this instance. It allows for approval of the proposed development, as there is an overriding need for the development, which is part of a Local Plan housing allocation that would contribute to the districts housing need.
- 10.83 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to home security, rear access security and boundary treatments, which have mostly been incorporated into the latest design proposals. All of the comments made are advisory and have been referred to the applicant. Subject to the imposition of conditions, it is considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with LP24 (e).
- 10.84 Chapter 12 of the Local Plan relates to climate change and states that: *“Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”*. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is

central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore improvements to the landscape, sustainable urban drainage systems and inclusion of electric vehicle charging points contributes positively to the aims of climate change

11.0 CONDITIONS:

11.1 Since the 19th December 2019 strategic planning committee, the following planning conditions were agreed with the applicant:

1. Before any development takes place, details relating to the appearance and scale of the development (hereinafter called the “Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the Reserved Matters so approved.

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

This pre-commencement condition is necessary to ensure that Reserved Matters are approved at an appropriate stage of the development process.

2. Application(s) for approval of Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun either before the expiration of two years from the final approval of Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

Reason: For the avoidance of doubt as to what is being permitted and in the interests of highway safety and design to accord with Policies LP4, LP5, LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. Prior to development commencing, a phasing plan to illustrate the phases of construction across the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be then implemented in accordance with the approved phasing plan.

Reason: For the avoidance of doubt as to what is being permitted and in the interest of comprehensive development.

6. No dwelling within Phase 2 of the development, as determined by the Phasing Plan approved in accordance with Condition 5, shall be occupied until the construction and completion of the access road up to the eastern boundary of the site, in accordance with the details required by Condition 7.

Reason: To ensure the development is carried out in a comprehensive and controlled manner across the entire site allocation. In the interests of amenity, highway safety and appropriate infrastructure provision and to accord with Policies LP4, LP5, LP21, LP24 and LP65 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. Prior to development commencing, a detailed scheme for the improvement of the proposed access into the site from Cliffe Lane as shown on Brian G Hall plan number 15/398/SKH/005 Revision B (Transport Assessment Second Addendum Appendix BGH1) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. Unless otherwise approved in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use. Thereafter the approved works shall be retained for the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory access onto Cliffe Lane in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that access to the site is designed and approved at an appropriate stage of the development process.

8. No development shall take place until a scheme detailing the proposed internal highways have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location and cross sectional information together with the proposed design and construction details of drainage works (new surface water attenuation tanks/pipes/manholes), street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The approved scheme shall be completed in accordance with a programme agreed with the Local Planning Authority and thereafter the approved works shall be retained for the lifetime of the development.

Reason: In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.

This is a pre-commencement condition to create a safe and accessible estate road network at an appropriate stage of the development process.

9. Before any development commences, a scheme detailing the location, design and construction details for all new retaining walls/ building retaining walls adjacent to the existing/ proposed adoptable highway, including cross sectional information shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented, in accordance with a programme agreed with the Local Planning Authority and thereafter retained during the life of the development.

Reason: In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan as well as Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that access to the site is designed and approved at an appropriate stage of the development process.

10. Notwithstanding the approved Interim Travel Plan (Bryan G Hall, August 2019), pre-occupation of any dwelling hereby approved, a Full Travel Plan shall be submitted to and approved in writing by the LPA. The Travel Plan shall set out measures to discourage the use of high-emission vehicles and to encourage the use of public transport, cycling and walking, as well as the uptake of low emission fuels and technologies. The Travel Plan shall be implemented in accordance with the approved details and retained during the life of the development.

Reason: To ensure residents of the development are encouraged to use sustainable forms of transport and to mitigate the highway and air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, Chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

11. Prior to the commencement of development (including demolition and ground works) a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following details:

- (a) A timetable of all construction works;
- (b) Details of point(s) of access for construction traffic, including maximum vehicle sizes and routes and times of vehicle movements;
- (c) Parking for construction worker;
- (d) Signage;
- (e) Pre-development road condition surveys;
- (f) Wheel washing facilities within the site,
- (g) Details of dust suppression measures and noise mitigation measures.

The development shall be carried out in strict accordance with the CMP throughout the period of construction.

Upon completion of the development, post-development road condition surveys and a schedule of remedial works, including a timescale for their completion shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out in accordance with the timescale thereby approved.

Reason: Reason: In the interests of amenity of nearby residents, highway safety and to ensure the development is carried out in accordance with an appropriate schedule of means of access to the site for construction in accordance with Policies LP21 and LP52 of the Kirklees Local Plan, as well as of Chapters 9, 14 and 12 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure appropriate measures to protect amenity and maintain highways safety are agreed at an appropriate stage of the development process.

12. Notwithstanding the approved Outfall Options plan reference 4730 - JPG - ZZ - 00 - DR - D – 1403 S2 P02, Schematic Drainage Layout plan reference 4730 - JPG - ZZ - 00 - DR - D – 1400 S2 P08, the Drainage & Flood Risk Addendum and the Drainage and Flood Risk Statement prepared by JPG Group. Before any development commences, a scheme should be submitted

to and approved by the Local Planning Authority, which includes a scheme detailing foul and surface water drainage. The details shall include off-site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned and percolation tests where appropriate. It shall include a detailed maintenance and management regime for the storage facility including the flow restriction. No part of the development shall be occupied until such approved drainage scheme and maintenance and management plan to serve the development or each agreed phase of the development to which the dwellings relate has been implemented in full. The approved scheme shall thereafter be retained during the life of the development.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

13. Before any development commences, a scheme should be submitted to and approved by the Local Planning Authority, restricting the rate of surface water discharge from the site to a maximum of 5 litres per second per hectare discharge rate. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority, unless it can be demonstrated to the satisfaction of the Local Planning Authority that discharge from site does not cause an increased risk in flooding elsewhere. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed.

Reason: To promote development that helps reduce and mitigate climate change, and development which is adapted so that the potential impact from climate change is reduced in accordance with Policy LP38 of the Local Plan and Chapter 14 of the National Planning Policy Framework.

14. Prior to the first occupation of any dwelling hereby approved, a drainage maintenance and management scheme of the site, to include a timescale for its implementation to be approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and implemented in accordance with the timescales hereby approved. The approved scheme shall thereafter be retained throughout the lifetime of the development.

Reason: To promote development that helps reduce and mitigate climate change, and development which is adapted so that the potential impact from climate change is reduced in accordance with Policy LP38 of the Local Plan and Chapter 14 of the National Planning Policy Framework.

15. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- Phasing of the development and phasing of temporary drainage provision;

- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses; and
- How flooding of adjacent land is prevented.

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

Reason: In the interests of achieving satisfactory temporary drainage of the site and to mitigate flood risk. This is to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This is a pre commencement condition to ensure the provision of adequate and sustainable systems of drainage are employed.

16. The site shall be developed with separate systems of drainage for foul and surface water on and off site and these systems shall be completed prior to the occupation of the development. The peak pumped foul water discharge shall not exceed three litres per second in line with the approved plan reference: 4730-JPG-ZZ-00-DR-D-1400 (revision P08).

Reason: In the interests of satisfactory and sustainable drainage and so as to accord

with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

17. Prior to the determination of any Reserved Matters applications required by Condition 1 of this permission, a report of findings arising from intrusive site investigations (carried out in accordance with a scheme of intrusive site investigations submitted to and approved in writing by the Local Planning Authority) relating to shallow mine workings, mine entries, any previous grouting measures and other aspects of the area's mining legacy, and shall include a scheme of remedial works (including, but not limited to, full details of any grouting measures) which shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. The remedial work shall be implemented in strict accordance with the scheme so approved.

Reason: To minimise risk associated with the area's mining legacy in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

18. Prior to the commencement of development, actual land contamination at the site shall be investigated and a Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures agreed at an appropriate stage of the development process.

19. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 17 development shall not

commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures agreed at an appropriate stage of the development process.

20. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 18. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment, Geoenvironmental Desk Study Report reference MT/DS/4730.v4 (JPG Report, December 2018) or Coal Mining Report reference 39175/TM (GeoDyne, 9th July 2019)] is identified or encountered on site, all works on the part of the site affected (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

21. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report which shall include verification/validation of any remedial measures set out in the Remediation Strategy shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority. **Reason:** To ensure that the approved remediation measures are completed before the development is occupied in the interests of the health and wellbeing of future residents and in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

22. Prior to the first occupation of any part of the dwellings hereby approved, electric vehicle charging points shall be provided for that part of the development. One charging point shall be provided per unit where dwellings have dedicated parking. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The charging points shall be retained thereafter.

Reason: To ensure residents of the development are encouraged to use low carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

23. Before any development commences on site, an Arboricultural Method Statement, in accordance with British BS 5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall include details on how the construction work will be undertaken with minimal damage to the trees identified within the approved Arboricultural Impact Assessment (Reference: ARB/CP/1224, Elliott Consultancy Ltd Arboricultural Consultant, November 2018) and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: So as to protect to viability of the protected mature trees and to protect trees in the interests of visual amenity in accordance with policy LP33 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

This is a pre commencement condition to ensure the proposed development does not have an adverse impact on the existing trees which are worthy of retention.

24. Prior to the commencement of any dwelling hereby approved, a "Lighting Design Strategy for Biodiversity" for the open space within the site and the retained boundary features shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including light spill) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c) Correspond with details to be submitted pursuant to Conditions 25 to 30.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To prevent significant ecological harm and to safeguard the Kirklees Wildlife

Habitat Network in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This is a pre commencement condition to ensure the proposed development does not have an adverse impact on biodiversity.

25. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority

Reason: To prevent significant ecological harm and to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This is a pre commencement condition to ensure the proposed development does not have an adverse impact on biodiversity.

26. Notwithstanding Landscaping Plan Reference: 787/LA1F, before development commences, a scheme shall be submitted to and approved by the Local Planning Authority that demonstrates a measurable Biodiversity Net Gain. The information submitted shall include a completed Biodiversity Metric 2.0 calculation and drawings showing the location and extent of habitats to be created, enhanced or retained and a timescale for the implementation of these measures. They shall be retained in perpetuity.

Reason: To ensure the proposals provide compensation for loss of Kirklees Wildlife Habitat Network and result in a biodiversity net gain in accordance with Policy LP30 and section 15 of the National Planning Policy Framework.

This is a pre commencement condition to ensure the proposed development provides a Biodiversity Net Gain.

27. The development authorised by this permission shall not begin until a large scale plan to detailing the treatment of the public footpath SPE/56/10 found along the site’s western boundary within the red line boundary of the application site, to the rear of Plots 4 to 14, as shown on the landscape plan 787/LA1F should be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:

- (i) Details of the relative position of each plot and their rear boundary to the public footpath and the treatment of the space in-between, to include both cross and long sectional details relative to each plot with and the boundaries either associated with Holmfield, The Paddocks and Throstle Nest Farm.
- (ii) Details of any planting/boundary treatments along this section of public footpath.
- (iii) A timescale for the implementation of these works.

The development shall then be carried out in accordance with this approved scheme in accordance with the approved timescales and thereafter retained.

Reason: For the convenience of all those using the Public Right of Way and to accord with Policies LP23 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

This is a pre commencement condition to ensure the proposed development does not have an adverse impact on the existing Public Rights of Way.

28. No development shall commence until details of a footpath connection through the site to the north of Plot 14 as shown on the landscape plan 787/LA1F to cut across the north-west corner of the site shall be submitted to and approved in writing. The details shall include:

- (i) The location of the footpath;
- (ii) Details of materials for the surfacing of the footpath;
- (iii) Details of gradients;
- (iv) Details of fences/gates within the boundary (as appropriate);
- (v) A timescale for its implementation.

The footpath shall then be provided in accordance with the approved timescale and thereafter retained.

Reason: For the convenience of all those using the Public Right of Way and to accord with Policies LP23 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

This is a pre commencement condition to ensure that the necessary connection through the site to the existing Public Rights of Way is secured.

29. Prior to the commencement of development, details of the proposed footpath connection with the existing public footpath SPE/56/10 to the north east, as detailed on Landscaping Plan Reference: 787/LA1F shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (i) Materials for the surfacing of the footpath;
- (ii) Details of gradients;
- (iii) Gates within the boundary (as appropriate);
- (iv) A timescale for its implementation.

The footpath shall then be provided in accordance with the approved timescale and thereafter retained.

Reason: For the convenience of all those using the Public Right of Way and to accord with Policies LP23 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

This is a pre commencement condition to ensure the proposed development does not have an adverse impact on the existing Public Rights of Way.

30. Before development commences, a scheme shall be submitted to and approved by the Local Planning Authority, which demonstrates measures to prevent and deter crime and anti-social behaviour. Particular reference should be made to the Secured by Design Homes document (Version 2, March 2019). The development hereby approved shall be completed in accordance with a programme agreed with the Local Planning Authority and shall not be occupied until the measures approved at Reserved Matters stage have been implemented in full.

Reason: In the interests of preventing crime and anti-social behaviour and to accord with Policy LP24 of the Kirklees Local Plan.

This is a pre commencement condition to ensure that the appropriate security measures are agreed and employed at an appropriate stage of the development process.

31. Before development commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority, which include details of storage and access for collection of wastes from the premises. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interests of amenity and highway safety, to comply with the Council's sustainability objectives, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as Chapter 9 and 12 of the National Planning Policy Framework.

This is a pre commencement condition to ensure that the necessary waste storage and collection facilities are provided throughout the proposed development.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no enlargements, improvements of other alteration of a dwelling house, including additions or alterations to its roof, buildings within the curtilage, hard-surfacing within the curtilage of the dwelling or the erection, improvement or alteration of a gate, fence, wall or other means of enclosure, as provided for within Classes A, B, C, E or F of Part 1 and Class A Part 2 of Schedule 2 to that Order shall be carried out to dwelling plots adjacent to dwellings associated with Cliffe Lane and Cliffe Mount, as shown on the approved Proposed Site Plan, Reference 1332 PL101M hereby permitted, without planning permission being obtained from the local planning authority.

Reason: In order to ensure that further extensions or outbuildings do not result in harmful overlooking to occupants of neighbouring dwellings, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

12.0 CONCLUSION:

- 12.1 The application site is allocated for residential development under site allocation HS116, and the principle of residential development at this site is considered acceptable.
- 12.2 In the absence of a signed Section 106 agreement the proposal cannot be considered to be policy compliant with regards to affordable housing, education, public open space, landscape maintenance and management, sustainable travel, flood risk and drainage management and maintenance.
- 12.3 As such, the application is recommended for refusal for the reasons set out at beginning of this report.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90902>

Certificate of Ownership – Certificate B signed

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 01-Jul-2021

Subject: Planning Application 2019/93644 Change of use and alterations to existing building to workshop, catering business (B1) and restaurant cafe (A3) and business/storage and distribution (B1/B8) and change of use of land to form associated parking area (within a Conservation Area). Former agricultural building at, Field Lane, Farnley Tyas, Huddersfield, HD4 6BS

APPLICANT

Rochester Bridge Trust

DATE VALID

03-Dec-2019

TARGET DATE

28-Jan-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: Kirkburton Ward

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 The application is sought for the change of use and alterations of an existing agricultural building to workshop, catering business (B1) and restaurant/café (A3) and business/storage and distribution (B1/B8) and the change of use of land to form associated parking area. The site for the proposed change of use to car parking is allocated as Urban Green Space (UGS) within the Kirklees Local Plan.
- 1.2 The application is reported to the Strategic Planning Committee as the proposed development for the change of use of land to car park would constitute a departure from the Kirklees Local Plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site measures 750 square metres in size and comprises of an existing agricultural building with an area of hardstanding to the East which is enclosed by a stone wall along Field Lane to the South.
- 2.2 To the North of the site is Farnley Tyas Bowling Club. To the South is the Beech Farm which encompasses 25 dwellings.

3.0 PROPOSAL:

- 3.1 The application is submitted in full and proposes the change of use of the existing agricultural building to 3 no. units for workshop catering business (B1), restaurant café (A3) and business/storage and distribution (B1/B8). The application also includes the change of use of the area to the East to form associated car parking. The 3 no. units are proposed as follows:

Unit 1 B1/B8 (82 square metre)
vacant

Unit 2 B1 (83 square metre)
Currently in use for the manufacture of bespoke homewares

Unit 3 B1 (234 square metre)
This unit is currently in use as 'Guest Dining', a commercial catering company preparing meals on the premises for

distribution to customers for consumption off site. It is noted that there is a small area for consumption onsite which is considered to be an ancillary use.

3.2 The works comprising the development have already taken place. In order to facilitate the change of use, new openings have been created to serve each unit. Units 1 and 2 have roller shutters and a traditional door opening. Unit 3 has an entrance door with glazed panels on either side.

3.3 The proposed opening hours are as follows:

Sunday to Wednesday	8am – 11pm
Thursday to Saturday	8am – 12am

3.4 Access to the site would remain as existing from Field Lane. The car parking area (up to 10 vehicles) constitutes an area of hardstanding to the East which is enclosed by a stone wall to the frontage adjacent to Field Lane.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- | | | |
|-----|------------|--|
| 4.1 | 2014/90420 | Reserved matters application for erection of 2 dwellings (within a Conservation Area)
Withdrawn |
| | 2014/90580 | Reserved matters application for erection of 7 dwellings
Withdrawn |
| | 2014/90585 | Reserved matters application for erection of 1 dwelling (within a Conservation Area)
Withdrawn |
| | 2011/92253 | Outline application for the redevelopment of Beech Farm for residential use including demolition of existing farm structure.
Section 106 outline permission |
| | 87/05447 | Erection of barn and calf pen
Granted conditionally |

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

5.1 To date consultation responses have requested further information and/or revisions as follows:

Kirklees Council Planning Policy: Further details of the restaurant/café as an ancillary use to the catering business.

6.0 PLANNING POLICY:

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

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

6.3 Kirklees Local Plan (2019):

Relevant policies are:

LP1 –Presumption in favour of sustainable development
LP7 – Efficient and effective use of land and buildings
LP20 – Sustainable Travel
LP21 – Highway safety and access
LP22 – Parking
LP24 – Design
LP27 – Flood Risk
LP28 – Drainage
LP30 – Biodiversity and Geodiversity
LP32 – Landscape
LP35 – Historic Environment
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP61 – Urban Green Space

6.4 Supplementary Planning Guidance / Documents:

- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Highways Design Guide SPD
- Planning Practice Guidance

Many policies within the National Planning Policy Framework are relevant to this proposal and, where relevant, are referred to in the main report text.

6.5 National Planning Guidance:

Chapter 2 – Achieving sustainable development
Chapter 6 – Building a strong, competitive economy
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised in accordance with the Council's adopted Statement of Community Involvement. The application was re-advertised as a departure from the Kirklees Local Plan.

7.2 Following the statutory publicity period, 18 representations were received by the Local Planning Authority over the two publicity periods. The comments can be summarised as follows:

Comments received following Advertised by neighbour letter (25.11.2019) and advertisement (22.11.2019):

Support (6)

- No objection in principle as Beach Farm and Sycamore Farm are no longer agricultural operations.
- The barn would have become unused and fallen into disrepair without the proposed change of use.

Against (3)

- Experienced excessive noise throughout the day and night.
- The daily/weekly events create a lot of traffic using the bridle way
- The proposed hours of operation are currently not adhered to.
- Guest Dining in Unit 3 does not only prepare food for consumption off-site. There are pop-up events advertised and lunchtime café's throughout the week.
- The car park is only adequate for staff parking. It is not uncommon for customers to park on the paddock to the rear of the barn.

Comment

- A review should be made into the planning conditions regarding Field Lane attached to the permission for residential development at Beech Farm. This condition is not been adhered to.
- Field Lane is currently unsuitable for pedestrians, the elderly, wheelchair users and cyclists.

Comments received following advertisement by neighbour letter (27.01.2020), advertisement (03.01.2020) and site notice (04.03.2020).

Support (6)

- The facility is now widely used and is a valuable facility within the village.
- Provides jobs for local villagers.
- The local facility helps elderly to socialise
- Provides a community focal point set in a former barn which has been adapted to today's needs.
- Guest Dining are respectful to the village and highly supportive of the community

Against (3)

- The poor condition of Field Lane should be addressed.

Comment

- The state of Field Lane is a separate issue that has been on going to years

8.0 CONSULTATION RESPONSES

8.1 Statutory:

KC Highways – No objection

8.2 Non-Statutory:

KC Conservation and Design – No objection

KC Environmental Health – No objection subject to conditions.

KC Public Rights of Way – No objection

9.0 SUMMARY OF MAIN ISSUES

- The principle of development and the loss of Urban Green Space
- Residential amenity and quality
- Sustainability and climate change
- Highways and transport
- Other matters

10.0 MAIN ISSUES

The principle of development and the loss of Urban Green Space

- 10.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.
- 10.2 Local Plan Policy 1 states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 10.3 The area of the application site to the East of the existing building that is proposed for car parking is allocated as Urban Green Space (UGS) (UGS928) and is adjacent to a larger area of attractive green space/grassland. The whole UGS allocation was found to be justified as urban green space by the Local Plan Inspector as part of the Local Plan Examination in Public.

10.4 Local Plan Policy LP61 (Urban Green Space) is therefore applicable to this proposal and protects urban green space from development unless specific exceptions can be met. The policy states that:-

“Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:-

- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or
- b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or
- c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.

The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map.”

10.5 The Council’s open space assessment of the wider site, undertaken as part of the Kirklees Open Space Study (2016), identifies the urban green space as part of a larger area which comprises a semi-natural green space with mature trees in the centre of Farnley Tyas Village. The whole site was assessed as a high value open space in 2014 as part of the Council’s Open Space Study.

10.6 In relation to criteria (a), it has not been clearly demonstrated that the land is no longer required to meet local needs for open space, sport, or recreational facilities. When assessed against the criteria set out in Local Plan policy LP61 the proposal does not accord with this policy as the land has not been identified as surplus to requirements through the Kirklees Open Space Study (2016) assessment. In addition, criteria (b) and (c) do not apply in this instance since the use proposed is not an alternative open space use, nor is any compensatory open space use being proposed as part of the application.

10.7 Whilst the loss of green space is not significant in terms of the amount of land affected (460sqm approx), it nevertheless represents a departure from the development plan. Consideration will need to be given to whether the circumstances and benefits of the proposed development constitute material considerations and what weight can be attached to those given the UGS allocation in the development plan.

- 10.8 Aerial photographs provide evidence that the area of urban green space in question has been used in conjunction with the agricultural building for storage and informal parking since at least 2000. The site has a clear boundary and different appearance from the remaining area of urban green space to the North and North West which is more open and grassed. The proposed change of use of this area to formal car park does not therefore change the character of the area. This point is also put forward by the applicant in their supporting statement, where they add that the land in question has not served as open space purpose for a considerable period of time and no complaints have been noted about the loss.
- 10.9 In addition to the above, the site currently employs 7 full time staff and 2 part time staff. It is considered that the economic benefits of the commercial units to provide small scale local employment opportunities to the local rural economy would accord with Paragraphs 80 and 83 of the NPPF. Rural economic benefits is a material consideration, which together with the evidence in paragraph 10.8 is considered to outweigh the loss of land within the Urban Green Space policy allocation and justifies departure from policy.
- 10.10 The proposed use of the site for car parking which has been used for parking and storage in relation to the agricultural building for some time (evidenced on aerial photos) would not be considered to be of detriment to the visual amenity and character of the wider Urban Greenspace or prejudice the use of the wider allocation.
- 10.11 To conclude, the development does not comply with Policy LP61(a) in that it would amount to a change of use of land that is designated as urban green space and which has not been shown to be surplus to requirements for open space, sport, or recreational facilities locally. However, for the reasons set out above it is considered that the proposed development would result in no significant loss to urban green space and furthermore would have the potential to bring about benefits to the rural economy which would support other planning objectives, in particular those of Chapter 6 of the NPPF. It can be therefore be allowed contrary to Policy LP 61
- 10.12 The proposed restaurant/café (A3) is identified by the applicant as being ancillary to the primary use of unit 3 catering business. Due to the small scale of the unit and limited seating area this is considered to be acceptable as the majority of produce will be consumed off site.
- 10.13 The application site is situated within the Farnley Tyas Conservation Area, as such Policy LP35 of the KLP applies which outlines that any development within the Conservation Area must either preserve or enhance the significance of the Conservation Area. Where the significance is harmed then public benefit should occur to such an extent that the balance of the harm is outweighed.
- 10.14 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 201 and 196 of the National Planning Policy Framework also reiterate this guidance.

10.15 The site holding the agricultural building only (not inclusive of the proposed car parking area to the East) has no specific allocation within the Kirklees Local Plan. As such Policy LP 24 is relevant in that it states that proposals should promote good design in accordance with a specific set of considerations. All the considerations are addressed within the assessment. Subject to these not being prejudiced, this aspect of the proposal would be considered acceptable in principle.

Heritage and urban design

10.16 The application site is set within the Farnley Tyas Conservation area therefore Local Plan policy LP35 is relevant. The proposed conversion of the former agricultural building has required alterations to the façade to create the required entrances to the 3 no. units. Each entrance has recessed shutters and internal shutter boxes.

10.17 The alterations to the façade have retained the character of the building and retained the blockwork, timber clad walls and corrugated roof. Although the building is modern in its appearance, it is an interesting and sensitive conversion which sits comfortably in this semi-rural location and reflects the former agricultural nature of the site which is considered to enhance the character of the conservation area.

10.18 The proposal is considered to in compliance with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Residential amenity and quality

10.19 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

10.20 The closest residential properties to the application site are no. 1 and no. 9 Deer Croft to the South which are separated from the site by Field Lane. The dwellings have an approximate separation distance of 11m.

10.21 The proposed use of the units is for B1 and B8 uses which would be considered to create a low level of disturbance to neighbouring properties due to the nature of the small-scale storage and distribution uses.

10.22 The proposed restaurant/café (A3) is considered to be ancillary to the catering business, and limited seating is shown to be provided on the submitted plans. The unit offers 'pop-up' dining events which are advertised via the 'Guest Dining' website. Notwithstanding this, the applicant proposes the following hours of opening to customers in respect of the A3 use:

Sunday, Monday, Tuesday, Wednesday:	8.00am - 23:00
Thursday, Friday, Saturday:	8.00am - midnight

- 10.23 Officers consider that the above hours of opening would introduce an activity that would create noise disturbance to nearby residents (e.g. noise arising from people leaving late at night, vehicles and taxis etc which is difficult to control). It is considered reasonable in this instance to impose a condition relating to temporary hours of opening for a period of 12 months in relation to the A3 use in order to allow the impact of any intensified use to be assessed.

Officers therefore recommend the following:

Monday to Thursday 08:00 to 18:00
Friday and Saturdays 08:00 to 23:00
No activities on Sundays or Bank Holidays

- 10.24 The applicant states that the site has a fallback position by virtue of a previous change of use of the original agricultural building, with no restriction on hours of opening. They state that this was carried out in accordance with Class R of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (previously Class M) and is considered to be a material consideration in relation to the development. However, prior approval was not sought from the Council in respect of this, nor has any evidence been provided by the applicant to this effect. As such, Officers consider that the current application should be considered on its own merits.
- 10.25 In summary, subject to the condition relating to temporary hours of opening for the A3 use as set out above, Officers consider that the impact of that use on residential amenity could be adequately monitored. As such, the application would be considered to comply with Policies LP1 and LP24 of the Kirklees Local Plan and guidance contained within Chapter 12 of the NPPF.

Highways and transport

- 10.26 The application seeks approval for the change of use of an existing agricultural building to a workshop and catering business and business/storage and distribution. The site is located on Field Lane, Farnley Tyas.
- 10.27 Throughout the application process, concerns have been raised regarding the condition of Field Lane and the number of vehicles using Field Lane as an access to the proposed units.
- 10.28 A planning condition was secured as part of planning permission 2011/92253 (outline application for redevelopment of Beech Farm for residential use including demolition of existing farm structure) which ensures the surfacing of Field Lane to an adoptable standard. The current and future condition of Field Lane would therefore not be considered as part of application due to the limited additional impact. Any concerns with regards to the condition of the Bridle Path would be covered under the existing planning condition.
- 10.29 The new proposals for storage and distribution are unlikely to significantly intensify the use of Field Lane when equated to this highways current and future function, and the previous agricultural use of the building. Restaurant/cafe use is ancillary therefore limited additional impact.
- 10.30 The proposal is considered to be in compliance with LP21, LP22 and LP24 of The Kirklees Local Plan and Chapter 12 of the NPPF.

Climate change

- 10.31 Chapter 12 of the KLP relates to climate change and states that “Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development.
- 10.32 A condition is proposed to secure the installation of electric vehicle charging points to serve the proposed units.

Representations

Comments received following Advertised by neighbour letter (25.11.2019) and advertisement (22.11.2019):

Support (6)

- No objection in principle as Beach Farm and Sycamore Farm are no longer agricultural operations.
Response: Comment acknowledged
- The barn would have become unused and fallen into disrepair without the proposed change of use.
Response: Comment acknowledged

Against (3)

- Experienced excessive noise throughout the day and night.
Response: A condition would be proposed for operational hours to be limited in order to restrict any impact on residential amenity of neighbouring properties.
- The daily/weekly events create a lot of traffic using the bridle way
Response: A full assessment with regards to the impact on highways is contained in the report above.
- The proposed hours of operation are currently not adhered to.
Response: The units are currently operating without the necessary permissions, therefore, there are currently no hours of operation that can be enforced.
- Guest Dining in unit 3 does not only prepare food for consumption off-site. There are pop-up events advertised and lunchtime café's throughout the week.
Response:
- The car park is only adequate for staff parking. It is not uncommon for customers to park on the paddock to the rear of the barn.
Response:

Comment

- A review should be made into the planning conditions regarding Field Lane attached to the permission for residential development at Beech Farm. This condition is not been adhered to.

Response: comment is acknowledged

- Field Lane is currently unsuitable for pedestrians, the elderly, wheelchair users and cyclists.

Response: A full assessment with regards to the impact on highways is contained in the report above.

Comments received following advertisement by neighbour letter (27.01.2020), advertisement (03.01.2020) and site notice (04.03.2020).

Support (6)

- The facility is now widely used and is a valuable facility within the village.

Response: comment is acknowledged

- Provides jobs for local villagers.

Response: comment is acknowledged

- The local facility helps elderly to socialise

Response: comment is acknowledged

- Provides a community focal point set in a former barn which has been adapted to today's needs.

Response: comment is acknowledged

- Guest Dining are respectful to the village and highly supportive of the community

Response: comment is acknowledged

Against (3)

- The poor condition of Field Lane should be addressed.

Response: A full assessment with regards to the impact on highways is contained in the report above.

Comment

- The state of Field Lane is a separate issue that has been on going to years

Response: Comment Acknowledged.

11.0 CONCLUSION

The proposed change of use of the agricultural building and creation of an area for car parking on land allocated as Urban Greenspace is considered to be acceptable by officers when taking into account the nature of the site and the character of the wider area and the potential economic benefits of the development. Furthermore, subject to the inclusion of the suggested conditions, the proposals would also be acceptable from a visual and residential amenity perspective as well as highway safety.

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Development in accordance with plans
2. Electric vehicle charging points
3. Hours of operation (12 month temporary hours of opening for A3 use)

Public Right Of Way footnote

Background Papers:

Website link to the application details:-

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93644>

Certificate of Ownership – Certificate B signed and dated 03.12.2019

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 01-Jul-2021

Subject: Planning Application 2021/90119 Installation of 30m high valmont slimline climbable monopole on 6.6 x 6.6 x 1.4m dep concrete base with 6 no. antenna apertures at 330°/90°/210° and 4 no. proposed 600 dishes. RRU's, MHA's, active routers and BOB's to be fixed to headframe below antennas and associated ancillary works Focal Community Centre, New Hey Road, Huddersfield, HD3 4DD

APPLICANT

EE Ltd (UK) & Hutchison
3G UK Ltd

DATE VALID

14-Jan-2021

TARGET DATE

11-Mar-2021

EXTENSION EXPIRY DATE

14-May-2021

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Lindley

Ward Councillors consulted: No

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 brought before the Strategic Planning Committee for determination under the terms of the Delegation Agreement because the proposal is considered to be a Departure from the Development Plan.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises a small area of land near the western boundary of a large field that is used for sports and informal recreation. The field is roughly 210m measured north to south and 120m west to east, bounded by New Hey Road to the north and Willwood Avenue to the south. There is a general downward gradient from north to south.

2.2 At the northern end of the field, on the New Hey Road frontage, is the Salvation Army Community Hall and the Focal Activity Centre. The land to the west is occupied by a large warehouse / industrial unit and the boundary is marked by a near-continuous belt of mature deciduous trees. Other than this recreational area, the main surrounding land uses are residential. At the eastern boundary is a footpath connecting New Hey Road with Willwood Avenue and also providing access to a number of residential cul-de-sacs. There is a gate at the north-western corner providing vehicular access.

3.0 PROPOSAL:

3.1 The proposal is for the installation of a 30m high Valmont slimline climbable monopole on 6.6 x 6.6m concrete base with 6 no. antenna apertures at and 4 no. 600mm dishes and associated ancillary works. The structure would be 1.4m wide at the base. Several equipment cabinets are to be placed at the northern side of the concrete and the whole is to be surrounded by 2.1m high palisade fencing.

3.2 The development would be placed close to the western boundary of the field and about 50m back from the boundary with New Hey Road. The need for the new installation has come about through the operator being given notice to quit their existing site. This is a rooftop installation on the former Oakes Mill roughly 140m to the north-west of the proposed site, which is to be demolished to enable the erection of a new food store that has been approved under application 2019/91656.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None

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

5.1 03-Mar-2021: Additional information received (further clarification about justification for proposal)

07-Apr-2021: Arboricultural Impact Assessment received

20-Apr-2021: Revised drawings showing netting around monopole.

28-Apr-2021: Revised Arboricultural Impact Assessment received

None of the above were re-advertised since they were not considered to raise significant new planning issues.

6.0 PLANNING POLICY:

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

6.2 Kirklees Local Plan (2019):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 4 – Providing infrastructure
- LP 21 – Highways and access
- LP 24 – Design
- LP 33 – Trees
- LP 47 – Healthy, active and safe lifestyles
- LP 61 – Urban Green Space

6.3 Supplementary Planning Guidance / Documents:

None are considered to be applicable in this instance.

6.4 National Planning Policy Framework:

- Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Expires on 11-Jun-2021 - publicity by site notice and press advertisement in addition to neighbour letter which is required under the terms of the Development Management Procedure Order since the application was considered to be a departure from the Development Plan. Two site notices were posted in the vicinity of the site.

7.2 2 representation received, one opposing the application and one supporting it.

Objection: Summary of concerns raised:

- Health impacts – e.g. on local residents, people using local facilities and the sports field;
- Impact on visual amenity;
- Impact on views towards Marsden Moor.

7.3 Representation in support: Summary of issues raised:

- The new mast is required to replace an existing one on account of the network providers having been given notice to quit, and will need to remove their equipment very shortly;
- If the replacement site is not made available in time, there will be a coverage gap;
- The mast needs to be tall because of the local terrain and the area it will be required to cover;
- It would house two network providers which is simpler than having to find two replacement sites;
- I believe that Sport England's concerns could easily be resolved by discussion.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- Sport England – No objection subject to condition

8.2 Non-statutory:

- KC Arboricultural Officer – Acceptable provided that AMS is fully complied with.
- KC Environmental Health – No objections
- KC Planning Policy – (informal response) The proposal does not fall within any of the exemptions listed in LP61(a).

9.0 MAIN ISSUES

- Principle of development
- Urban green space issues
- Urban design issues
- Residential amenity
- Landscape issues
- Highway issues
- Other matters
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site lies within land designated urban green space on the Local Plan proposals map. Under Policy LP61, Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where in a limited range of circumstances (assessed in more detail below). The decision-making process should also have regard to the need to protect the stock of playing pitches as set out in Policy LP47(c).
- 10.2 The Local Plan contains no policy explicitly covering telecommunication masts. However, Policy LP4 states that the Council will work with partners to “bring about the necessary and proportionate essential and desirable infrastructure that is required in order to deliver the spatial strategy.” The two paragraphs below may be considered relevant:
- Paragraph 7.6 (“Employment strategy”) states that “the Local Plan will assist in the creation of jobs in a variety of ways . . . facilitating improvements to transport and telecommunications.”
 - Paragraph 11.8 (“Design”): “All telecommunications infrastructure should be capable of accommodating changes in technological requirements, without having a negative impact on the streetscene”.
- 10.3 The following advice in Chapter 10 of the NPPF is also applicable:
- 10.4 “The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.”
- 10.5 “Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:
- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
 - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
 - c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

and a statement that self-certifies that, when operational, International Commission guidelines will be met.”

- 10.6 In this instance, the organisation notified a private day nursery and an infant & nursery school that are in close proximity to the site, and no response was received. The site is not within a statutory safeguarding zone (a). Criterion (b) does not apply. In the case of criterion (c), the developer has explained that the need for the new mast has arisen as a result of MBNL having been issued with a notice to quit their existing site on an old mill building located a short distance to the west of the site, which is to be demolished. It would also provide new 5G coverage for EE Ltd in order to improve coverage in the HD3 area of Huddersfield. The cell search areas for 5G are extremely constrained with a typical cell radius of approximately 250m meaning that it would not be feasible to site the column outside of this locale.
- 10.7 The site would be shared by H3G, EE and ESN (Emergency Services Network), which would support the aims of the NPPF Chapter 10 as set out above. Following the sequential approach, the applicant has determined that there are no opportunities for sharing existing masts, or making use of existing buildings, within this cell.
- 10.8 It is considered that the applicant has complied with the requirements of Chapter 10 of the NPPF in providing a robust justification for the proposal.
- 10.9 The site lies within land designated urban green space on the Local Plan proposals map. Under Policy LP61, Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where: a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.
- 10.10 Examining the proposal against Policy LP61, criteria (b) and (c) do not apply in this instance since the use proposed is not an alternative open space use, nor is any compensatory open spaces use being proposed as part of the application.
- 10.11 Assessing the application under criterion (a), it has not been demonstrated that the land affected by the development is no longer required to meet local needs for sport or recreation. This makes it a departure from the development plan. The development site however only comprises about half of one percent of the total area of the field, and furthermore it would not affect the usability of any formal sports facilities (see paragraph 10.13 below). It is therefore considered that the loss to urban green space would not be significant. Given the functional need for the mast, that it is considered to comply with the advice in Chapter 10 of the NPPF, and that a more suitable location for it is unlikely to be found, it is considered that there are exceptional circumstances that would in this instance justify granting planning permission as an exception to normal planning policy.

- 10.12 Regarding the other considerations in 61(a) it is considered that the existing field makes a modest positive contribution to visual amenity, but that this would not be compromised by the development since by far the majority of the field would be unaffected and the development would be located against the field boundary against the backdrop of a large building. It is considered that the field itself has little biodiversity value and no mature trees would be lost as a direct or indirect result of the development and so it is considered that biodiversity implications would at most be very slight. The field does however provide opportunities for both formal and informal sport and recreation. The part of the field closest to the proposed development is set out as a playing pitch, with goalposts either end.
- 10.13 Sport England, having been consulted, is satisfied that the proposed development meets exception (3) of their playing fields policy, in that the proposed development affects only land incapable of forming part of a playing pitch. Sport England did however raise one specific concern about the risk of balls being lost behind the palisade fence. The latest set of plans submitted by the applicant shows a cone of netting installed around the mast up to about half its height. The intention is that this will stop balls from getting inside the enclosure. Sport England have confirmed that this is acceptable provided that the gauge of the netting is no larger than that used on standard goal nets (120mm x 120mm) and the twine thickness is at least 3.5mm. It would not necessarily keep out tennis and cricket balls, but since the playing field is not set out to formally facilitate either sport, which could be played informally on other parts of the recreation ground away from the mast, this is considered acceptable as the chance of other balls being lost in this way would be low.
- 10.14 It therefore considered that subject to the netting being installed at the appropriate gauge and thereafter retained, the proposed development would comply with the aims of LP47 in that it would not compromise public access to high-quality sports and play facilities.
- 10.15 In summary, the proposed development, because of its location, would be a departure from the development plan. But as it would result in a negligible loss of urban green space, and given the demonstrable need for the development, it is considered that there are exceptional circumstances that would in this instance justify planning permission being granted as an exception to normal planning policy.

Urban Design issues

- 10.16 The northern half of the sports field is near level, but the southern half has a downward slope towards Willwood Avenue and there is a slight downward gradient west to east across the site. The monopole would be placed within a large open field but near its western edge and against a backdrop of a substantial industrial building and mature trees. Its impact would not be completely disguised by these features but would be substantially mitigated. It is considered that it would not seem overly prominent when viewed from either New Hey Road, Willwood Avenue, or from the nearby residential development to the east.

10.17 It is considered that the location chosen for the mast and the associated works is the one that would have the least visual impact and the one that harmonises best with its surroundings. It is also considered that the netting would not in itself be detrimental to visual amenity. It is therefore considered that it would accord with the aims of LP24(a) and Chapter 12 of the NPPF, subject to the palisade fencing being given an appropriate permanent colour finish (dark green or dark brown), which can be conditioned.

Residential Amenity

10.18 Equipment cabinets associated with telecommunications masts have the potential to generate noise which may cause disturbance to nearby residential properties. Since the site is a considerable distance from any dwellings, and as Environmental Health have expressed no objections, this is not deemed to be a significant concern in this instance. It is therefore judged to comply with the aims of policy LP24(b) of the Local Plan.

Landscape issues

10.19 For the reasons set out in parts 10.16-17 above, it is considered that the proposed mast and associated infrastructure would not have any detrimental impact upon the wider landscape.

Highway issues

10.20 The development is not expected to lead to frequent additional vehicle trips to and from the site. Occasional visits for maintenance or monitoring purposes are not considered to create significant implications for highway safety. If and when deemed necessary, vehicles can drive on to the site by means of the gateway at the north-west corner of the site, or alternatively there are opportunities to park safely by the roadside in the local area. It is therefore considered to be compliant with the aims of policy LP21 of the Local Plan.

Planning obligations

10.21 No planning obligations need to be entered into in connection with this permission.

Representations

10.22 Concerns and comments relating to visual amenity and to the functional need for the development have been examined in the main part of the Assessment but are highlighted here together with other issues raised and officer responses:

Comments against:

- Health impacts – e.g. on local residents, people using local facilities and the sports field;

Response: An ICNIRP declaration was submitted with the application to confirm that it would comply with the Public Exposure Guidelines, and on this basis it is concluded that it would not in itself give rise to a detrimental impact upon public health. As conditioned it is considered it would not have a detrimental impact upon people using the field.

- Impact on visual amenity;

Response: Visual amenity has been assessed in detail in part (2) and it is judged that the impact would be acceptable.

- Impact on views towards Marsden Moor.

Response: The Marsden Moor Estate lies some distance to the west. It is not clearly visible from the sports field or the adjacent public highway. From some vantage points where it is possible to see Marsden Moor from a distance, the monopole might appear in the line of site, but as the monopole would be seen against a backdrop of a large building, mature trees, and gently rising land, it is considered that this would not have any significantly detrimental impact upon distant views or the wider landscape.

Comments for:

- The new mast is required to replace an existing one on account of the network providers having been given notice to quit, and will need to remove their equipment very shortly;
- If the replacement site is not made available in time, there will be a coverage gap;
- The mast needs to be tall because of the local terrain and the area it will be required to cover;
- It would house two network providers which is simpler than having to find two replacement sites;

Response: It is considered that the applicant has demonstrated a need for the proposal, that it would facilitate mast-sharing, and that in all respects it accords with the advice in Chapter 10 of the NPPF.

- I believe that Sport England's concerns could easily be resolved by discussion.

Response: A solution has been designed and can be made the subject of a condition.

Other matters

10.23 *Public health:* The proposed development (as amended), for the reasons set out in paragraphs 10.11-10.14 above, would not weaken opportunities for outdoor sport and recreation and would therefore not have a detrimental impact on the health and fitness of people living in the Ward or close to the site. It would therefore be compatible with maintaining healthy and active lifestyles and comply with the aims of LP47.

10.24 An ICNIRP declaration was submitted with the application to confirm that it would comply with the Public Exposure Guidelines as required by NPPF Chapter 10.

10.25 *Trees:* There is a belt of trees extending along the western boundary, which are not covered by a Tree Preservation Order. The Council's Arboricultural Officer's view is that the main reason for the lack of protection is that they are on Council-owned land and have not previously been under threat of development or loss. An Arboricultural Impact Assessment (AIS) was submitted. The original AIS deems the trees to be of moderate quality (with a few exceptions that are deemed low quality) and confirms that most of them can, and will, be retained. The exception is T6, a common beech, for which removal was recommended as the works would involve substantial excavations within the tree's root protection zone.

- 10.26 The Council's Arboricultural Officer has raised an objection to the loss of T6 on the grounds that it would involve the preventable loss of a tree that could be prevented by a small re-siting of the development. The applicant subsequently submitted an amended AIS which shows the retention of T6, facilitated by additional protective measures within this tree's root protection zone, with root pruning where found to be necessary. The Arboricultural Officer has confirmed the amended AIS is acceptable. It is recommended that approval of the development is conditional on all recommendations in the AIS being adhered to. Subject to this it would accord with the aims of Policy LP33.
- 10.27 The site is in the bat alert layer but it is considered that the proposal would not result in the loss of any features that would potentially provide roosting or feeding opportunities for bats, or have any other significant implications for local ecology. It is therefore considered to be compliant with the aims of LP30 and NPPF Chapter 15.
- 10.28 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target; however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.29 In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. It is considered that as the proposal is demonstrably necessary to avoid a gap in telecommunications coverage occurring and is the most efficient design solution in allowing mast-sharing, in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above and set out in NPPF Chapter 14.

11.0 CONCLUSION

- 11.1 It is considered that for the reasons set out in the report the proposed development would fulfil a functional need for replacement and upgrading of telecommunications infrastructure and that whilst it would be contrary to Policy LP61(a) it can be accepted on the basis that it would not result in any significant loss of public opportunities for outdoor recreation. Furthermore, it would, as conditioned, preserve visual amenity and have no adverse impact on public safety or the local environment.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and it is therefore recommended for approval.

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

1. Development shall be begun within three years of the date of the permission
2. Development to be in complete accordance with plans and specifications
3. Netting shown on the drawings to be installed before monopole is brought into use
4. Development to be implemented in full accordance with recommendations in the Arboricultural Impact Assessment.
5. The palisade fencing to have a dark green or dark brown colour finish.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/90119>

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