

Public Document Pack



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

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Wednesday 21 July 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 29 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 Mohan Sokhal
Councillor Mark Thompson
Councillor Andrew Pinnock*

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

* In accordance with Council Procedure Rule 35(8)(ii) Councillor Anthony Smith will substitute for Councillor Andrew Pinnock.

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.

In accordance with Council Procedure Rule 35(8)(ii) Councillor Anthony Smith will substitute for Councillor Andrew Pinnock.

2: Minutes of the Previous Meeting

1 - 6

To approve the Minutes of the meeting of the Committee held on 1 July 2021.

3: Declaration of Interests and Lobbying

7 - 8

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

9 - 10

The Planning Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than **Monday 26th July 2021**.

To pre-register, please email governance.planning@kirklees.gov.uk or phone **Sheila Dykes or Andrea Woodside** 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 on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

8: Planning Application - Application No. 2018/93676 11 - 34

Planning application for infill of land and formation of access and turning facilities, temporary fence and restoration to agricultural use on land north west of Hog Close Lane, Holmfirth.

Contact Officer: Farzana Tabasum, Planning Services

Ward(s) affected: Holme Valley South

9: Planning Application - Application No. 2021/90119 35 - 46

Application for the installation of a 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 at Focal Community Centre, New Hey Road, Huddersfield.

Case Officer: William Simcock, Planning Services

Ward(s) affected: Lindley

10: Position Statement - Application No. 2021/92086 47 - 86

Application for the erection of 270 residential dwellings and associated infrastructure and access land at, Bradley Villa Farm, Bradley Road, Bradley, Huddersfield.

Case Officer: Victor Grayson

Ward(s) affected: Ashbrow

Planning Update

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

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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 1st July 2021

Present: Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Charles Greaves
Councillor Alison Munro
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Mark Thompson

Apologies: Councillor Andrew Pinnock

1 Membership of the Committee

Councillor Alison Munro substituted for Councillor Andrew Pinnock.

2 Minutes of the Previous Meeting

The Minutes of the meeting of the Committee held on 3rd June 2021 were agreed as a correct record.

3 Declaration of Interests and Lobbying

Councillor Steve Hall advised that he had been lobbied in relation to Applications 2020/92546 and 2019/90902.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Planning Application - Application No: 2020/92546

The Committee considered Application No: 2020/92546, an 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 on land at and off, Blackmoorfoot Road and Felks Street, Crosland Moor, Huddersfield.

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

Strategic Planning Committee - 1 July 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, subject to the amendment of Condition 7 to include a requirement for the undertaking of community consultation:

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.

Strategic Planning Committee - 1 July 2021

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 West Yorkshire Police.
38. Finished site levels (including existing and proposed cross-sections).
39. Implementation of noise mitigation measures.
40. Submission of a ventilation scheme for habitable rooms.
41. Details of noise from fixed plant and equipment.

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

1. Affordable housing – 20% provision with a tenure split of 55% social or affordable rent to 45% intermediate housing 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 (£23,000 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.

Strategic Planning Committee - 1 July 2021

In circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

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

For: Councillors Greaves, Hall, Munro, Pattison and Sokhal (5 votes)

Against: Councillors Bellamy and Thompson (2 votes).

8 **Planning Application - Application No: 2019/90902**

The Committee considered Application No. 2019/90902, an outline application for the demolition of 1 dwelling and erection of 98 dwellings, with consideration for access, landscaping and layout to the rear of 271 Cliffe Lane, Gomersal, Cleckheaton.

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

RESOLVED -

That the application be refused for the following reason:

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.

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

For: Councillors Greaves, Hall, Munro, Pattison, Sokhal and Thompson (6 votes)

Against: (0 votes)

Abstain: Councillor Bellamy

9 **Planning Application - Application No. 2019/93644**

The Committee considered Application No. 2019/93644 relating to a 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.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Lynette Swinburne and Amanda Guest (in support).

Strategic Planning Committee - 1 July 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 and the Planning Update, as set out below:

1. Development in accordance with plans.
2. Electric vehicle charging points.
3. Hours of operation:
Mondays and Tuesdays (excluding bank holidays): Closed to the public, however the premises would be open for the preparation of food for outside events.
Wednesdays and Thursdays: 10.30 – 22.00
Fridays and Saturdays: 08.30 – 23.00
Sundays and Bank Holidays: 10.30 - 20.00
(12 month temporary hours of opening for A3 use).

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

For: Councillors Bellamy, Hall, Pattison, Sokhal and Thompson (5 votes)

Against: Councillor Greaves (1 vote).

Abstain: Councillor Munro

10

Planning Application - Application No. 2021/90119

The Committee considered Application No. 2021/90119 relating to the installation of a 30 metre 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 at Focal Community Centre, New Hey Road, Huddersfield.

RESOLVED –

That consideration of the item be deferred to allow for clarification/further information to be provided in respect of:

- Permitted Development Rights for telecommunication installations.
- Protected areas, as defined under permitted development rules.
- Why it is necessary for the mast to be 30 metres in height and in the proposed location.
- The connected infrastructure that will be required.
- An assessment of the visual impact of the proposal and the potential for mitigation.

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

For: Councillors Bellamy, Greaves, Hall, Munro, Sokhal and Thompson (6 votes)

Against: (0 votes)

Abstain: Councillor Pattison

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

LOBBYING

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

Lobbying

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

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

PLANNING POLICY

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

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

National Policy/ Guidelines

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

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

REPRESENTATIONS

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

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

EQUALITY ISSUES

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

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

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

HUMAN RIGHTS

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

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

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

PLANNING CONDITIONS AND OBLIGATIONS

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

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

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

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

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

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

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 29-Jul-2021

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

APPLICANT

P Turner

DATE VALID

04-Feb-2019

TARGET DATE

06-May-2019

EXTENSION EXPIRY DATE

15-Mar-2021

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley South

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION: REFUSE

1. The Council has sufficient landfill capacity in the district for meeting the needs of Construction, Demolition and Excavation waste. The submitted information fails to sufficiently demonstrate and justify that there is a proven need for additional landfill capacity for this type of waste, contrary to Kirklees Local Plan Policy LP46.

1.0 INTRODUCTION:

1.1 This application is brought to the Strategic Planning Committee (SPC) following the deferral at the 31 March 2021 SPC meeting, where Members considered the applicant be given the opportunity to allow for the submission of a waste needs assessment to demonstrate the need for additional land capacity to deposit construction, demolition and excavation waste and provide details of an enhanced landscaping scheme.

2.0 SITE AND SURROUNDINGS:

2.1 The application site currently comprises agricultural pastureland, a void in the form of a gully which extends into two fields and an existing farm track comprising of approximately 1.93ha of land, stated to be in association with Martins Nest Farm. The site is bordered to the north, south and west by open land and to the east by Slack Top Lane. Access into the site is taken from the existing track, off Hog Close Lane.

2.2 The character of the area is predominantly rural with isolated residential properties and farmsteads, the nearest of which is a residential property on Grime Lane, approximately 200m to the south east, at Martins Nest Farm and Upper Woodroyd Barn which is a similar distance to the south. The site is immediately adjacent to the Barnsley Metropolitan district with Hog Close Lane and Slack Top Lane forming the boundary between the two districts.

3.0 PROPOSAL:

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

- Infill of a gully with a total volume of 29, 207 cubic metres, consisting of 19,258 cubic metres of inert waste, 7,106.5 cubic metres of clay cap and 2,843 cubic metres of topsoil

- Widening and realignment of the entrance of the existing access track and provision of an on-site turning area
 - Erection of a temporary 1.2m high mesh perimeter fence and gates to secure the site during the fill and restoration phases.
 - Restoration of the site to agricultural use, after landfilling is complete
 - Compensatory works to replace the permanent loss of high value habitat, to encourage biodiversity on and off site
 - Diversion of a water course, and
 - a series of perforated pipes within the landfill area
- 3.2 The supporting statement states that the purpose of the development is to help diversify the income of the farm and provide additional revenue to invest in the overall agricultural business. The applicant asserts that by filling the void with inert and clean demolition waste material then restoring the land to integrate with levels of the surrounding farmland, it will help make the land more productive and usable for agricultural purposes.
- 3.3 Waste material is proposed to be brought to the site on 4 axel tipper trucks, capable of carrying 20t loads. Loads are proposed to be limited to approximately 8 per day (i.e. 8 in and 8 out. A total of 16 vehicle movements per day).
- 3.4 It is proposed to operate the site for 5.5 days per week (i.e. –8am –5pm weekdays and 8am –12 noon on Saturdays). The supporting information states that approximately 1245 deliveries will be required to infill the site and import sub-soil for the clay cap.
- 3.5 The application is accompanied with a number of reports/plans, most of which were submitted during the course of the application between May 2019 – February 2021, to address issues raised by a number of consultees, through the consultation process. These include:
- Private water supply surveys (x2)
 - Ecology impact assessments
 - Compensatory biodiversity net gain proposals
 - Maintenance & management plan (habitat enhancement)
 - Drainage assessments
 - Phase 1 Geotechnical report
 - Planning justification statement
 - Additional Planning justification statement
- 3.6 In addition to the above, following the deferral of the application at the March SPC meeting, further information is received. This includes:
- Supporting letter, email copies from 3 quarry operators and price comparison information per load for tipping, from MWP Planning on behalf of the PMW Quarries LTD (not the applicant) who wishes to deposit the waste at the application site.
 - A summary of the information contained within the supporting letter from MWP, from the acting agent on behalf of the applicant (see paragraphs 10.12, 10.13, 10.16, 10.17, 10.18, 10.19 and 11.2 where these details are assessed)

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

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

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

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

Enforcement:

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

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

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

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

- 5.1 An area of 0.14ha compensatory woodland planting along with other compensatory measures were accepted previously. However, at the SPC meeting of 31st March, Members requested the proposed woodland planting be increased. The applicant is agreeable to this. Confirmation is sought to the amount of additional compensatory planting that is to be offered. Details of this can be provided in the update or on the day of the committee meeting. Should Members approve the application, the 'Compensation Proposals' will need to form part of the biodiversity metric calculation and be included within the maintenance schedule to accompany the S106 agreement. The applicant is aware and agreeable to this.
- 5.2 Revisions requested to include reed bed within a wetland area. Also proposals to include compensatory replacement of Heathland and Woodland (high value habitat of importance) which would be lost within the application site, as a result of the proposed landfill operations. The replacement of these high important habitat features is to be provided (conditioned/S106) within an area shown in control of the applicant, within the blue line.
- 5.3 Revised biodiversity metric calculation and plan showing areas on and off site proposals to accord with biodiversity metric calculation - received 10/02/20.
- 5.4 Draft S106 agreement for the long term maintenance and management of the proposed on and off site biodiversity net gains - received 15/02/21
- 5.5 Additional statement requested by Officers, to set out consideration of Local Plan Policies LP43 and LP46.
- 5.6 Letter from PMW Quarries.co.uk stating local tipping facilities are required to reduce travel to sites outside Kirklees – received 18/03/21

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

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

- 6.3 Supplementary Planning Guidance / Documents:

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

- 6.4 National Planning Policy Framework:

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

7.0 PUBLIC/LOCAL RESPONSE:

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

Flooding/drainage private water supply:

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

Impact on amenity and character of area:

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

Highway/safety issues:

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

Other issues:

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

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

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

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

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

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

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

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

8.2 **Non-statutory:**

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

K.C. Biodiversity Officer – Support on the basis of biodiversity net gain is achieved and the long-term maintenance and management of such areas be secured by S106. Welcomes additional compensatory woodland planting as suggested by Members at the March SPC meeting.

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

9.0 **MAIN ISSUES**

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

10.0 **APPRAISAL**

Principle of development - Green Belt

- 10.1 The application site comprises of agricultural pastureland and a void in the form of a gully with natural habitat of high importance. The landfill proposals can be considered as engineering operations which would involve the importation of approximately 29,207 cubic metres of inert, clean demolition and topsoil (all waste) to re-profile and restore land to agricultural use.
- 10.2 It is not disputed, that due to the deep void and nature of the gully this prevents the full and proper working for agricultural use on this part of the site.

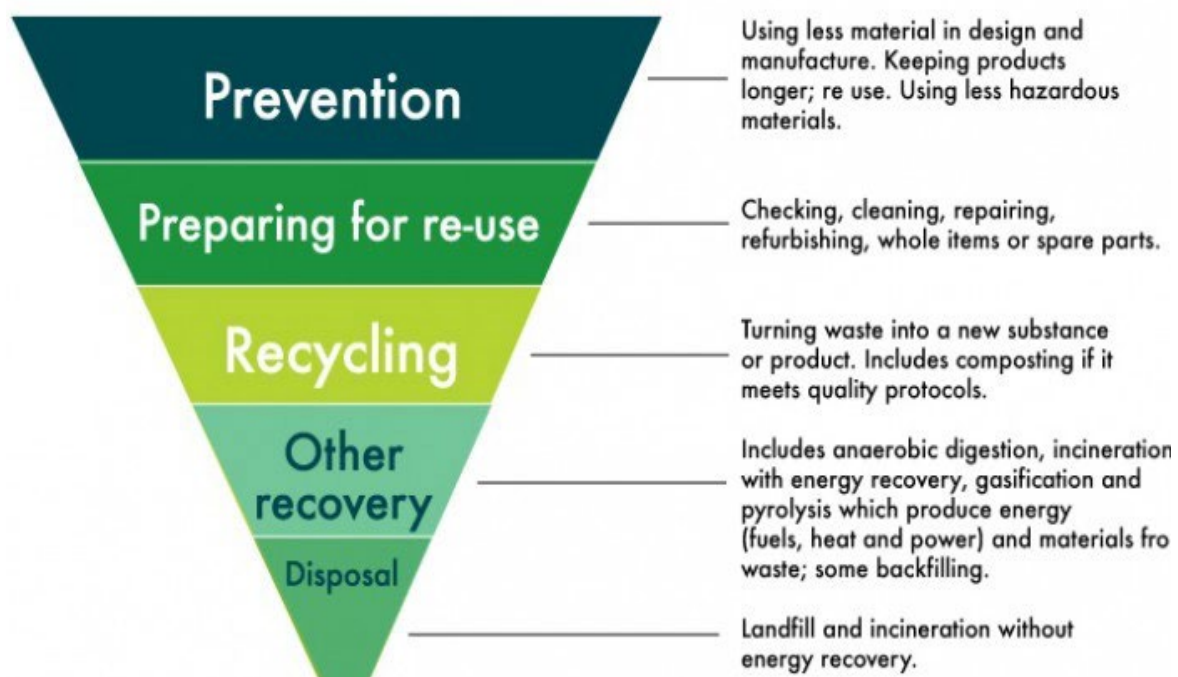
- 10.3 The starting point is paragraph 146 of the National Planning Policy Framework (NPPF) which sets out amongst other forms of development that engineering operations is not inappropriate in the Green Belt provided it preserves the openness of the Green Belt and do not conflict with the purpose of including land within it.
- 10.4 The sectional drawings accompanying the application indicate the extent of profiling required to form the desired land levels after completely filling in the gully with waste materials. On completion, it is considered whilst the proposals would take the effect of an engineered embankment at the northern end of the site, the final contouring after infilling would allow the site area to integrate with wider surrounding landscape of undulating fields. Views into the site from the north, looking back towards the site would, in time be mitigated by the off-site proposals to create an additional area of woodland which is proposed to compensate for the loss of biodiversity interests as a result of the proposals (discussed in more detail below).
- 10.5 The applicant states the landfill and restoration proposals are to be carried out no more than over a period of 3 years, 6 months of which to restore the site. As set out above, it is anticipated to generate an average of 96 HGV movements onto and off the site each week. The impact on highway safety is considered below, however it is important to assess the impact on the openness of the Green Belt from the length of time and level of activity to be carried out in association with the proposed development.
- 10.6 The NPPF indicates that openness and permanence are the essential characteristics of the green belt. There is no definition of openness in the NPPF in the green belt context. However, in a recent appeal decision (ref: 2018/94092, Emily Fields Liley Lane) which was reported at the Strategic Committee meeting on 23rd January 2020, the Inspector refers to, in the green belt context, *“it is generally held to refer to freedom from, or the absence of, development”*. Comparisons can be drawn with the appeal and application site proposals, in that both sites after engineering operations, are to be carried over short period of time. The Inspector, in coming to his conclusion also took into account that during the carrying out of the engineering works, it would result in disruption to the landform and there would inevitably be an increased level of activity at the site and surrounding highway network, as a consequence of the associated HGV's. Nonetheless, the inspector concluded that the openness of the green belt would be preserved following completion of works.
- 10.7 Similarly, the proposals before Members are stated to be carried out over a short period (3 years), includes engineering operations albeit after infilling the gully and on completion of restoration works, the openness of the site would be preserved.
- 10.8 Turning to the works proposed to the existing track, should Members be minded to approve the proposals, this could be conditioned to be returned to its original state, on completion of land fill operations to ensure the openness of the Green Belt is preserved. Furthermore, in the interests of preserving the openness, it would be reasonable to condition that the waste fill material brought onto site, be used on arrival and not be stockpiled as was the case in the appeal.

10.9 To summarise on green belt matters, it is considered that the proposed development involves engineering operations over a short period of time and as the openness of the green belt (subject to conditions) would be preserved, it is therefore, not considered to be inappropriate development in the green belt nor would it conflict with the five purposes of the green belt. The site is currently open and free from development and this would continue on completion of the landfill, engineering and restoration works to be completed within a short period of time, in accordance with paragraph 146 of the NPPF.

Principle of development - Waste Management & Disposal

10.10 Turning to the management of waste, The National Planning Policy for Waste sets out its commitments to the aims for sustainable waste management which are summarised in the 'waste hierarchy' see figure below. Although this indicates that the most effective environmental solution to the generation of waste is waste prevention, it also indicates that the re-use and recycling of materials are the next best options, with the least desirable and unsustainable solution being landfill disposal. This is echoed in Local Plan Policies LP43 (a) and LP46.

10.11 Waste Planning Authorities are therefore encouraged to take a positive approach towards dealing with waste in a way which moves its treatment up the hierarchy, by making provision for the management of various streams of waste, including inert and clean demolition waste material.



10. 12 A lot of waste can be re-used and re-purposed. It is a way of moving it up the waste hierarchy instead of putting it in landfill. In this case, at the March SPC meeting it was reported that the proposals to dispose waste into landfill was at the bottom of the hierarchy. Further information has since been received which clarifies that the waste proposed to be deposited at the application site is

“waste which would be used would be that element of construction, demolition and excavation (cde) waste that could not be recycled, which typically forms around 10% of the total volume of these types of waste. This is cde waste which has been treated to remove all of the components such as brick, stone and concrete, that can be used as a recycled aggregate. The remaining component generally comprises dusts and clays which have no specific use other than as a general fill to be utilised on development sites and in land reclamation/improvement”

10.13 On the basis that the waste to be deposited to landfill, is *“the remaining residues of construction, demolition and excavation waste”* this would be in compliance with the waste hierarchy and Local Plan policy LP43(a) as what is left cannot be recycled and considered as landfill.

Consideration of safeguarded waste sites:

10.14 With respect to the disposal of waste, in order to inform the Council on the requirements of Kirklees a comprehensive Waste Needs Assessment (WNA) 2016 was produced. This examines in detail the current quantities of waste generated and managed in the Kirklees district, the projected growth of waste to be managed over the plan period and the associated future capacity requirements, which forms the evidence base for Policy LP46.

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

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

10.16 Although the information within the WNA was produced in 2016, it identifies sufficient land capacity for construction demolition and excavation waste through the allocation of safeguarded waste sites in Kirklees for the plan period and beyond. Following the deferral of the application at the March SPC meeting, to assist, the applicant was provided with a list of available sites that have capacity for construction demolition excavation waste at sites identified in the Kirklees Local Plan, which is fed into by relevant local authorities annually and produced by WYCA.

10.17 The following sets out the applicant’s reasons for discounting waste safe guarded landfill sites that have capacity for construction demolition excavation waste, identified in the Kirklees Local plan, followed by officer’s response to each reason.

“of the 27 safeguarded sites identified in the Kirklees Local Plan only 5 of these sites are capable of receiving inert C, D & E waste arising for landfill. These are:

- *Wellfield Quarry*
- *Carr Hill Quarry*

- Bradley Park Landfill
- Laneside Quarry (Landfill)
- Laneside Quarry (reclamation)

The remaining 22 sites are either recovery/treatment or transfer centres involved in the recycling process but not have the capacity for the final disposal to landfill”.

Officer’s response: Accepted that the remaining 22 sites are either recovery/ treatment or transfer centres involved in the recycling process and do not have the capacity for the final disposal to landfill

With regards to the 5 sites capable of receiving inert C, D & E waste:

1. Wellfield Quarry

“Wellfield Quarry, is capable of taking the full range of C, D & E waste. However, this site is understood to have limited capacity and is not always open in the winter months. Furthermore, because it is the only available site it finds itself in a monopoly position, free from competition and able to charge excessive tipping rates well above the market rate. This has the effect of forcing almost all of the residual C,D & E waste (i.e. that which cannot be recycled) outside of the district and in many cases outside of the region”.

Officer’s response: No evidence has been submitted to substantiate that the site has limited capacity. The statement made contradicts the information provided within the database that was sent to the applicant, which indicates there is an annual capacity of 41,100 tonnes till 2036. With respect to the site not being open in winter months, this is typical of most landfill sites in wet winter months, which results in unsafe ground conditions to allow for landfill operations to take place safely. In order for landfill to compact and take form appropriately, landfilling needs to be conducted outside extreme wet weather conditions. The price/rates charged for tipping is not a material planning consideration. On the basis of the above, it is considered capacity remains at this site to take CD&E waste

2. Carr Hill Quarry

“Carr Hill Quarry operated by PMW is a closed gate site and has virtually no void space remaining. Hence the reason they are exporting all of their waste to Goole at present. Permission for this site ceases in 2022”.

Officer’s response: PMW is the landfill contractor wishing to dispose of the CD&E waste at the application site at Hog Close Lane. Carr Hill quarry benefits from an extant planning permission granted under 2000/90671, which is conditioned to cease mineral extraction and site to be restored to amenity woodland and grassland by August 2022. The restoration details, approved in 2011, under condition 30 of the same permission would see the site completed near to the original land levels.

An application (2019/93039) was refused in December 2019 which sought to vary the approved restoration proposal on the grounds of harm to the Green Belt and the very special circumstances put forward were not considered sufficiently exceptional to clearly outweigh the harm that would be caused to the Green Belt by virtue of inappropriate development.

The applicant, PMW quarries, did not appeal the decision. Consequently, a further application (2021/91826) was received in May earlier this year, for almost an identical proposal to vary the previously approved restoration scheme which ultimately seeks to introduce flat hard surfaced level areas within the site. A decision is pending.

Information is also received which indicates that under the Environmental permit obtained for this site, the remaining landfill capacity is fairly low. However, It must be noted that this permit does not reflect the approved land levels under the extant permission, therefore cannot be relied upon. Survey details of the remaining landfill capacity which relate to the approved land levels under the extant permission would be required to assess the exact remaining land capacity at this site. Furthermore, it is the operators/ owners responsibility to seek an Environmental permit from the Environment Agency which corresponds with the approved planning permission.

On the basis of the above, it is considered capacity remains at this site to take CD&E waste which would also enable the land levels of the site to be completed in accordance with the approved restoration details.

3. Bradley Park Landfill

“Bradley Park Landfill only accepts infrequent amounts of inert waste. This is specifically engineering materials does not include the full range of C.D & E waste”.

Officer’s response: Bradley Park Landfill Site is a strategically important hazardous waste site, both for Kirklees and regionally. Operations across the UK use this facility to dispose of hazardous waste. The site can accept inert waste intermittently, however allowing non-hazardous waste on this site may affect the capacity over the Local Plan period and undermine its functionality as a hazardous waste site.

4 & 5. Laneside Landfill & Laneside Reclamation

“Laneside Landfill & Reclamation is a closed gate site for use by Thomas Crompton Demolitions and currently does not have an appropriate permit.”

Officer’s response: During a recent site visit, the operator verbally confirmed to officers that this is a closed gate site, in that it is only accessible and open to the operator/owner and not open to other waste contractors.

“The other 5 sites are not available for the following reasons:

Forge Lane Dewsbury – *not currently available to take waste. It is subject to a CPO for Huddersfield/Ravensthorpe railway improvements and its future is uncertain. No void space available”*

Officer’s response: Officers are aware, Network Rail (NR) has served a CPO to acquire the site temporarily to carry out improvements works. Whilst this can be a lengthy process, and the outcome of which is yet uncertain, the extant permission for this site allows extraction of minerals to cease and site to be restored within 10 years from implementing the permission. The supporting information refers to the end date to be in 2024. In light of this, as the permission is approaching its end date 2024, the restoration to achieve the approved land levels will need to be forthcoming imminently. In any event, whilst the future of this site is uncertain, if the site is to be acquired by Network Rail, the existing voids will need to be filled to enable Network Rail to start works on site.

Hillhouse Edge Quarry, Holmfirth - *this doesn't have a permit. There will be no landfill until mineral extraction has completed. It is unlikely to be available in the next 10 years.*

Officer's response: Three applications at Hillhouse Edge Quarry were determined at the October 2020 Strategic Committee. These allow for the continuation of mineral extraction and to restore the sites by December 2028, with restorations of the extended quarry to be completed by 31st December 2030. At the time of considering these applications it was acknowledged that the final restoration of the site will require the import of inert waste as the volumes of quarry waste are likely to be insufficient to bring site back to original levels. The site has been in part and will continue to be restored with the overburden and reject stone by backfilling. However, the full extent of importation of infill is unknown until mineral extraction has ceased and final restoration begins to achieve the approved land levels within the extended part of the quarry site after December 2028. Therefore, it is understood the site is not yet available for landfill in the short term.

With regards to there currently being no Environmental Permit, this is a separate matter to be resolved outside the remit of the planning process. The responsibility lies with the site operator/owner to obtain the relevant and necessary permit/licence from the Environment Agency and any other regulatory body/ies, prior to allowing the importation of waste/infill materials to the site. However, it is acknowledged the lack of the appropriate permit/licence may deter waste contractors to use the site for depositing of waste.

Windy Ridge Quarry Holmfirth – The supporting letter from MWP Planning on behalf of the PMW Quarries LTD, states *“this is a site belonging to one of my clients. It is an active quarry and will be unable to accept infill materials until quarry activity is completed”*. *There is consent up until 2029 for mineral extraction. There is no Environmental Permit for landfill.*

Officer's response: Planning permission for this site requires the extraction of mineral to cease and site restored by 31 March 2028. Whilst, it is acknowledged this is an active site, no information has been forthcoming to indicate at what stage the operations are at and how much reserves, if any are remaining on site, to assess whether the site is capable/ ready for the importation of waste in the short term. In view of this, the discounting of this site has not sufficiently been demonstrated.

With regards to there being no Environmental Permit, as stated above this is separate matter to be resolved outside the remit of the planning process.

Temple Quarry, Grange Moor – *this site doesn't have a permit. It is closed gate for Mone Bros Ltd only.*

Officer's response: Confirmation is received that this site is *“likely to be a closed gate site”* and not generally available to waste contractors. However, having sought further clarity on this, it is advised this site is not definitely a closed gate site and will intermittently accept landfill waste from other contractors, depending on the priced charged for tipping/per load, which as stated above is not a material planning consideration. In view of this, the discounting of this site has not sufficiently been demonstrated.

Peace Wood, Shelley – *this site does not have a permit and will not receive inert waste until mineral extraction ceases. It has consent until 2032.*

Officer's response: Confirmation was obtained by officers from the acting agent for this site, who advises mineral extraction and landfill can be done in tandem on this site. Therefore, it is not necessary for mineral extraction to cease before landfill operations continue/commence. Furthermore, it is established that the site owner/operator is in the process of obtaining the relevant permit licence from the Environment Agency. In view of this, the discounting of this site has not sufficiently been demonstrated.

There are other potential landfill sites which are not included on the Local Plan Safeguarded List. These have been assessed along with the Local Plan discounted sites (Appendix 2). None of the 6 discounted sites are available to receive inert waste. This is confirmed.

Officer's response: The information relating to the 6 discounted sites was provided to the applicant, by officers. These sites have either been restored or close to restoration with no remaining capacity for landfill.

The March Committee report in paragraph 10.23 refers to nearby active mineral workings, namely Ox Lee (2013/70/92388/WO), Appleton 2017/70/92300/EO) and Sovereign (2018/70/91605/EO). None of these quarries are currently available for landfill. They do not have environmental permits for landfill and nor do they have planning permission for landfill.

Officer's response: The extant permissions for these quarries do not allow the importation of landfill material to these sites.

Applicants summary:

It is therefore clearly evident that there is a significant shortage in capacity for C,D & E waste in the short-medium term and this is likely to persist for the next 10 years until various quarries reach the end of their productive lives. Furthermore, the lack of competition is adversely affecting the market price and is forcing waste contractors to travel long distances to dispose of waste outside the region.

The capacity in Kirklees District is negligible but the waste from construction, development and excavation sites accounts for 293,000 tonnes of waste each year (based on the 2014/2015 figures in the Kirklees Waste Needs Assessment (2016). This represents 33% of all waste in the district, and although a significant proportion of this can be recycled much of the waste (silts, sludge and clays) have no beneficial use and much be disposed of inert landfill sites. Hog Close Lane has a capacity for 29,000 cubic metres of inert waste (approximately 40,000 tonnes) and is estimated to take 3 years to fill. This equates to 13,333 tonnes per year. This is only a fraction of the capacity required. Furthermore, it will only provide a short- term solution and additional landfill sites will be required in the medium term to provide adequate capacity a, and in the short term to provide healthy competition”.

Officer's response: The applicant has failed to demonstrate with evidence that there is a proven need for additional landfill for CD&E waste, and that it would not divert material away from the restoration of any quarry void.

- 10.18 The March SPC agenda, set out the applicant's claim to the agricultural business needs in which it was stated "*this is not a commercial waste operation*", and it will enable the applicant "who is a farmer" to use the land for productive farmland. Although agricultural farmland takes many forms, it is not disputed that the end result will make the application site area more productive for farmland/maintenance in comparison to its current form. Despite officer's request for evidence of the farming business, none has been forthcoming to demonstrate a genuine need, to substantiate the applicant's case, in that the proposals are critical to the applicant's agricultural business needs. (i.e. how will not obtaining permission for the proposed landfill operations be detrimental to the applicant's existing agricultural business)
- 10.19 To conclude, no evidence is provided to support the genuine justifiable need for the applicant's agricultural business, to support the landfill operations at this site. With regard to Local Plan Policy LP46, it is considered the applicant has not sufficiently demonstrated or justified why all other options are not suitable or feasible and that this proposed landfill operation would not divert material away from the restoration of any quarry void. Sufficient land capacity remains for construction demolition and excavation waste through the allocation of safeguarded waste sites in Kirklees for the plan period as shown in the table below:

Waste safeguarded sites with remaining landfill capacity	Permission end date
Wellfield Quarry, Crosland Moor	Oct 2027
Carr Hill Quarry, Upper Cumberworth	Aug 2022
Forge Lane Dewsbury	2024
Windy Ridge Quarry, Holmfirth	March 2028
Temple Quarry, Upper Hopton	Application to extend time pending decision
Peace Wood, Shelley	Oct 2032

Supporting rural diversification

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

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

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

Character and Appearance

- 10.22 The site is located within an area which is largely rural in character consisting of wooded areas, in depressions and on varying contours, rolling fields of open farmland with pockets of residential and agricultural buildings. Whilst it can be argued that the gully within the site, is formed by previous colliery works, it has over time established landscaping and forms a distinguished feature which contributes to the rural setting of the area. The proposed contour levels as shown on drawing no. EWE/2078/01 Rev C would ensure a transitional slope and allow the continuation of rolling fields (which is only one form of agricultural land use) from one field to the next. In addition, the restoration proposals for the whole of the site, by returning it to grassland would ensure the site, over time, integrates with the wider surrounding character of rolling open fields, in accordance with Policy LP32 of the KLP.
- 10.23 To mitigate the potential effect of the proposed engineered operations, particularly when looking back at the site from the north, negotiations have resulted in the requirement of creating a new woodland area, immediately beyond the northern boundary. This is shown on drawing titled 'Fig A Compensation Proposals' and would be on land in control of the applicant. The new woodland area would also contribute to the overall biodiversity net gains to be achieved (discussed further below). Should Members be minded to approve the application, this matter can be dealt with by condition and the long term maintenance and management of such areas will be secured through a S106 agreement.

Ecology/Biodiversity issues

- 10.24 Policy LP30 of the KLP refers to Habitat of Principle Importance (those habitats listed under the provisions of Section 41 of the Natural Environment and Rural Communities Act 2006), which occur within the proposed footprint of works and will be lost as a result of the proposals. These habitats include the woodland within the site (marked as TN1 within the EclA report) and the heathland within the site (marked as TN8 within the report). Policy LP30 requires proposals to protect these habitats 'unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.
- 10.25 *Kirklees Wildlife Habitat Network* - The proposals would also result in the loss of approximately 0.6ha of the Kirklees Wildlife Habitat Network.
- 10.26 The Council seeks a net biodiversity gain of 10% on development sites. This can either be through the detailed landscaping scheme and/or off-site enhancement – on land owned by the developer.
- 10.27 The Biodiversity Metric calculation was submitted during the course of the application as the method to demonstrate a measurable biodiversity net gain in accordance with Policy LP30(ii) and NPPF. The information presented has now addressed previous objections raised by the Councils Ecology unit. The proposals as revised would include both on and off site habitats as set out in the metric and drawing titled 'Fig A Compensation Proposals', which indicates 0.75ha of Heathland restoration, 0.1ha reed bed filtration, creation of 0.14ha of woodland and on site restoration of neutral grassland.

- 10.28 In summary, the Council's Ecology unit, notwithstanding the loss of a 'small terminal section' of the KWHN, which is considered does not represent harm to the function and connectivity of the network, is satisfied on the basis that the revised proposals now put forward would provide a net biodiversity gain of 17.86%.
- 10.29 The compensatory measures are to be secured through a Section 106 agreement in accordance with Policy LP30. In this respect, a draft long term maintenance and management plan is received along with a draft S106 which is being considered by both the Council's Ecology Unit and Legal Officers. Subject to the long term maintenance and management plan demonstrating the security of the ecological being provided on and off site, biodiversity matters would be addressed sufficiently. Should Members conclude that the benefits of the development outweigh the existing biodiversity interests of the site, the compensatory proposals put forward would address this matter. The views of the Council's Biodiversity Officer in relation to the long term maintenance and management plan can be reported to Members in the update or on the day of committee.

Local Amenity

- 10.30 At present the site comprises two fields of open pasture divided by a deep steep sided clough. This provides a pleasant rural setting within the wider area. Public Right of Way (PROW) Hol/134/20 runs to the north of the site and this would allow users of this route views of the site at relatively close quarters and be affected to some extent by the proposed works. This PROW links with other PROWs in the area and it is considered that the surrounding landscape enhances the experience of users of this route and therefore acts to attract walkers and visitors to the area, providing an attractive recreational facility. The proposals are to be carried out over a period of 3 years, which can be deemed a short period in terms of landfilling and as such it is considered that the proposed works would not prejudice the function and continuity of the core walking routes, in accordance with KLP Policy LP23.
- 10.31 With regards to waste being transferred to the site by HGV's including open skip and tipper lorries. This will inevitably result in additional noise generated by the vehicles themselves and during the unloading and working of the waste. The nearest residential properties are located between approximately 200 to 250 metres away from the proposed development. To mitigate against any associated impact and to protect the amenities of nearby residents from any potential noise/disturbance during unsociable hours, conditions can be imposed restricting the number of vehicle movements (in and out of the site per day) and hours of operation in accordance with those suggested by the Environmental Health Officer. Consequently, the proposal would accord with KLP Policy LP24 and Section 11 of the NPPF with regard to potential noise nuisance.
- 10.32 The potential emissions of dust to the atmosphere from tipping and landform operations such as those proposed at the application site would arise from three main sources:-
- Vehicle movements to and from the site.
 - Operational processes including the tipping of waste and its subsequent working and placement and compaction.
 - Exhaust's from operational plant/equipment.

- 10.33 The degree to which significant dust emissions are capable of causing nuisance from a particular site depends upon various factors, including:
- Time of year and climatic conditions, with dry conditions and high wind speeds being conducive to dust generation.
 - Surface characteristics, with vegetation cover making material in bunds less susceptible to dispersion
- 10.34 However, it is considered that problems associated with dust could be adequately dealt with through the implementation of measures on site which could include:
- All lorries delivering waste to the site being sheeted
 - Internal haul routes would be defined and dampened as necessary
 - Upswept exhausts used on site vehicles
 - Dampening of surface of filling areas when necessary
 - The suspension of operations in extreme windy conditions
 - Speed restrictions on site
- 10.35 To summarise, should Members be minded to accept the principle of development in terms of waste disposal, the above suggested measures could be required via appropriately worded dust suppression planning conditions, to comply with KLP Policy LP52 as well as guidance contained in Section 15 of the NPPF,

Highway issues

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

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

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

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

- 10.37 As set out above, it is anticipated the proposals would generate an average of 96 HGV movements per week. It is considered reasonable and necessary to restrict the number of HGV movements (by condition) in and out of the site to those proposed, (8 in and 8 out, 16 in total a day).
- 10.38 Taking account of the Council's Highway Safety department, DM Highway Officers follow up advice is that a pre commencement condition requiring a survey which highlights the existing condition of the highway Hog Close Lane should be imposed. The condition will require the applicant, before development is commenced, to monitor the condition of Hog close Lane, (followed by subsequent annual monitoring) until completion of the proposals. In the event Hog Close Lane results in any defects, a scheme to reinstate the defects will be required to be carried out at the expense of the applicant. The applicant is agreeable to this.
- 10.39 Hog Close Lane falls within Barnsley district, therefore any remedial works required to Hog Close Lane as a result in defects caused by the use of HGV's in association with the proposals, would need to be approved by entering into a Section 278 agreement with the relevant Highway Authority. This can be addressed by condition, should the application be approved.
- 10.40 It is therefore considered, subject to appropriate conditions being imposed and the proposals being carried out over a period of 3 years this development would accord with KLP Policy LP21 with regards to its impact on the local highway network. On site wheel wash facilities will also need to be conditioned to prevent HGVs depositing material on the highway.

Private water supply

- 10.41 Council historic maps for the valley, indicate that the area proposed to be filled is spring fed which is typical of watercourses in the area. This was not fully captured in the applicant's initial design or reports. Significant concerns were also raised by Environmental Health Officers, regarding the sourcing and composition of the infill matter and the effect it could have on nearby groundwater and surface waters, on the private water supplies downstream from the site in question that may be affected.
- 10.42 According to records, nearby properties could potentially be served through these private water supplies. At the request of the Council details of a hydrology survey undertaken on behalf of the applicant has been received during the course of the application. This identifies private water supplies in the immediate area, so that the potential impact of the development could be considered. This survey checked 31 properties, of these 5 had private water supplies. Of these 5 only one is still claimed to be used, the other 4 have converted to mains supply and the private supply has already, or is in the process of being abandoned, and capped. An assessment of the potential impact of the development has now been completed and for completeness the potential impact on the private supplies, was assessed as part of the survey.
- 10.43 The survey states the infilling of the gully should not contain any soluble contaminants and the springs feeding the clough are to be diverted round the filled site. This would reduce the risk of pollution of private water supplies. In addition water arising from the site is proposed to be drained separately and passed through a reed bed and ponding area as shown on drawing no. MJC

172-P07 dated September 2019. It is acknowledged that the 'inert' fill should not contain any biodegradable matter and as advised by the applicant, the reed bed is purely there as a safeguard mechanism to extract any bio-degradable matter that might escape the waste screening and certification process. The reed bed and ponding area will ensure that all suspended solids are removed, and the reed bed will treat any biodegradable matter. It is concluded that the filling of the gully will have minimal or no impact on the private water supply to neighbouring properties

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

Drainage/flood and ground stability issues

- 10.45 The LLFA consider the information provided with regard to the proposed drainage systems, (which will comprise of a series of perforated pipes within the landfill area, diversion of the existing surface water course and formation of reed bed/wetland areas) is sufficient in principle. Subject to further design, calculation and phasing which can be secured by the suggested conditions set out in the consultation response from LLFA dated 4th June 2020, drainage and flood matters can be addressed to accord with KLP Policy LP28 and guidance in the NPPF.
- 10.46 With regards to ground stability, water management on steep slopes can be a fundamental issue and should be considered particularly when introducing new material, such as is proposed. The design needs to consider the geotechnical suitability of the proposals including interaction with existing ground, reinforcement required of the retaining face to prevent mobilisation and potential for settlement and any ground preparation required. The operation of plant and weight of material could lead to mobilisation of sediments which needs to be assessed.
- 10.47 Paragraph nos. 178 and 179 of the NPPF sets out clearly that where a site is affected by land stability issues, responsibility for securing a safe development should rest with the developer and/or the landowner. Moreover, any proposals should be accompanied by adequate site investigation information, prepared by competent person taking into account of ground conditions and any risks arising from land instability.
- 10.48 The LLFA does not generally lead on geotechnical considerations, however, due to the interaction with the watercourse, in this instance it was a matter for consideration. Given the high risks, Officers considered it necessary to request a full geotechnical site appraisal to establish whether the proposed methods are suitable and safe before the principle of such works is considered acceptable and to ensure such works can be deliverable without potential harm to people or the environment, in accordance with KLP Policy LP53. The geotechnical report has been independently assessed on behalf of the Council. The outcome of which concludes further technical information is required including an intrusive ground investigation report, a method statement for the proposed valley reprofiling and details of proposed gravity earth bund on face of landfill, prior to development commencing. This can be addressed by

pre commencement conditions. Subject to the works being carried out in complete accordance with the recommendations in any subsequent reports, the issue of ground stability can be addressed, in accordance with KLP Policy LP53 and guidance within the NPPF.

Climate Change

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

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

Representations

10.51 Flooding/drainage private water supply:

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

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

10.52 Impact on amenity and character of area:

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

Response: Noted.

- Loss of habitat to birds
- The provision of small area of agricultural land does not outweigh the detrimental impact on local wildlife including included protected species and their habitat/foraging from the loss of this gully/feature

- Will affect the natural environment of the area and the green belt “to allow this further desecration of green belt land should not even be considered”
- The site is visible from surrounding public rights of way (PROW) & would affect public enjoyment and the safety of PROW users
- Noise, dust, odour and heavy traffic associated with this development would be detrimental to the amenity of the area.

Response: addressed in preceding paragraphs

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

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

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

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

10.53 Highway/safety issues:

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

Response: addressed above

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

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

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

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

10.54 Other issues:

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

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

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

Response: noted

- Inconsistencies with the submitted information

Response: noted

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

Other Matters

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

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

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

10.58 With respect to the gully being stated to be unstable and suffering from erosion, the geotechnical report does identify 'indicative small-scale ground movements/slippages'. However, the report also states *“it is likely these have resulted due to the steepness of the existing valley sides and soil erosion by surface waters flowing down the valley sides”*. It must be noted that the geotechnical report was commissioned for the reason set out above, in paragraph 10.54, to demonstrate that there would be no concerns in relation to ground stability as a result of the proposed development, not to address any instability land issues, which pose a risk to the environment or people.

10.59 Finally, to address concerns in relation to the site *“posing a hazard to livestock and farm operatives”* appropriate fencing (stock proof/dry stone) or walling can be considered. In any case, it is recognised that farmers/operators of the site will have a duty of care to ensure appropriate measures are in place to protect the welfare of animals and anyone using the site under health and safety and other relevant regulations in which they will be required to adhere to.

11.0 CONCLUSION:

11.1 The National Planning Policy for Waste sets out its commitments to the aims for sustainable waste management to take a positive approach towards dealing with waste in a way which moves its treatment up the 'waste hierarchy'. The Councils Waste Needs Assessment (WNA) has been produced which details the quantities of waste generated and managed in the Kirklees district, the projected growth of waste to be managed over the plan period and the associated future capacity requirements.

- 11.2 The information submitted fails to sufficiently demonstrate with evidence the genuine need for use of this site for landfill operations that is critical to the applicants existing agricultural business, prior to the use of allocated safeguarded waste sites, for which there is a sufficient capacity for the plan period and beyond. The proposals are therefore recommended for refusal.

12.0 REASONS FOR REFUSAL

1. The Council has sufficient landfill capacity in the district for meeting the needs of Construction, Demolition and Excavation waste. The submitted information fails to sufficiently demonstrate and justify that there is a proven need for additional landfill capacity for this type of waste, contrary to Kirklees Local Plan Policy LP46.

Background Papers:

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

Website link to be inserted here

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

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

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 29-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.
- 1.2 This application was presented to Strategic Committee on 1st July, with a recommendation to grant conditional permission. Members voted to defer the application, for the following reasons:

Clarification and supplementary information requested as follows:

- Permitted Development Rights for telecommunication installations specifying the thresholds for when masts require planning permission
 - Protected areas defined under the Permitted development regulations
 - Why the proposal is the height it is and its location
 - Assessment of visual impact of the proposal and potential for mitigation.
- 1.3 The applicants submitted additional information and the existing details included in the submission documents are included at paragraphs 10.1-10.4
- 1.4 The visual impact of the proposal is assessed in paragraphs 10.20-10.21 under the sub heading Urban Design issues.

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

20-Jul-2021: Further information (predicted coverage maps)

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 10 – Supporting high quality communications
- 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

Information in response to Committee Decision Deferral 01/07/21

Applicant's justification for 30m monopole

- 10.1 The need for the proposed new mast has arisen principally as a result of the mast operator, MBNL, having been issued with a notice to terminate their existing site. The apparatus on the building has been decommissioned resulting in reduced 2G, 3G and 4G coverage in the local area.
- 10.2 The new mast 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. 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. The new site would be shared by H3G, EE and ESN (Emergency Services Network). The mast has to be located as close as possible to the former Oakes Mill site so that it can replace the coverage that has been lost.
- 10.3 The applicant has provided two sets of drawings showing the 4G, 3G and 2G coverage (the latter applicable to EE only) for the two commercial operators that would share the mast, under four scenarios. These are: (i) coverage when the former masts on Oakes Mill, coded 57459, were still operational; (ii) coverage that exists now that 57459 has been decommissioned; (iii) predicted coverage with the proposed 30m mast; (iv) predicted coverage with a 25m mast. The drawings show that for all networks there has been either a significant loss of coverage, or weaker coverage, since the loss of the old site. The installation of a new mast would restore coverage to a substantial area, including parts of Lindley, Oakes, Marsh and Edgerton, and the Infirmary, that would be roughly equivalent to that provided by the old site. However, it shows that with a 25m mast there would be loss of indoor 3G coverage for both networks towards the western edge of the cell, compared to that which would have been provided when the Oakes Mill site was operational. This would equate to a net reduction of about 4% in term of population covered. This coverage would be fully retained with a 30m mast, and there would be a modest net gain in coverage overall.

- 10.4 It is considered therefore that the applicant has demonstrated a functional need for the new mast and has demonstrated that a 30m mast would fulfil the purpose of providing replacement coverage, something that a 25m mast would not fully achieve.

Clarification regarding Permitted Development Rights

- 10.5 Part 16, Class A of the GPDO part 16 (amended by SI 2016/1040) permits development by or on behalf of an electronic communications code operator including the installation of a new mast, and subject to the Prior Notification procedure. The key limitations are that the mast, including antenna, must not exceed 25m above ground level on unprotected land, or 20m above ground level on article 2(3) land or land which is on a highway.

“Protected land” in this context means Article 2(3), 2(4), 2(5) land – in brief this includes areas protected for heritage or amenity value such as Conservation Areas and Areas of Outstanding Natural Beauty, National Parks, the Broads, certain specified parishes and Enterprise Zones or similar.

In this case, the site is not within any of these designated areas. It should be noted however that the wording of the GPDO does not imply a presumption against taller masts, subject to full planning permission being obtained. The applicant has chosen to apply for full planning permission for a 30m mast because a 20m or 25m mast allowed under permitted development rights would not adequately fulfil its intended purpose for the reasons given in paragraphs 10.1-10.4 above.

- 10.6 It should be noted that in reaching a decision on this planning application the decision maker, the committee in this case, does not have an option of considering a mast at 25 m in height. The scheme is submitted for a 30m mast and the GPDO procedure is not applicable to this proposal because it is above the 25m height threshold for telecommunications masts. For clarification, the information submitted regarding the GPDO prior notification system is to assist the committee in making its decision.

Principle of development

- 10.7 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).
- 10.8 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 are considered to be 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”.

10.9 The following advice in Chapter 10 of the NPPF is also applicable:

10.10 “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.”

10.11 “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.”

10.12 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 the functional need for the new mast, as set out in detail in paragraphs 10.1 to 10.5 above and has prepared a scheme that would facilitate the sharing of a mast by multiple operators, helping to minimise the need for further new masts in the area. 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.

10.13 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.

- 10.14 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.
- 10.15 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.
- 10.16 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.
- 10.17 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.
- 10.18 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.
- 10.19 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

- 10.20 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, which according to the submitted drawings has a height of 12m, and a row of 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. The dimensions, design and appearance of the mast have been determined by functional considerations and it is unlikely that its impact could be mitigated or disguised further. Officers do not recommend that screen planting is undertaken around the compound or the base of the mast since this would, it is considered, draw attention to the structure rather than disguising it.
- 10.21 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

- 10.22 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

- 10.23 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

- 10.24 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

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

Representations

- 10.26 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

- 10.27 *Public health:* The proposed development (as amended), for the reasons set out in paragraphs 10.17-10.19 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.

- 10.28 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.
- 10.29 *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.
- 10.30 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.
- 10.31 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.
- 10.32 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.
- 10.33 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>

Certificate of Ownership – Notice served on Kirklees Council

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 29-Jul-2021

Subject: Planning Application 2021/92086 Erection of 270 residential dwellings and associated infrastructure and access land at, Bradley Villa Farm, Bradley Road, Bradley, Huddersfield, HD2 2JX

APPLICANT

Redrow Homes Yorkshire

DATE VALID

25-May-2021

TARGET DATE

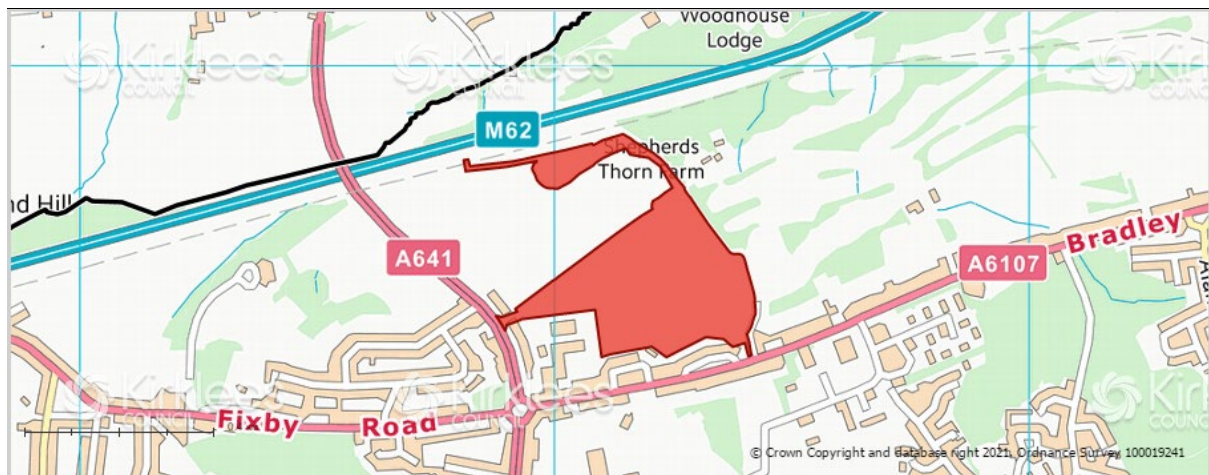
24-Aug-2021

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Ashbrow

Ward Councillors consulted: Yes

Public or private: Public

<p>RECOMMENDATION – POSITION STATEMENT – For Members to note the content of the report and presentation.</p>

1.0 INTRODUCTION

- 1.1 This application for full planning permission is presented to Strategic Planning Committee as the proposal is a residential development of more than 60 units.
- 1.2 The council's Officer-Member Communication Protocol provides for the use of Position Statements at Planning Committees. A Position Statement sets out the details of an application, the consultation responses and representations received to date, and the main planning issues relevant to the application.
- 1.3 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the application and discussions between officers and the applicant. This Position Statement does not include a formal recommendation for determination. Discussion relating to this Position Statement would not predetermine the application and would not create concerns regarding a potential challenge to a subsequent decision on the application made at a later date by the Committee.
- 1.4 A pre-application enquiry (ref: 2020/20411) was submitted in relation to the proposal. A pre-application report relating to that proposal was prepared for the Strategic Planning Committee's meeting of 28/04/2021 but was not considered at that meeting.

2.0 SITE AND SURROUNDINGS

- 2.1 The Bradley Villa Farm application site comprises approximately a fifth of the wider allocated site (HS11), at the west end of the allocation. The application site also includes 1.57 hectares of land within the green belt to the north of the allocated site. The application site is currently in agricultural use, and generally slopes downhill from southwest to east and northeast, while the part of the site within the green belt slopes downhill northwards towards the M62. Vehicular access is available from Bradford Road (the A641). Shepherds Thorn Lane forms the site's eastern boundary. To the south are the residential properties of Torcote Crescent and Bradley Road (the A6107). To the north are fields in agricultural use, within the green belt. The existing buildings of Bradley Villa Farm are not included in the application site. The application site includes the highest part of the allocated site (approximately 165m AOD, close to Bradford Road). Tree Preservation Order 17/98/t18 protects a Hawthorn tree within the application site. Site allocation HS11 notes that the western part of the allocated site includes an archaeological site.

- 2.2 The wider allocated site (HS11) has a 68.34 hectare gross site area, and a 62.84 net site area (excluding ponds and a buffer area to the north of the site from the developable area), and occupies much of the land between Bradley Road and the M62 to the north, including the 18-hole municipal golf course and driving range at Bradley Park. The majority of the allocated site (including the golf course and driving range) is council-owned. The eastern part of the allocated site has more varied topography, including Park Hill and undulations at the golf course. The lowest parts of the allocated site are at the junction of Bradley Road and Tithe House Way (approximately 110m AOD) and the northern tip of the allocated site (approximately 100m AOD). Vehicular access points currently exist at Shepherds Thorn Lane, Lamb Cote Road and Tithe House Way. Public Rights of Way enter and/or run through parts of the allocated site – these include HUD/3/10, HUD/3/20, HUD/3/30 and HUD/4/10. There are residential properties adjacent to the allocated site to the south and east. Land to the north is in the green belt. An area of land to the east of the allocated site is designated as urban green space in the Local Plan.
- 2.3 In relation to minerals, all of the allocated site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. In relation to the area's coal mining legacy, parts of the allocated site are within the Development High Risk Area as defined by the Coal Authority, while other parts are within the Low Risk Area. The east end of the allocated site includes part of a former landfill site, and a 250m buffer zone extends into the allocated site. A 250m buffer zone of another landfill site also includes the northern tip of the allocated site. Landfill gas affects land to the north of the allocated site, and a landfill gas buffer covers the northern and eastern parts of the allocated site. Overhead power lines cross the golf course.
- 2.4 There are no designated heritage assets within the allocated site, however the Grade II listed barn at Shepherds Thorn Farm (Historic England ref: 1290881) is just outside, and parts of the allocated site are within the setting of that designated heritage asset. The allocated site is not within or close to a conservation area. Non-designated heritage assets also exist in the area, including a historic milestone outside 684 Bradford Road.
- 2.5 The Wildlife Habitat Network covers parts of the allocated site, and areas outside it, including the ancient woodlands at Bradley Wood to the north and Screamer Wood and Dyson Wood to the south. Local Wildlife Sites exist immediately outside the allocated site, to the north and east. The majority of the allocated site is within a Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands for most of the site, Built-up Areas for a small part of the west end of the site, and Valley Slopes along the site's northeastern boundary). Bats are known to be present in the area.
- 2.6 The allocated site is not located within an Air Quality Management Area (AQMA), however it is relatively close to AQMA 1 (Bradley Road / Leeds Road junction), where elevated levels of Nitrogen Dioxide have been measured.
- 2.7 The allocated site is located within Flood Zone 1 and is therefore generally at low risk of flooding. Part of the allocated site (at Tithe House Way) is at risk of surface water flooding, as is an area at the northern edge of the golf course. To the east of Shepherds Thorn Farm, a watercourse runs north-eastwards (via a pond), joining Deep Dike, Bradley Park Dike and, eventually, the River Calder. Another watercourse runs eastwards from a pond adjacent to the golf course club house. Other unmapped watercourses may exist within and close

to the allocated site. Yorkshire Water sewers exist beneath Bradford Road, Bradley Road and Tithe House Way.

2.8 Regarding the social and other infrastructure currently provided and available in Bradley, the area has a small number of pubs, churches, eating establishments and other facilities. A petrol station and shop has recently opened at the junction of Bradley Road and Tithe House Way. There are also schools, nurseries, playspaces and open spaces. Regarding public transport, the main roads are served by the X63 bus service along Bradford Road and the 328 bus service that terminates at Alandale Road. The nearest railway stations are at Brighouse and Deighton. Cycle lanes have been marked out on the carriageway of Bradley Road, and this route forms part of the existing Core Walking and Cycling Network. An expansion of the network is proposed under the Local Plan via Shepherds Thorn Lane.

2.9 Parts of the allocated site are visible from the M62, and from Calderdale borough. As defined in the Castle Hill Settings Study, a significant ridgeline runs roughly east-west across the allocated site.

3.0 PROPOSALS

3.1 A residential development comprising 270 dwellings, with associated access, open space and landscaping, is proposed.

3.2 The proposed site layout includes a vehicular access provided from Bradford Road, with a spine road extending east-west across the site to its eastern boundary (where the site meets Shepherds Thorn Lane). From this, further estate roads are proposed, lined with detached, semi-detached and terraced housing. A central area of open space is proposed, as are smaller open spaces further west along the spine road.

3.3 54 affordable housing units are proposed, representing a 20% provision. These would be provided as 6x 1-bedroom, 23x 2-bedroom and 25x 3-bedroom dwellings. In terms of tenure, 30 social rent and 24 intermediate units are proposed.

3.4 All dwellings would have two storeys. 18 house types are proposed, as are variations of those house types. Six maisonettes are proposed close to Shepherds Thorn Lane. Roofs would be hipped or pitched, and some dwellings would have front feature gables and bay windows. The proposed materials include red brick, "chalk-coloured" render, timber cladding, and red and grey concrete roof tiles.

3.3 Outside the HS11 site allocation, the applicant proposes drainage infrastructure, including a pumping station, attenuation tank and basin, and an access lane. Reshaping of the land, level changes and a retaining wall are proposed in association with this provision.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Various applications relating to land immediately outside the application site have been considered by the council, including application ref: 2010/92771 relating to an agricultural building close to the site's Bradford Road entrance.

- 4.2 On 04/09/2020 planning permission was granted for the erection of 105 dwellings with associated highways works and landscaping at part of the HS11 allocated site (ref: 2018/93965) at Tithe House Way.
- 4.3 On 30/10/2020 the council issued an Environmental Impact Assessment (EIA) Scoping Opinion in response to a request relating to a residential development of circa 1,460 dwellings and other works at the HS11 site.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 The following meetings were held at pre-application stage:

- 18/03/2020 – meeting between pre-applicant team's agent and officers.
- 19/10/2020 – meeting attended by pre-applicant team, Cllr Homewood, and officers.
- 02/12/2020 – second pre-application meeting between pre-applicant team and officers.
- 17/12/2020 – meeting between pre-applicant team and Lead Local Flood Authority.

5.2 Officers representing the council in its two relevant roles (as Local Planning Authority, and as adjacent landowner) attended pre-application meetings.

5.3 At pre-application stage the applicant team initially submitted a proposed site layout, drawings of standard house types, and a Heritage Impact Assessment. Further information was submitted during pre-application discussions, including masterplan concept drawings, draft parameter plans, masterplan workshop slides, and suggested Landscape and Visual Impact Assessment viewpoints.

5.4 A detailed pre-application advice letter was issued on 12/02/2021. The main points of that advice letter are summarised as follows:

- Full planning permission required.
- Development at this site welcomed in principle.
- List of required planning application documents (including EIA Environmental Statement relating to entire HS11 site) provided.
- Site is allocated for residential development.
- Measures to address sustainability and climate change would be required.
- Masterplanning approach required. Concern that site layout had been prepared before site and contextual analysis had been completed, and before any masterplanning work had been carried out.
- List of considerations (relevant to masterplanning) provided.
- Masterplanning workshop slides provided some reassurance that the pre-applicant team are aware of some of the allocated site's constraints and opportunities.
- Developable areas should not be fixed until further assessment is done.
- Advice provided regarding masterplan format.
- Concerns regarding proposed site layout, including regarding relationship with the rest of HS11, whether topography and other aspects of the site have been properly considered, and lack of engagement with Shepherds Thorn Lane.
- Perimeter block approach and two-storey dwellings are appropriate.

- Harm would be caused to setting of Grade II listed barn at Shepherds Thorn Farm.
- Significant infrastructure required to support development of HS11 site.
- 20% affordable housing, compliance with the Nationally Described Space Standard, a mix of one-, two-, three- and four-bedroom units, and dementia-friendly design required.
- Advice provided on content of required Transport Assessment, including regarding junction and cumulative impact assessment. Discussions with officers can continue in light of forthcoming work relating to the Cooper Bridge highway improvement scheme. Consultation with Highways England advisable.
- Advice provided regarding design of east-west spine road.
- Shepherds Thorn Lane is not suitable as a key vehicular access point to the HS11 site, however enhancement and integration (in relation to pedestrian and cyclist movement) would be necessary. Core Walking and Cycling Network is to be extended along this lane.
- Travel planning required.
- Advice provided regarding waste storage and collection.
- Site-specific Flood Risk Assessment (FRA) and full site-wide drainage strategy required.
- Noise, air quality, odour and construction management need to be addressed.
- Health Impact Assessment required.
- Pre-application site is within a Development Low Risk Area, however advice should be sought from the Coal Authority.
- Ecological surveys and impact assessment required. 10% biodiversity net gain required.
- Tree survey, impact assessment and method statement (including in relation to TPO-protected Hawthorn tree) required.
- Open spaces, playspace and landscaping to be discussed at a further workshop/meeting.
- Section 106 obligations may include:
 - Infrastructure provision.
 - Highways and transport mitigation.
 - Sustainable transport measures.
 - Education provision.
 - Early years and childcare provision.
 - Open space and playspace provision, management and maintenance.
 - Affordable housing.
 - Drainage provision and maintenance.
 - Biodiversity net gain.
 - Decentralised energy.
- Council intends to secure a high quality, sustainable, residential development at HS11 site that addresses borough and local needs, that seeks to address all relevant planning considerations, and that mitigates its impacts (including in relation to infrastructure). Officers cannot confirm that the pre-application proposals sufficiently respond to that vision.
- Further dialogue and work required, including in relation to masterplanning.
- Applicant invited to enter into a Planning Performance Agreement.

5.5 The current application was submitted on 18/05/2021. During the life of the application, the applicant has submitted a Utility Report, geoenvironmental investigation information, and a corrected Environmental Statement chapter 15 (and accompanying flood risk and drainage documents), and agreed that an Archaeological Evaluation (provided by the West Yorkshire Archaeological Advisory Service) be included in the application submission.

5.6 At a meeting held on 12/07/2021 the applicant team expressed a willingness to consider reasonable requests for amendments to the proposals. The applicant team are also working on responses to consultee comments, and requests from officers for further information.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

6.2 The majority of the application site forms part of site HS11, which is allocated for residential development in the Local Plan. The site allocation sets out an indicative housing capacity of 1,460 dwellings, with potential for a further 498 dwellings beyond the plan period.

6.3 Site allocation HS11 identifies the following constraints relevant to the site:

- Multiple access points required
- Additional mitigation on the wider highway network may be required
- Public right of way crosses the site
- Ordinary watercourses cross the site
- Odour source near site – landfill site to the north-east
- Noise sources near site – noise from road traffic on Bradford Road, Bradley Road and M62
- Air quality issues
- Potentially contaminated land
- Part of this site is within the Wildlife Habitat Network
- Part of this site contains a Habitat of Principal Importance
- Site is close to listed buildings
- Part/all of site within High Risk Coal Referral area
- Power lines cross the site
- Site is in an area that affects the setting of Castle Hill
- Western part of this site includes an archaeological site

6.4 Site allocation HS11 also confirms that a masterplan is required for the site, and identifies several other site-specific considerations in relation to local education and early years / childcare provision, landscape impacts, ecological impacts, community gardens and allotments, cycling, access points, spine road connection, mitigation of highway network impacts, the provision of a new Local Centre (subject to sequential testing and impact assessment), heritage assets and golf course provision.

6.5 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP4 – Providing infrastructure
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP9 – Supporting skilled and flexible communities and workforce
LP11 – Housing mix and affordable housing
LP19 – Strategic transport infrastructure
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP23 – Core walking and cycling network
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP29 – Management of water bodies
LP30 – Biodiversity and geodiversity
LP31 – Green infrastructure network
LP32 – Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP35 – Historic environment
LP38 – Minerals safeguarding
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 and other documents:

6.6 Relevant guidance and documents are:

- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Interim Affordable Housing Policy (2020)
- Viability Guidance Note (2020)
- Providing for Education Needs Generated by New Housing (2012)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)

- Highway Design Guide SPD (2019)
- Public Rights of Way Improvement Plan (2010)
- Waste Management Design Guide for New Developments (2020, updated 2021)
- Green Street Principles (2017)
- Castle Hill Settings Study (2016)
- Planning Applications Climate Change Guidance (2021)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

Climate change

- 6.7 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.8 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. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

National Planning Policy and Guidance:

- 6.9 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 proposals. Relevant paragraphs/chapters are:
- Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 5 – Delivering a sufficient supply of homes
 - Chapter 8 – Promoting healthy and safe communities
 - Chapter 9 – Promoting sustainable transport
 - Chapter 11 – Making effective use of land
 - Chapter 12 – Achieving well-designed places
 - Chapter 13 – Protecting green belt land
 - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 – Conserving and enhancing the natural environment
 - Chapter 16 – Conserving and enhancing the historic environment
 - Chapter 17 – Facilitating the sustainable use of minerals

- 6.10 Since March 2014 Planning Practice Guidance for England has been published online.
- 6.11 Relevant national guidance and documents:
- National Design Guide (2019)
 - Technical housing standards – nationally described space standard (2015, updated 2016)
 - Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
 - Fields in Trust Guidance for Outdoor Sport and Play (2015)
 - Design Guidelines for Development Near Pylons and High Voltage Overhead Lines (2019)

7.0 PUBLIC/LOCAL RESPONSE

- 7.1 In February and March 2021 the applicant team carried out local pre-application consultation. This took the form of a leaflet drop to c2,500 properties, and an online consultation. The applicant's Statement of Community Involvement summarises the 78 responses received.
- 7.2 At application stage, the application was advertised as a major development, as Environmental Impact Assessment development accompanied by an Environmental Statement, and as development affecting a public right of way and the setting of a listed building.
- 7.3 The application was advertised via five site notices posted on 07/06/2021, a press notice on 18/06/2021, and letters delivered to addresses close to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 08/07/2021.
- 7.4 34 representations were received in response to the council's consultation. These have been posted online, and include representations from the Huddersfield Civic Society, the Kirklees Cycling Campaign and the British Horse Society. The following is a summary of the comments made:
- Loss of green belt land.
 - Brownfield land should be developed instead.
 - Loss of agricultural land. Query if farmland is suitable for development. Farm would become landlocked.
 - Not enough green space is being preserved.
 - Objection to lack of a masterplan.
 - Proposed pumping station is outside site allocation.
 - Safety concerns regarding proposed Bradford Road site entrance.
 - Increased traffic on Bradford Road, Bradley Road, and junctions. Traffic already diverts from the M62. Congestion already occurs at start and end of school day.
 - Cumulative highway impacts.
 - Access shouldn't be allowed onto Shepherds Thorn Lane – this would become a rat run, endangering walkers and cyclists.
 - Spine road through HS11 site would become a rat run, as drivers avoid roundabout and traffic lights on Bradley Road.
 - Objection to access to pumping station from Shepherds Thorn Lane.
 - Risk of new residents parking on Shepherds Thorn Lane.

- Construction access should only be allowed from Bradford Road, and not from Shepherds Thorn Lane.
- Concern regarding emergency access proposed from Shepherds Thorn Lane.
- Proposal is highly car-based.
- Shepherds Thorn Lane should be closed to vehicular traffic (except for access).
- Shepherds Thorn Lane should be upgraded to a multi-user bridleway with an improved surface. Parapets should be added to M62 bridge.
- North-south and east-west cycle routes required.
- Direct access points to cycle routes required, instead of cul-de-sacs.
- Proposal fails to address active travel requirements.
- Uniform 20mph speed limit needed throughout development.
- Lack of pedestrian safety measures for crossing Bradley Road.
- Lack of local infrastructure. Council services already cannot cope.
- Schools are already at capacity.
- Proposal does not include the required 2-from entry primary school.
- No additional medical or dental provision proposed. Hospitals already have long waiting lists.
- Lack of information regarding utility connections. No substations are shown.
- Lack of playspace.
- Loss of recreational opportunities.
- Increased flood risk. Corner of site at Shepherds Thorn Lane already floods.
- Bore holes and archaeological dig have caused run-off.
- Vegetation removal would increase run-off.
- Increased air pollution.
- Loss of natural light.
- Light pollution.
- Overlooking and loss of privacy.
- Loss of views.
- Littering would occur.
- Nuisance would occur.
- Proposal fails to address climate change. Proposals are at odds with council's plan to tackle the climate emergency.
- Opportunities for solar gain and photovoltaic electricity generation not taken into account.
- Odours from pumping station.
- Increased noise.
- New dwellings would be affected by noise from M62.
- Amenity impacts during construction.
- No assessment made of health impact.
- Harm to heritage assets.
- Typical, repetitive designs proposed. Standard Redrow house types proposed. No attempt to reflect local features or materials. Design out of keeping with surroundings. Confused appearance due to many house types. proposed houses offer no local distinctiveness or quality.
- Proposed green areas should be relocated close to Shepherds Thorn Lane.
- Erosion of green belt between Huddersfield and Brighouse.
- Impact on wildlife, including bats.
- Net loss to biodiversity.

- Adverse impact on function of the site as a green corridor.
- Impacts on hedgerows.
- Loss of trees.
- Security risk to adjacent properties.
- Lack of benefit to local community.
- No demand for this amount of housing.
- Human rights would be infringed upon.
- Impact on stability of adjacent properties.
- Inaccuracies in application documents. Information is missing or out-of-date.
- Application documents are numerous, are not in order, and unclear.
- Lack of consultation. No feedback provided following earlier consultation. Site notice on Shepherds Thorn Lane is difficult to see.

7.5 Responses to these comments are set out later in this Position Statement, where necessary.

7.6 A further update on the number of responses will be provided prior to the meeting of the Strategic Planning Committee (as part of the Update) or will be reported verbally at the meeting.

8.0 CONSULTATION RESPONSES

8.1 Statutory:

8.2 Coal Authority – Material consideration. Proposed housing is not within development high risk area, but proposed attenuation is. Condition required regarding intrusive site investigation.

8.3 Environment Agency – No objection.

8.4 Highways England – Recommend that planning permission not be granted (to be reviewed no later than 03/12/2021). Request that strategic road network junctions (specifically, J24 and J25 of the M62) be assessed, and other matters be clarified. Travel Plan acceptable.

8.5 Historic England – No comment.

8.6 Lead Local Flood Authority – Further research and information required regarding flood routing, and a site management plan. Advise against using crate storage. No objection to detention basin, but this should be utilised for SUDS treatment.

8.7 Natural England – No objection.

8.8 Non-statutory:

8.9 KC Conservation and Design – Objection. Premature proposal, given the requirement to frame the development within a masterplan covering the wider HS11 site. Proposal potentially compromises aspects of the wider HS11 development. Application does not include design codes. Submitted layout only includes suburban-style housing (with a heavy emphasis on vehicle parking) and no clear indication of how to accommodate or connect to the required community services or how the scheme would contribute to a viable

green infrastructure, recreational or wildlife corridors. The premature and isolated nature of the scheme means that it does not currently meet the design requirements of the Local Plan allocation HS11, Local Plan policies LP5 and LP24 or NPPF paragraph 127. Proposed housing layout is effectively a large cul-de-sac. Inadequate local amenity provision. Adverse impact on heritage assets – this would be less than substantial, so must be assessed against public benefits in accordance with NPPF paragraph 196 and Local Plan policy LP35. Adverse impact on Shepherds Thorn Lane. Requirement for tree-lined streets appears to be addressed. Proposed design does not address biodiversity net gain requirement. Frontage parking should be reconsidered. Transformative and adverse landscape impact.

- 8.10 KC Ecology – Submission does not demonstrate that a net biodiversity gain would be achieved. In accordance with Section 15 of the NPPF, Local Plan policy LP30 and the proposed new Environment Bill 2019/2021, a measurable increase in biodiversity should be demonstrated at application stage. A completed biodiversity metric is required, assessing the site's ecological baseline and the predicted post-development value. The Kirklees Biodiversity Net Gain Technical Advice Note (released June 2021) should be referenced. Proposed landscaping details are currently limited in scope.
- 8.11 KC Education – £655,581 contribution required towards primary and secondary provision, based on 2023/24 pupil projections.
- 8.12 KC Environmental Health – Comments awaited.
- 8.13 KC Highways Development Management – Proposed Bradford Road access should be subject to a full safety audit. Section 278 agreement needed for proposed off-site works. Secondary (emergency only) access at Shepherds Thorn Lane should be secured by condition. Details of pedestrian connections should be secured by condition. Concern regarding lack of pedestrian crossing facilities at Bradford Road. Welcome applicant's inclusion of other developments in Transport Assessment's assessment of traffic generation and impacts on local highway network. The magnitude of the effect of development traffic overall across the highway network would be minor adverse. Spine road should be designed as a residential connector street (Type A) as per the Kirklees Highway Design Guide SPD, with a cross section of a 3m shared footway/cycleway; a 2m verge; a 6.75m carriageway; a 2m verge; and a 3m shared footway/cycleway. Financial contribution of £827,280 required towards Cooper Bridge Improvement Scheme. Improvements to Bradley Bar roundabout also required. Contribution towards improvements to Bradford Road bus stops should be secured. Locations of bus stops on spine road should be clarified. Electric vehicles charging facilities should be secured by condition. Construction Management Plan, wheel washing facilities and road condition surveys should be secured by condition. Detailed comments regarding Section 38 (highway design/adoption) relayed.
- 8.14 KC Highways Structures – Conditions recommended, should structures adjacent to the highway be proposed.
- 8.15 KC Landscape – Insufficient information regarding open space typologies, their design and purpose. Details of playspaces required. Safe routes to play, sports and green spaces should be clarified. Insufficient landscaping detail. Landscape Management Plan required. Insufficient street tree planting.

- 8.16 KC Public Health – Advice provided regarding green spaces, travel, opportunities for activity and other matters relevant to public health.
- 8.17 KC Public Rights of Way – Bridleway link (not a footpath) requested at north end of site. Off-site improvements should be made to local access, including to Shepherds Thorn Lane and bridleway north of the M62. Details of cycle way requested. Details of emergency access to Shepherds Thorn Lane requested. Access from open space to Shepherds Thorn Lane should be provided.
- 8.18 KC Strategic Housing – 20% affordable housing provision (54 dwellings) required. On-site provision is preferred. In the Huddersfield North area there is a significant need for affordable 3- and 3+-bedroom homes, as well as 1- and 2-bedroom affordable homes. Given the number of 4-bedroom units proposed, the development should contribute to the need for affordable 3+-bedroom homes. Affordable units should be distributed evenly throughout the development, and indistinguishable from market housing. 55%/45% tenure split (30 social/affordable rent, 24 intermediate dwellings) required.
- 8.19 KC Strategic Waste – There are no closed, historical or operational landfill sites within 250m of application site.
- 8.20 KC Trees – Loss of protected Hawthorn acceptable, subject to mitigation. Proposed layout need to be amended to avoid impact on trees along Shepherds Thorn Lane. Loss of trees for drainage acceptable. Tree Protection Plan and Arboricultural Method Statement required.
- 8.21 KC Waste Strategy – Concerns regarding access to bins, bin storage and manoeuvring space for refuse vehicles.
- 8.22 Sport England – No comment.
- 8.23 West Yorkshire Archaeological Advisory Service – Further intrusive site investigation is required in light of recent bronze age finds. This can be conditioned.
- 8.24 West Yorkshire Combined Authority – Comments awaited.
- 8.25 West Yorkshire Police Designing Out Crime Officer – Objection to proposed level of access to rear gardens, inadequate fencing and lighting.
- 8.26 Yorkshire Water – No objection, subject to conditions.
- 8.27 Outstanding consultee responses will be reported in the committee update or verbally.

9.0 SUMMARY OF MAIN ISSUES

- Environmental Impact Assessment
- Land use and principle of development
- Masterplanning
- Quantum of development
- Sustainability and climate change
- Green belt impact
- Urban design matters

- Heritage assets
- Landscape impacts
- Infrastructure requirements and delivery
- Residential quality and amenity
- Affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Environmental and public health
- Site contamination and stability
- Ecological considerations
- Trees and hedgerows
- Open space, sports and recreation
- Planning obligations and financial viability
- Phasing and delivery

10.0 MAIN ISSUES – ASSESSMENT

Environmental Impact Assessment (EIA)

- 10.1 The cumulative environmental impacts of development at both parts of site HS11 (Bradley Villa Farm and the council-owned land) need to be considered, and the applicant was therefore advised (at pre-application stage) to submit an Environmental Statement (ES) that related to all parts of HS11 in support of a planning application that only related to the Bradley Villa Farm site.
- 10.2 On 30/10/2020 the council issued an EIA Scoping Opinion (ref: 2020/20413).
- 10.3 The applicant has duly submitted an ES with the current application. This ES refers to all of the allocated site (HS11), and a development of c1,460 units (with additional capacity for a further 498 dwellings post plan period), a spine road, a 2-form entry primary school, public open space, a new local centre, and a nine-hole golf course with a driving range, clubhouse and two 3G pitches. The matters considered in the ES are:
- Chapter 5 – Socio-Economics and Community (including Health Impact Assessment)
 - Chapter 6 – Highways
 - Chapter 7 – Landscape and Visual Impact
 - Chapter 8 – Ecology
 - Chapter 9 – Trees
 - Chapter 10 – Archaeology
 - Chapter 11 – Heritage
 - Chapter 12 – Air Quality and Odour
 - Chapter 13 – Noise and Vibration
 - Chapter 14 – Ground Conditions
 - Chapter 15 – Flood Risk and Drainage
 - Chapter 16 – Lighting
 - Chapter 17 – Cumulative Effects
- 10.4 Other matters (such as wind and microclimate, electrical interference, solar glare and daylight, sunlight and overshadowing) are not referred to in the ES.
- 10.5 The ES is cross-referenced to other application documents, where necessary.

- 10.6 Cumulative impacts of the proposed development and development at other sites are considered by the applicant in the ES. At pre-application stage officers advised the applicant to consider:
- The 105 units already granted planning permission at the HS11 allocated site at Tithe House Way under application ref: 2018/93965.
 - Sites referred to in Calderdale Council's previous advice, including potential development at the proposed LP1451 allocated site (Brighthouse Garden Suburb).
 - HS12 – Land north and west of Gernhill Avenue, Fixby. Housing allocation (indicative capacity: 377 units). Planning permission granted for 252 units under application ref: 2018/92055.
 - ES1 – Land at Bradley Business Park (Aflex Hose site), Dyson Wood Way, Bradley. Employment allocation (indicative capacity: 15,155sqm floorspace). Planning permission granted for 19,202sqm B1(a), B1(b), B2 and B8 floorspace under application ref: 2018/91432.
 - HS13 – Land to the east of Netheroyd Hill Road, Cowcliffe. Housing allocation (indicative capacity: 68 units).
 - HS14 – Land north of Ashbrow Road, Brackenhall. Housing allocation (indicative capacity: 162 units). Planning permission granted for 161 units under application ref: 2019/92940.
 - ES9 – Former Cooper Bridge Waste Water Treatment Works, Leeds Road. Employment allocation (indicative capacity: 14,910sqm floorspace).
 - MXS6 – Land at Slipper Lane and Leeds Road, Mirfield. Mixed use allocation (indicative capacities: 166 residential units and 17,234sqm employment floorspace). Various permissions granted for residential and employment development.

10.7 Assessment of the ES is ongoing. Assessment carried out to date is set out in this position statement.

Land use and principle of development

- 10.8 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.9 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.
- 10.10 As set out in the council's Authority Monitoring Report (AMR, December 2020, updated 21/01/2021), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19/01/2021). As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27/02/2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

- 10.11 A residential development of 270 dwellings at a site allocated for residential development would make a significant contribution towards meeting identified needs. This attracts significant weight in the balance of material planning considerations relevant to the current application.
- 10.12 Full weight can be given to site allocation HS11, which allocates the majority of the application site for residential development. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis of 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 and reliance on windfall sites was also demonstrated to be necessary in order to meet development needs. Regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector concluded that, subject to the proposed site allocations H1747 and H351 being combined into a single allocation (as they have, in the form of current site allocation HS11) and subject to other modifications (also accepted and implemented by the council), there were no fundamental constraints that would prevent development coming forward at the site, there were exceptional circumstances to justify the release of the site from the green belt, and the site allocation was soundly based.
- 10.13 The Bradley Villa Farm site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of residential development here, as there is an overriding need (in this case, housing needs, having regard to Local Plan delivery targets) for it. Other criteria of policy LP38 may also apply.
- 10.14 Given the above assessment, the principle of residential development at the Bradley Villa Farm site is considered acceptable, subject to the further discussion of land use matters later in this report.

Masterplanning

- 10.15 Due to the size of the Bradley Villa Farm site (and of site HS11), the scale of the proposed development, the wide range of relevant planning considerations, the need for significant supporting infrastructure, the requirements of site allocation HS11 and Local Plan policy LP5, and the proposed allocation of sites within Calderdale borough, a masterplanning approach is necessary. Careful masterplanning can ensure efficient use of land, high quality placemaking and properly co-ordinated development, appropriate location of facilities and infrastructure, prevention of development sterilising adjacent land, appropriate phasing to limit amenity and highway impacts, and fair apportionment of obligations among the respective developers.
- 10.16 The masterplanning work already done in 2017 (for the purpose of informing discussions at the Local Plan Examination in Public) must be noted – that 2017 masterplan had merit (and was approved by Cabinet), however it is appropriate to revisit this earlier work in light of current aspirations and other

considerations, and to look again at the site's constraints and opportunities, consulting with residents, Members, officers, consultee bodies and other stakeholders.

- 10.17 No masterplan, or evidence of masterplanning work, was submitted with the applicant's initial request for pre-application advice in September of last year. The applicant's pre-application covering letter dated 23/09/2020 did not refer to Local Plan policy LP5, and did not acknowledge the requirement (of site allocation HS11) for a masterplan. The applicant team did, however, submit a detailed layout plan (BVF-16-02-SK05) for the Bradley Villa Farm site, suggesting that a proposal had been worked up before site and contextual analysis had been completed, and before any masterplanning work had been carried out. This is the wrong way to approach a major development site where masterplanning is necessary, and the council encourages applicant teams to instead adopt an informed, iterative approach to such sites, where site and contextual analysis, and masterplanning, precedes detailed design work and informs the proposals that are eventually brought forward.
- 10.18 The applicant team subsequently submitted draft parameter plans and concept masterplans on 25/11/2020 and masterplanning workshop slides were presented and discussed at the pre-application meeting held on 02/12/2020. These provided at least some reassurance that the applicant team were aware of some of the allocated site's constraints and opportunities.
- 10.19 The preference would be for both HS11 landowners to work together, revisit the 2017 masterplan, and devise proposals based on an updated masterplan that ensured co-ordinated, complimentary development was brought forward, with neither development prejudicing the other. It is accepted, however, that the applicant team is more advanced in progressing their site than the council (as landowner) is – this isn't an unusual scenario, and it is one the council has had to deal with at other sites. With housing delivery targets in mind, a degree of flexibility can be provided, and therefore officers previously advised that the applicant team could proceed, provided that adequate masterplanning work was carried out. Similar flexibility was applied at the Tithe House Way part of HS11, although that development isn't entirely comparable with what the applicant team have in mind at Bradley Villa Farm.
- 10.20 Officers advised that, at the very least, the Bradley Villa Farm applicant team would be required to provide the indicative bones of a masterplan based on the 2017 masterplanning work (and the research that informed it), further site analysis, and guidance from officers. This work should provide reassurance that the Bradley Villa Farm site can be developed without the rest of the HS11 allocated site being brought forward at the same time, and that co-ordinated, complimentary development can still be brought forward across the entire HS11 site, with the earlier development not prejudicing the later.
- 10.21 To assist the applicant team, on 26/11/2020 officers set out points that should be considered when carrying out the necessary masterplanning work, as follows:
- All constraints and considerations set out in site allocation HS11 to be addressed.
 - Compliance with Local Plan policy LP5 to be demonstrated.
 - Reference to be made to draft Housebuilder Design Guide SPD.

- Masterplan to correspond with ongoing Calderdale/Kirklees work (Brighouse and Bradley Garden Community Masterplan Framework).
- A full assessment of all the infrastructure requirements of HS11 needs to inform any masterplan.
- Flexibility required in the event that development is phased, or only part(s) of the allocated site are developed.
- No ransom strips to be designed into any land. Where applicable, adoptable highway should be shown up to site boundaries where they abut other developable parcels. Provisions for future and construction access may need to be included in Section 106 agreements.
- Masterplan to reflect latest proposals for the Cooper Bridge link road scheme [now referred to by officers as the Cooper Bridge highway improvement scheme]. Flexibility required until proposals become fixed.
- Other vehicular access points as per 2017 masterplan.
- North-south movement (for pedestrians and cyclists) along Shepherds Thorn Lane is a key consideration. The Local Plan includes an expansion of the Core Walking and Cycling Network along this route, and significant opportunities for improved connection with the Brighouse Garden Suburb site (to the north) and education and employment opportunities (to the south) exist.
- Walking-to-school routes to be planned for.
- Public rights of way to be retained along their recorded alignments.
- Proposals to work with existing topography, and not radically reshape it.
- Site's coal mining legacy may affect layout.
- Watercourses to be regarded as fixed. Layout flexibility required in the event that culverted watercourses are found.
- Reference to be made to the desk top work and site assessment carried out during Local Plan preparation (in particular, the report by RES Environmental, ref: 543KLE\H1747-H351 rev P1).
- Flood routing to inform layout.
- TPOs, woodlands, hedgerows and protected habitats to be regarded as fixed.
- 10% biodiversity net gain required, and to inform layout. See draft Biodiversity Net Gain Technical Advice Note.
- Wildlife corridors and linkages to be designed into any layout.
- On-site space to be provided in accordance with Local Plan policy LP63 and draft Open Space SPD. 2017 support for a significant, central open space (or "green lung") to be noted. A network of connected, multi-functional open spaces expected.
- Co-ordination of facilities across various development sites should be considered, to help avoid duplication, and to result in a more comprehensive and varied sports and recreation offer.
- Relevant initiatives (White Rose Forest, Green Street principles etc) to inform layout.
- Wider landscape impacts to inform layout. Visibility of site from Calderdale, M62 and Castle Hill to be considered. Note that Castle Hill Settings Study identifies a significant ridgeline running roughly east-west across the allocated site.
- Location of nine-hole golf course, driving range, clubhouse and two full-sized 3G pitches (as illustrated in 2017 masterplan) to be regarded as fixed for the time being.
- Placemaking to inform layout and all other design decisions. Reference to be made to Local Plan policy LP24 (among others), National Design Guide, Building for Life and other guidance. It is essential that early

thought be given to placemaking, to avoid the creation of a monotonous, anonymous, characterless, illegible anytown development that misses opportunities to create an integrated, distinctive, vibrant, safer, legible, well-connected, convivial and attractive place to live and visit. Standard house types of volume housebuilders may not be appropriate. Character areas and design coding may be appropriate. If HS11 is developed in phases/parcels by two or more parties, evidence of piecemeal development should not be apparent across the site.

- Dementia-friendly design required.
- Significance of Grade II listed Shepherds Thorn Farm to inform layout. Setting must not be unacceptably harmed. Rural approach to this designated heritage asset to be maintained.
- Environmental health considerations (air quality, noise and vibration, lighting, odour and site contamination) to inform layout.
- Wider council objectives (including in relation to economic resilience, tackling inequality, improving health and wellbeing, and the climate change emergency declaration) to be addressed in any masterplan.
- All three aspects of sustainable development (social, economic and environmental) to inform masterplan. Exemplary development expected in relation to energy use and other aspects of sustainability.
- Maintenance responsibilities for open space, drainage, private drives and other spaces outside private curtilages etc should be considered.
- Apportionment of Section 106 obligations (calculated on the basis of the entire development) will be necessary.
- Housing to comply with relevant policies and best practice regarding affordable housing, pepper-potting, indistinguishable tenure, unit size mix, and accessibility. Specialist accommodation, bungalows and self-build to be allowed for. Compliance with Nationally Described Space Standards required.
- Residential density to comply with Local Plan policy LP7. Variations in density across the site can assist with placemaking and legibility.
- Meaningful response to community aspirations for HS11 required.

10.22 Concerns raised by officers at pre-application stage regarding the applicant team's masterplanning submissions related to:

- Suggested developable areas – Although these appear to work around existing tree and biodiversity constraints (which is considered appropriate), many other matters would need to be considered before concluding which parts of HS11 are developable, and which should not be developed. These matters include:
 - the required Landscape and Visual Impact Assessment;
 - the visibility of the site from surrounding vantagepoints (including Castle Hill, and locations within Calderdale borough);
 - the character of the site and surrounding undeveloped land;
 - the importance of the site in landscape terms;
 - council policies and aspirations regarding landscape impacts and reforestation;
 - further advice from the Lead Local Flood Authority (particularly in relation to flood routing);
 - ground conditions;
 - testing of different distributions of open space;

- the need to meet playspace needs within appropriate walking and stand-off distances;
- the need to achieve biodiversity net gains;
- impacts of development upon the setting of (and the rural approach to) Shepherds Thorn Farm; and
- other matters.
- Residential-related and non-residential land use requirements – Of note, site allocation HS11 does not specify quanta of development to be accommodated within each part of the allocated site, nor where the primary school and local centre should be located. Although the council’s 2017 masterplan suggested that these should be located towards the centre of the site, the pre-applicant team have been advised to ascertain why Cushman and Wakefield – in their initial cross-boundary masterplanning work for Kirklees and Calderdale – suggested that the local centre (or rather, a “community hub”) should be located at the far west end of HS11, within the Bradley Villa Farm site.
- Minimum distances to be maintained between new development and overhead power lines and their pylons.

10.23 The 2017 masterplan did not suggest the same developable area for the BVF site as is now proposed by the applicant. Officers advised the applicant team that the considerations outlined above may demonstrate that the developable area proposed for the Bradley Villa Farm site (at pre-application stage) may not be appropriate, and that the number of residential units proposed may need to be reconsidered. Once the necessary masterplanning work is completed, a proposal for the Bradley Villa Farm site can be devised.

10.24 The applicant’s application-stage submission does not fully address the above concerns, although page 28 of the Design and Access Statement sets out some of the thinking that has informed the applicant’s setting of the developable area.

10.25 Regarding developable areas, one key point that is accepted relates to quantum and density. Given the constraints elsewhere within the HS11 allocated site, if the expected c1,958 units are to be accommodated, unacceptably high densities may need to be proposed within the council-owned land unless the less-constrained Bradley Villa Farm site is allowed to shoulder a proportionately greater quantum of development (which, in turn, may require a different developable area than that shown in the 2017 masterplan).

10.26 Consideration of design matters (including regarding the developable area) is ongoing, and will be informed by further consultation with Historic England (regarding the Castle Hill Settings Study), KC Conservation and Design and KC Landscape.

Quantum of development

10.27 As noted above, site allocation HS11 sets out an indicative housing capacity of 1,460, with potential for a further 498 dwellings beyond the plan period. Any proposal at the Bradley Villa Farm site would be expected to make a significant contribution towards those quanta, however it is again noted that the site allocation does not specify how many dwellings should be provided in each part of HS11, and that the applicant’s submission includes inadequate consideration of matters that should inform developable areas.

- 10.28 With 270 units proposed in 12.4 hectares, a density of 21.8 dwellings per hectare would be achieved by the proposed development. However, that 12.4 hectare figure includes green belt land where residential development would not be considered appropriate. Excluding that part of the application site, a site area of approximately 9.85 hectares is arrived at. With 270 units proposed in those 9.84 hectares, a density of 27.4 dwellings per hectare would be achieved. This falls short of the 35 dwellings per hectare figure set out in Local Plan policy LP7 and which already takes into account likely on-site open space needs. Page 44 of the submitted Design and Access Statement suggests a residential density of 33 dwellings per hectare would be achieved, however this is based on an area figure of 8.23 hectares (excluding open space).
- 10.29 Of the 270 units proposed, 136 would have four bedrooms, and 89 would have three bedrooms. 171 of the 270 units would be detached. This preponderance of larger and detached units has contributed to the proposed development's density shortfall, and – along with (and subject to) other design matters being addressed – amendments to this aspect of the scheme will be sought.
- 10.30 Crescendos and other variations of density can enhance and aid legibility, wayfinding, character and neighbourhood distinctiveness. Arguably, the applicant's approach to typologies (which has located detached dwellings along the spine road and open spaces, with more dense terraced housing confined to the secondary streets) could assist in these respects, however there is concern that the entire length of the spine road would be lined with detached dwellings (except for one pair of semi-detached dwellings), with regular spacing and with no apparent thought to density variations that could add interest and legibility. These concerns will be raised in ongoing discussions with the applicant team regarding design matters.

Sustainability and climate change

- 10.31 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions. At application stage, information to demonstrate that the proposed development would achieve net gains in respect of all three sustainable development objectives would be expected. At pre-application stage, the applicant was advised to respond positively to the net zero carbon emission targets referred to earlier in this report.
- 10.32 Since the submission of the current application, the council approved a Planning Applications Climate Change Guidance document which advises applicants to submit a Climate Change Statement with all applications. Effectively, the applicant had already done this – an Energy and Sustainability Statement was submitted with the current application, and the applicant has referred to sustainability and climate change in other submission documents. This is welcomed.
- 10.33 The applicant's Energy and Sustainability Statement notes that a range of sustainability measures have "been given consideration" including in relation to reduction of construction and household waste, reducing water consumption, and sustainable transport. In relation to these, officers recommend that securing measures relating to sustainable transport would be achievable through the council's decision on the current planning application. This matter is considered later in this position statement.

- 10.34 With reference to part L of the Building Regulations, the applicant's Energy and Sustainability Statement asserts that calculations undertaken on the proposed house types demonstrate that Part L compliant emissions would equate to an estimated 511,396 kgCO₂/year, but that by following the applicant's proposed energy efficiency approach, the predicted emissions would be reduced by 3.04% over Part L requirements. The statement goes on to estimate that the proposed specification would result in a 13.70% improvement in Fabric Energy Efficiency over a Building Regulations compliant development.
- 10.35 Subject to details, and to masterplanning, design, highways, infrastructure, residential amenity, drainage and other matters (including the requirements of site allocation HS11) being appropriately addressed, development at the Bradley Villa Farm site can be considered to be sustainable development, given the site's location adjacent to an already-developed area, its proximity to public transport and other facilities, and the opportunities for economic, social and environmental net gains (and for addressing climate change) that the site provides.
- 10.36 Measures would be necessary to encourage the use of sustainable modes of transport. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Adequate provision for pedestrians, cyclists (including cycle lanes, where appropriate) and possible new or diverted bus services should be demonstrated, and cycle storage and space for cyclists, electric vehicle charging points, a Travel Plan and other measures would be required. The proposed expansion of the existing Core Walking and Cycling Network should be assisted by any development at the Bradley Villa Farm site.
- 10.37 Drainage and flood risk minimisation measures would need to account for climate change. This is addressed later in this position statement.
- 10.38 Given the range of uses proposed at (and surrounding) the allocated site, at pre-application stage (and in accordance with Local Plan policy LP26) officers advised that there may be scope for the creation of a district heat or energy network for which provision (including leaving space for the future provision of an energy centre and pipework beneath footways) should be made at application stage. Local Plan paragraph 12.11 refers to the heat mapping work already carried out for the Leeds City Region – the applicant was advised to refer to this work.
- 10.39 At application stage, paragraph 5.65 of the submitted Planning Policy Statement suggests this matter is addressed in the "Sustainability Statement", however the submitted Energy and Sustainability Statement does not address the matter. No district or neighbourhood heat or energy network has been proposed. The applicant team have therefore been asked to provide further information to address Local Plan policy LP26 in a further submission.

Green belt impacts

- 10.40 Drainage infrastructure is now proposed outside the HS11 boundary, in the green belt and close to the M62. The application site's red line boundary has been drawn to include this land. These proposals were not included in the applicant's pre-application stage submission.

- 10.41 Drawing 4607-16-06-902 rev C is appended to the applicant's Flood Risk and Drainage Assessment (version 1.5) and suggests significant engineering works in relation to the proposed attenuation basin and tank. Reshaping of the land, changes to levels, and the provision of an access lane and retaining wall are proposed. Hachures and existing contours suggest steep banking would be created. A "drainage easement" is annotated around and above the proposed infrastructure, which may mean the annotated land will need to be levelled and kept free of soft landscaping. Surfaces of the access lane and drainage easement land are not specified. These works are not detailed elsewhere in the applicant's submission, and officers have therefore asked the applicant team for sections and details of surface treatments, to inform an assessment of the development's impact upon the openness of the green belt.
- 10.42 A foul water pumping station is proposed at the north corner of the residential development. At a meeting on 12/07/2021 the applicant team that this would be an above-ground structure, however no elevations, sections or details of its boundary treatments have been submitted. Officers therefore requested detailed drawings to inform an assessment of the structure's impact upon the openness of the green belt. The relocation of the pumping station (into the part of the site that is not in the green belt) may be requested after its appearance and impact has been clarified and assessed.

Urban design matters

- 10.43 Notwithstanding the masterplanning and developable area concerns detailed above, at pre-application stage officers responded to the applicant team's request for comments on the proposed site layout and other design matters. Positives were identified by officers in relation to the acceptable spine road alignment (subject to detail), proposed areas with perimeter block layouts, and the appropriate building heights (two storeys are proposed throughout the site, although some bungalows and attic accommodation could have been proposed and acceptable), however concerns were raised as follows:
- Layout influences – Unclear how site allocation requirements, topography, existing/possible vehicular entrances, green infrastructure, drainage, existing watercourses, use separation, open space requirements, infrastructure needs, highway safety and adoption, public rights of way, adjacent uses and other factors have influenced the proposed layout.
 - Bradley Villa Farm buildings – Unclear why this part of the allocated site is not included in the pre-application proposals.
 - Entrance experience – Concern regarding people entering the site from Bradford Road, and being greeted with a large agricultural shed, electricity substation, three detached dwellings and a small open space.
 - Shepherds Thorn Lane – Inadequate response to this important north-south route. Lane would be lined with side garden fences and cul-de-sacs. Insufficient pedestrian and cyclist connections. Northwards view into the site from Bradley Road should be celebrated.
 - Landscaping – Ill-considered, ambiguous leftover spaces are proposed in places.
 - Developed area edges – In some locations, garden fences would line the public realm and northern (green belt) edge of the site.

- Cul-de-sacs – These are less dementia-friendly, and require refuse collection vehicles to reverse, which raises safety concerns.
- House types – Unclear why pre-applicant team considers the proposed house types to be suitable for this location.
- Typology distribution – Unclear why larger detached dwellings would line the proposed open spaces, while terraced dwellings would be largely confined to the secondary streets.
- Car parking – Concern that parked cars would dominate the street scene in some locations.

10.44 Further advice was provided by officers in relation to detailed aspects of the proposed layout, density variation, designing out crime, materials, boundary treatments, sustainable design, and creating convivial, inclusive environments offering opportunities for social interaction and integration. Officers highlighted a need to avoid creating anonymous, monotonous, insular, isolated suburban development. The applicant team were also reminded that the Design Review Service for Yorkshire and the Humber is available to provide further, external design advice at pre-application and/or application stage, however the applicant team have not made use of that service.

10.45 The proposed layout submitted with the current application is essentially the same as that seen at pre-application stage, although street trees have been added, some units have been reorientated, and 1-bedroom units are now included (these are the six maisonettes proposed adjacent to Shepherds Thorn Lane). The applicant has also provided a Design and Access Statement, which includes more explanation regarding various design matters (including – usefully – a review of typologies and materials that surround the application site). That document, and the submitted Landscape Strategy Plan, also now define landscape areas across the site – these are named “Inner Streets”, “Village Green” and “Rural Edge”. The definition of areas of different character within the development is welcomed in principle, although it is noted that these definitions largely relate to landscaping, and not to other matters (of note, the same house types are proposed in each of the three areas).

10.46 Other design matters remain unresolved. Of particular concern is the proposed treatment of Shepherds Thorn Lane. Engagement with this important north-south route remains limited (as do the applicant’s proposals for east-west pedestrian routes across it), the potential for a key entrance for pedestrians and cyclists (close to the corner with Bradley Road) has not been harnessed, and the rural edge character of the lane would not be maintained. Concerns raised by KC Trees regarding trees along the lane will also need to be addressed. Furthermore, the applicant’s proposals for the site’s southeast corner are unclear – drawings included in the Transport Assessment (including at appendix I) suggest an emergency access is proposed here, yet this is not shown on the submitted site layout plan.

10.47 These and other design matters will be raised by officers in ongoing discussions with the applicant team. A meeting intended to specifically address design matters is to be organised.

Heritage assets

- 10.48 There are few designated heritage assets close to the Bradley Villa Farm site, however impacts would need to be assessed nonetheless. The applicant team provided an initial Heritage Impact Assessment (HIA) at pre-application stage, and at application stage ES chapter 11 additionally addresses heritage impacts. With regard to the Grade II listed barn at Shepherds Thorn Farm, officers agree (with the applicant's assessment) that the creation of the M62 and golf course has affected the heritage asset's relationship with its surroundings, however officers also agree that the agricultural fields on the west side of Shepherds Thorn Lane make a positive contribution to the setting of the farmstead, as they provide one of the few remaining links to a past rural landscape. Some of these fields would be developed under the current proposals for the Bradley Villa Farm site.
- 10.49 Given the requirements of paragraph 193 of the NPPF, Local Plan policy LP35 and site allocation HS11 (which requires the rural approach to this designated heritage asset to be maintained), the applicant team should have then explored how this impact can be reduced. This may necessitate pulling the developable area back from the northernmost corner of the Bradley Villa Farm site (i.e., extending the "Buffer to Listed Building" (shown in the pre-applicant team's workshop slides), which is currently identified as a constraint only applicable to council-owned land). This matter will be raised by officers in ongoing discussions with the applicant team.
- 10.50 Although Historic England have advised that they have no comment to make on the application, it is unclear if this advice took into account the relationship between the application site and Castle Hill. As defined in the Castle Hill Settings Study, a significant ridgeline runs roughly east-west across the allocated site. A further comment will be sought from Historic England.
- 10.51 At pre-application stage, in light of the site's potential archaeological interest, on 16/12/2020 the West Yorkshire Archaeological Advisory Service (WYAAS) provided the applicant team with a specification for a pre-determination archaeological evaluation (by trial trenching). Site investigation was subsequently carried out, and bronze age material was found at the highest part of the site. In light of this, at application stage WYAAS have advised that further intrusive site investigation is needed. This can be conditioned.

Landscape impacts

- 10.52 A draft of the required Landscape and Visual Impact Assessment (LVIA) was not submitted at pre-application stage, however officers provided advice regarding the viewpoints that are to be assessed.
- 10.53 Further advice from KC Landscape and Historic England is awaited, and would inform officers' ongoing assessment of the proposed development's wider landscape impacts. As noted above, the findings of the LVIA may influence the locations of HS11's developable areas. Any assessment of impacts would also need to take into account the findings of the 2016 Castle Hill Settings Study.

Infrastructure requirements and delivery

- 10.54 Development of the HS11 site would require significant infrastructure to render the site ready to take development, to support development during its operational phase, and to mitigate its impacts. Infrastructure-related works and provisions would, or may, include site investigation, stabilisation and remediation (including in relation to the site's coal mining legacy), formation of development platforms, provision of new roads and junctions, signalisation works, new cycle routes, new footways and footpaths (and diversions and improvements to existing footpaths), the required two form entry primary school, playspaces, sports and recreation facilities, other social infrastructure, allotments, landscaped areas, ecological enhancement, other green infrastructure, public realm works, surface water drainage, utilities (water, sewerage, electricity, gas, and telecommunications including fibre broadband), electricity substations, decentralised energy (energy centre and distribution network), work related to the retained pylons, noise and air quality mitigation. Temporary, between-phase infrastructure may also be required, as may off-site infrastructure works.
- 10.55 Officers have emphasised how crucial it is that these infrastructure requirements are identified at an early stage. When considering the current application, it must be ascertained what is required, when these works and provisions are required (phased delivery of some works may be appropriate), their costs, and who would be responsible for their delivery.
- 10.56 The council (as landowner) has commissioned WSP to assess the infrastructure needs of the HS11 site, and a list of infrastructure topics (that WSP have been commissioned to cover) was shared with the Bradley Villa Farm applicant team.

Residential quality and amenity

- 10.57 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.58 Separation distances between the proposed dwellings and existing adjacent properties would generally be adequate to ensure no unacceptable loss of natural light, privacy or outlook would occur. However, levels information and sections will need to be provided by the applicant, to inform assessment of potential overlooking impacts to the south at Torcote Crescent and Bradley Road – this has been raised as a concern by some residents.
- 10.59 The design and locations of boundary treatments and landscaping would need careful consideration at conditions stage (should planning permission be granted) to ensure no significant loss of amenity occurs to neighbouring residents.
- 10.60 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the number and locations of new vehicular and pedestrian entrances that new residents would use to access the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.

- 10.61 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) may be recommended in a future committee report. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites (including sites in Calderdale) be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP.
- 10.62 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.63 All units would be dual aspect. This is welcomed, as dual aspect enables natural ventilation, and has amenity and outlook benefits.
- 10.64 All units would have adequate privacy, outlook and access to natural light.
- 10.65 Dwellings would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents. The proposed detached gardens proposed for three of the maisonettes are not ideal, however it is not recommended that planning permission be withheld in relation to this proposed provision.
- 10.66 Adequate distances would be provided within the proposed development between new dwellings.
- 10.67 The provision of areas of open space within the proposed development is welcomed, however more information is required regarding their size, use/purpose and management. The applicant's Design and Access Statement asserts that, based on 270 units and a population of 660 people, 2.95 hectares of open space would be required. 2.09 hectares of open space are proposed on-site.
- 10.68 Regarding play, it is noted that no open space is proposed to the south of the spine road, therefore children living within the southern part of the development would need to cross the spine road in order to access green space. The proposed 270 dwellings trigger a need for a Local Area for Play (LAP), a Local Equipped Area for Play (LEAP), and a contribution towards a Multi-Use Games Area (MUGA). The required details would need to demonstrate how any on-site playspace provision would be multifunctional, and would promote children's independence in their own neighbourhood.
- 10.69 Notwithstanding the proposed on-site provision, the applicant's proposals will still necessitate a financial contribution towards off-site open space. This must be calculated in accordance with Local Plan policy LP63, and the methodology set out in the adopted Open Space SPD, taking into account deficiencies in the Ashbrow ward. Further information is required from the applicant before the relevant open space contribution can be calculated.
- 10.70 The sizes of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living

space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.

- 10.71 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.
- 10.72 A breakdown of the proposed development's compliance with the Government's NDSS guidance will be requested.
- 10.73 Regarding the wider site allocation, at pre-application stage officers advised the applicant that parts of the HS11 site may be appropriate locations for specialist residential accommodation (such as homes for retirement or sheltered living and/or an Extra Care facility), and that potential locations for bungalows and for self-build development (as referred to at Local Plan paragraph 8.32) should also be explored in the applicant team's masterplanning work.

Affordable housing

- 10.74 At pre-application stage the applicant team were advised that a policy-compliant 20% affordable housing provision would be required.
- 10.75 The applicant duly proposes 54 affordable units, representing a 20% provision. These would be provided as 6x 1-bedroom maisonettes (units 68, 69, 83, 84, 85 and 86), 23x 2-bedroom houses and 25x 3-bedroom houses. In terms of tenure, 30 social rent and 24 intermediate units are proposed.
- 10.76 The proposed development lacks 4-bedroom affordable units. These are required to address a known need in the Huddersfield North area. There is also a concern that the development's affordable units may be visually distinguishable from the private units, as they include all six of the development's maisonettes and the majority of the development's terraced units. No affordable units would look out onto the development's open space, and therefore would arguably have inferior amenity. Amendments relating to the applicant's affordable housing provision will be sought.

Highway and transportation issues

- 10.77 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.

- 10.78 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.79 Existing highway conditions must be noted. A site entrance already exists at Bradford Road, where the development's main vehicular access is proposed. A gated access (for agricultural use) to the Bradley Villa Farm site exists on Shepherds Thorn Lane. Bradley Road (the A6107) is a part 30mph, part 40mph highway with cycle lane markings, and part of the Core Walking and Cycling Network runs along this road and along Bradford Road (the A641), where a 40mph restriction also applies. The main roads nearest to the allocated site are served by the X63 bus service along Bradford Road and the 328 bus service that terminates at Alandale Road.
- 10.80 The council's proposals for local highway improvements should also be noted. The council's preferred option for the Cooper Bridge improvement scheme recently went to public consultation (between 07/06/2021 and 18/07/2021). This preferred option now involves no link road from the A644, and improvements are instead proposed to the Cooper Bridge and Bradley junctions.
- 10.81 Site allocation HS11 notes that additional mitigation on the wider highway network will be required in connection with development at the allocated site, and that there is potential for significant impacts upon the Strategic Road Network.

Site access

- 10.82 The proposals for the Bradley Villa Farm site include only one vehicular access point off Bradford Road, however the development would also be accessible from the east should development come forward at the rest of the HS11 site. At the eastern edge of the application site, Shepherds Thorn Lane is already of some importance (and provides opportunities for significant enhancement and integration with a redesigned scheme at the Bradley Villa Farm site, for aesthetic and active travel reasons), however it is not a suitable location for a key vehicular access point to the HS11 site.
- 10.83 Highways Development Management officers have advised that pedestrian and cycle access could be improved with a new crossing at Bradford Road. The applicant has verbally accepted this is a reasonable request. Better connectivity with Shepherds Thorn Lane could also be achieved for pedestrians and cyclists, and this will be raised in ongoing discussions with the applicant team.

Trip generation

- 10.84 Trip rates were agreed between officers and the applicant at pre-application stage. Applying those rates to a development of 280 dwellings, the applicant has predicated trip generation of 162 vehicle movements in morning peak (08:00 to 09:00, split as 42 arrivals and 120 departures) and 153 vehicle movements in the evening peak (17:00 to 18:00, split as 112 arrivals and 41 departures).

Junction impacts

- 10.85 At pre-application stage the applicant team was advised which junctions to assess in the TA, as follows:
- Bradley Bar Roundabout
 - Bradley Road/Leeds Road/Colne Bridge Road
 - Cooper Bridge Road/Wakefield Road/Leeds Road
- 10.86 Having regard to the applicant's trip generation information, the Bradley Bar roundabout would reach saturation during the morning peak hour after the addition of only 200 dwellings. Given this impact, it is considered necessary to secure a contribution towards capacity improvements at that junction. A preliminary mitigation scheme has been developed (by WSP) which includes increased entry widths and effective flare lengths on each approach arm to this junction.
- 10.87 Given the proposed development's potential impacts upon the Strategic Road Network, the pre-applicant team were advised to engage in early dialogue with Highways England. At application stage, Highways England issued a recommendation that planning permission not be granted (to be reviewed no later than 03/12/2021), which effectively prevents the council from approving the current application without referring its decision to the Secretary of State. The applicant team are currently working on a response to Highways England's concerns.
- 10.88 Regarding the Cooper Bridge highway improvement scheme, at pre-application stage the applicant team were advised to test "with" and "without" scenarios, to provide a robust assessment that accounts for the possibility of delivery of that scheme being delayed or amended. The applicant duly provided these assessments, albeit with reference to earlier iterations of the schemes that included a link road connecting the allocated site to the A644. The applicant has been asked to provide an addendum to the Transport Assessment, providing an assessment of the impacts of the proposed development with reference to the preferred option.
- 10.89 Having regard to the requirements of site allocation HS11, to ensure later developments (elsewhere within HS11, and at other sites) are not required to mitigate all the cumulative highway impacts to which a development at Bradley Villa Farm would contribute, any planning permission granted for major residential development at the Bradley Villa Farm site would be required to contribute to future capacity improvements (including the Cooper Bridge improvement scheme), regardless of whether the 270 proposed dwellings would – when considered in isolation – trigger a need for improvements.

- 10.90 Regarding other junctions, the applicant's Transport Assessment states that there would be modest increases in congestion and delay at several junctions within the study area as a result of the completed development. At junctions located further away from the site the proposed development traffic impact would be reduced and diluted as the traffic disperses through the network. As such it is considered that the magnitude of the effect of development traffic overall across the highway network would be minor adverse.

Internal layout

- 10.91 The design of the proposed east-west spine road should reflect that of the section of spine road already approved under application ref: 2018/93965, with a 6.75m wide carriageway. The spine road should be capable of accommodating new or diverted bus services. Details of crossing points, including for farm traffic along the retained access directly behind 686 and 688 Bradford Road, should be provided.
- 10.92 To help enable future connection to, and development of, the larger part of allocated site HS11, the spine road must be provided as adoptable highway up to the eastern edge of the application site boundary, where it meets Shepherds Thorn Lane, so that it may be continued eastwards as and when the council-owned land is developed.
- 10.93 Beyond the proposed spine road, an appropriate road hierarchy for the proposed development has been clearly described and illustrated in the submitted Design and Access Statement.
- 10.94 Detailed advice regarding Section 38 (highway design/adoption) matters has been forwarded to the applicant team.

Sustainable travel

- 10.95 Comprehensive and effective travel planning is required in connection with the proposed development, in compliance with Local Plan policies LP20 and LP51. A Travel Plan has been submitted with the application. This includes measures to encourage and enable the use of sustainable modes of transport by residents of the proposed development, and is welcomed. The Travel Plan includes details of monitoring and an action plan, and helps to meet the requirement (set out in pre-application advice) for a HS11-wide strategy for pedestrian and cyclist movement, required in light of the requirements of policy LP21 to encourage the use of sustainable modes of transport, policy LP23 regarding the Core Walking, Cycling and Riding Network, and policies LP20, LP24dii and LP47e which require improvements to neighbourhood connectivity and opportunities for walking and cycling.
- 10.96 Travel Plan implementation and monitoring fees would need to be secured via a Section 106 agreement. A contribution towards, or the provision of, Metro cards for the new residential units may be necessary – the need for this is yet to be assessed in light of forthcoming comments from the West Yorkshire Combined Authority.
- 10.97 Officers are in contact with their equivalents at Calderdale Council, and intend to discuss strategies that look beyond the boundaries of individual allocated sites, and that harness opportunities for wider sustainable and active travel, including to and from the centres of Huddersfield and Brighouse, the Brighouse Garden Suburb site, and employment, education and leisure destinations.

- 10.98 The Core Walking and Cycling Network is intended to provide an integrated system of routes that provide opportunities for alternative sustainable means of travel through Kirklees, and provide efficient links to urban centres and sites allocated for development – the Bradley Villa Farm proposals should respond positively to this intention, including in relation to Shepherds Thorn Lane. This will be discussed with the applicant team in relation to design matters and in light of the comments of the council's Public Rights of Way team.
- 10.99 During the life of the current application the applicant has been asked to assess local public transport provision, and opportunities for improvement. The applicant has also been asked to identify bus stop locations along the proposed spine road.

Parking

- 10.100 Parking provision across the site would need to reflect anticipated need (balanced against aesthetic, street scene, safety and sustainability considerations), having regard to likely vehicle ownership and the council's adopted Highway Design Guide SPD.
- 10.101 The proposed parking provision across the site is considered acceptable, although some provision for visitor parking will be required, and there are locations where proposed unbroken rows of parking spaces will need to be amended for visual amenity reasons.

Emergency access

- 10.102 As noted above, emergency access proposals are shown at appendix I of the submitted Transport Assessment, however it is unclear why such a vehicular access is proposed parallel to (rather than from) Shepherds Thorn Lane. Furthermore, this new access is not shown in other application drawings, nor is its future management explained. Further information will be required from the applicant.

Construction-phase impacts

- 10.103 The submitted ES considers the environmental effects of the proposed development during both its construction and operational phases. Assessment of these impacts is ongoing, and will be informed by the forthcoming comments of KC Environmental Health.
- 10.104 Construction management provisions (including in relation to construction traffic) would need to be secured via conditions, should planning permission for the proposed development be approved.

Flood risk and drainage issues

- 10.105 In relation to flood risk and drainage, the requirements of chapter 14 of the NPPF, and Local Plan policies LP27, LP28 and LP29, must be addressed. Drainage and flood risk (including provisions for flood routing) should be a key influence on any masterplan for the HS11 site, and any layout proposed for the Bradley Villa Farm site.

- 10.106 The allocated site is located within Flood Zone 1 and is therefore generally at low risk of flooding. Part of the allocated site (at Tithe House Way) is at risk of surface water flooding, as is an area at the northern edge of the golf course. To the east of Shepherds Thorn Farm, a watercourse runs northeastwards (via a pond), joining Deep Dike, Bradley Park Dike and, eventually, the River Calder. Another watercourse runs eastwards from a pond adjacent to the golf course club house, and historic maps illustrate other watercourses, some of which were interrupted by the construction of the M62. Surface water flood risk is associated with these routes. Additionally, there are some isolated depressions which represent flood risk. Other unmapped watercourses and features may exist within and close to the allocated site. Yorkshire Water sewers exist beneath Bradford Road, Bradley Road and Tithe House Way.
- 10.107 The Bradley Villa Farm site is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment (FRA) and a full site-wide drainage strategy is required. These have been submitted, as has chapter 15 of the ES, and the applicant has recently confirmed which versions of the Flood Risk Assessment is to be considered (three versions were submitted), and has submitted an updated ES chapter 15.
- 10.108 At pre-application stage the applicant team were advised to refer to the desk top work and site assessment carried out during Local Plan preparation (in particular, the report by RES Environmental, ref: 543KLE\H1747-H351 rev P1), and to continue liaising with Highways England regarding impacts on the M62's drainage. In their comments of 23/06/2021, Highways England did not raise objection on drainage or flood risk grounds.
- 10.109 The applicant proposes to drain the application site (by gravity) to the north, via a new attenuation tank and basin, which would then connect to Highways England's M62 drainage at a discharge rate of 22 litres per second.
- 10.110 Foul water would be pumped via a new pumping station (proposed at the north corner of the residential development) to existing Yorkshire Water sewers.
- 10.111 The Lead Local Flood Authority (LLFA) provided advice at pre-application stage. At application stage, the LLFA have requested further research and information regarding flood routing, and a site management plan. No objection has been raised by the LLFA to the proposed attenuation (although the basin should be utilised for SUDS treatment) or the proposed discharge rate.
- 10.112 Yorkshire Water have not objected to the proposals.

Environmental and public health

- 10.113 A Health Impact Assessment has been submitted, while chapter 5 of the ES addresses socio-economics and community matters. These documents are being assessed with regard to chapter 8 of the NPPF, Local Plan policy LP47 and the council's Joint Health and Wellbeing Strategy.
- 10.114 Development at this site would be required to assist in promoting healthy, active and safer lifestyles in accordance with the above planning policies. This can be achieved in many ways – air quality mitigation and improvement, facilitation and encouragement of on-site and local outdoor activity, inclusive design, providing opportunities for inter-generational interaction, new and enhanced public footpath and cycle path connections, careful construction

management (including dust control) and other measures can be proposed by the pre-applicant team. Active travel is of particular relevance to the HS11 site, given the local opportunities available for walking and cycling, and the council's intentions to expand the Core Walking and Cycling Network along Shepherds Thorn Lane.

- 10.115 KC Public Health have provided comments, including in relation to active travel. No objection to the proposals has been raised by KC Public Health.
- 10.116 The allocated site is not located within an Air Quality Management Area (AQMA), however it is relatively close to AQMA 1 (Bradley Road / Leeds Road junction), where elevated levels of Nitrogen Dioxide have been measured. An AQMA has also been designated in Brighouse. Due to the size of the development proposed at the Bradley Villa Farm site, and having regard to the West Yorkshire Low Emission Strategy planning guidance, air quality needs to be addressed at application stage. Accordingly, ES chapter 12 addresses air quality and odour, and is being reviewed by KC Environmental Health. A standalone Odour Assessment has also been submitted.
- 10.117 Electric vehicle charging and travel planning (which are relevant to air quality mitigation) are considered earlier in this position statement.
- 10.118 ES chapter 13 assesses the noise and vibration impact of the proposed development, and is being reviewed by KC Environmental Health.

Site contamination and stability

- 10.119 Site allocation HS11 notes the potential presence of contamination at the site. The east end of the allocated site includes part of a former landfill site, and a 250m buffer zone extends into the allocated site. A 250m buffer zone of another landfill site also includes the northern tip of the allocated site. Landfill gas affects land to the north of the allocated site, and a landfill gas buffer covers the northern and eastern parts of the allocated site.
- 10.120 The application site is not within a buffer zone or area of contamination risk, however site investigation has been carried out by the applicant, and the applicant's submitted information is being assessed by KC Environmental Health with regard to Local Plan policy LP53. ES chapter 14 addresses site contamination.
- 10.121 Most of the application site is within the Development Low Risk Area as defined by the Coal Authority, however the northern part of the site (the part which extends into the green belt) is within the Development High Risk Area, as is much of the larger (council-owned) part of HS11. Therefore within the site and surrounding area there are coal mining features and hazards. No standalone Coal Mining Risk Assessment has been submitted, however ES chapter 14 addresses ground conditions.
- 10.122 The Coal Authority have advised that any approval of planning permission should be subject to a condition requiring further intrusive site investigation in relation to the site's coal mining legacy.

Ecological considerations

- 10.123 The Wildlife Habitat Network covers parts of the allocated site, and areas outside it, including the ancient woodlands at Bradley Wood to the north and Screamer Wood and Dyson Wood to the south. Local Wildlife Sites exist immediately outside the allocated site, to the north and east. The majority of the allocated site is within a Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands for most of the site, Built-up Areas for a small part of the west end of the site, and Valley Slopes along the site's northeastern boundary). Bats are known to be present in the area.
- 10.124 Site allocation HS11 states that, where an ecological assessment shows the presence of protected species, that area of the site will need to be safeguarded from development. Chapter 15 of the NPPF, Local Plan policy LP30, and the council's Biodiversity Net Gain Technical Advice Note are relevant. A 10% net biodiversity gain should be demonstrated in accordance with these policies. Net gain is measurable, and the degree of change in biodiversity value should be quantified using Natural England's Biodiversity Metric 3.0 (launched on 07/07/2021). In order to address the above, the proposed development would need to be supported by landscaping information and a calculation of change in biodiversity value using this metric.
- 10.125 No biodiversity metric calculation has been submitted. At a meeting held on 12/07/2021 the applicant expressed a view that a metric calculation did not need to be submitted, however officers have advised that – at the very least – a baseline calculation (of the site's existing biodiversity value) would be needed to inform an assessment against the above-listed policies, and to enable officers to calculate what financial contribution would be necessary if a net gain cannot be achieved on-site or close to the site on land controlled by the applicant. A further submission from the applicant is awaited.
- 10.126 ES chapter 8 concerns ecological impacts. KC Ecology and the Yorkshire Wildlife Trust have requested the required metric calculation, and further comments from these consultees (including a review of ES chapter 8) is expected once the calculation is submitted.

Trees and hedgerows

- 10.127 Tree Preservation Order 17/98/t18 protects a Hawthorn tree at the west end of the allocated site. Other trees exist in several locations across HS11.
- 10.128 Local Plan policy LP33 is relevant. A Tree Survey, Arboricultural Impact Assessment and Method Statement were requested at pre-application stage. The applicant was advised that the required impact assessment should demonstrate the realistic root growth of trees and a realistic assessment of potential impacts (including in relation to shading) and should recommend mitigation measures where appropriate.
- 10.129 At application stage, a tree survey and Arboricultural Impact Assessment have indeed been submitted. The applicant proposes felling of the protected tree, which has not attracted an objection from KC Trees, subject to appropriate mitigation being secured. Regarding other trees identified for felling, KC Trees have objected, and amendments to this part of the proposed development (along Shepherds Thorn Lane) will be requested.

10.130 Green Streets principles would need to be adhered to, and would need to be accounted for in any assessment of infrastructure requirements. Sufficient space should be allowed for trees in new roads, and habitat connectivity should inform proposals for tree planting within the application site. The council additionally promotes the White Rose Forest initiative, which is intended to greatly increase tree cover within the borough. Development of the Bradley Villa Farm site presents opportunities for extensive tree planting. At pre-applicant stage the applicant team were reminded of the proposed changes to the NPPF, which reflect the Government's ambition to ensure that all new streets are tree-lined. The applicant has responded positively to this advice, with the inclusion of more street trees in the application-stage layout. In ongoing discussions regarding design and layout, opportunities for introducing further tree planting will be discussed.

10.131 At pre-application stage the applicant team were also advised to monitor progress regarding the forthcoming England Tree Strategy. This strategy remains unpublished.

Open space, sports and recreation

10.132 As noted earlier in this position statement, more information regarding the proposed on-site open space is required. A breakdown of the proposed open space provision would need to be provided with reference to the six open space typologies used in Local Plan policy LP63 assessments. All proposed open space and landscaped areas should be clearly defined. In particular, the purpose of the proposed thin open space (running southwest-northeast through the Bradley Villa Farm site) should be clarified.

10.133 Sports and play spaces should be located and designed in accordance with Fields in Trust guidance.

10.134 Reprovision of golfing facilities have been addressed to an extent in the applicant team's masterplanning work, however as it is considered that this reprovision would be best located at the northeast part of the HS11 site (on council-owned land), this matter is not considered to be a key land use or layout constraint at the Bradley Villa Farm site.

Planning obligations and financial viability

10.135 A development of this scale would have significant impacts requiring mitigation. To secure this mitigation (and the benefits of the proposed development, where relevant to the balance of planning considerations), planning obligations secured through a Section 106 agreement would be necessary. Heads of Terms are likely to refer to:

- Infrastructure works and provision.
- Works and contributions required to mitigate highways and transportation impacts, including cumulative impacts. Should impacts not be fully assessed at the time the current application is determined (due to, for example, funding for the Cooper Bridge highway improvement scheme not being in place), an appropriate legal mechanism would still be required to ensure contributions are secured.

- Sustainable transport (including Travel Plan implementation and monitoring, and a contribution towards the expansion of the existing Core Walking and Cycling Network).
- Provision, or contribution towards the provision, of a two form entry primary school.
- Education contribution of £655,581 (calculated based on numbers of units and size mix).
- Early years and childcare provision, or a relevant contribution.
- Open space, including playspaces, ongoing management and maintenance responsibilities, and contributions towards off-site provision in the local area.
- Affordable housing – 54 dwellings (20% of 270).
- Provision and maintenance of drainage systems.
- Biodiversity net gain.
- Decentralised energy.
- Air quality mitigation.

10.136 The applicant has submitted a draft list of Heads of Terms which do not include all of the above items. Consideration of contributions, responsibilities for them (and for other obligations), their timing and triggers, and how they would be apportioned, is ongoing. Further consideration will be possible once more is known regarding the infrastructure needs of HS11.

10.137 The above obligations are significant, and together with the costs associated with on-site infrastructure, drainage and addressing the site's topography and coal mining legacy, would need to be taken into account by the applicant team. At pre-application stage the applicant team were advised that the council will not accept arguments that these costs were unanticipated (and that affordable housing or other necessary mitigation is not viable) where there is evidence that a developer has overpaid for a site, having not given sufficient consideration to development costs. The Bradley Villa Farm site was promoted for allocation and development by the landowner, and such development at this site can reasonably be assumed to be viable at this stage. Therefore, and given what is known regarding the site's development costs, the council is unlikely to entertain a future argument that residential development at this site is unviable. Should any such argument be made in the future, the council can have regard to paragraph 57 of the NPPF, which states that the weight to be given to a viability assessment is a matter for the decision maker.

10.138 On 19/01/2021, in light of the Government's announcement that it will abolish CIL and replace it with a nationally-set infrastructure levy, Cabinet agreed to not adopt the CIL Charging Schedule in Kirklees at this stage.

10.139 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant thresholds (housing developments which would deliver 60 dwellings or more), officers will be approaching the pre-applicant team to discuss an appropriate Employment and Skills Agreement, to include provision of training and apprenticeship programmes. 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. Given the scale of development proposed, there may also be opportunities to work in partnership with local colleges to provide on-site training facilities during the construction phases.

Phasing and delivery

10.140 If planning permission is approved, a development of this scale is likely to be constructed in phases. No detailed phasing information has been provided by the pre-applicant team to date. Phasing should be organised having regard to several considerations, including neighbour amenity, the amenities of occupants of earlier phases, highway safety, aesthetic considerations, biodiversity and infrastructure provision.

11.0 CONCLUSION

11.1 Development at the Bradley Villa Farm site is welcomed in principle, however further amendment, assessment and other work will be necessary before the current application can be supported at officer level.

11.2 Members to note the contents of this position statement. Members' comments in response to the matters detailed above would help and inform ongoing consideration of the application, and discussions between officers and the applicant.

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