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

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Wednesday 15 September 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 23 September 2021**.

(A coach will depart the Town Hall, at 10:00AM to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber, Town Hall.)

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

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

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

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

The Strategic Planning Committee members are:-

Member

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

When a Strategic Planning Committee member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

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

Green

K Allison
S Lee-Richards

Independent

T Lyons

Labour

M Akhtar
E Firth
M Kaushik
J Ramsay
S Ullah

Liberal Democrat

PA Davies
J Lawson
A Marchington
A Munro

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

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

2: Minutes of the Previous Meeting

1 - 6

To approve the Minutes of the meeting of the Committee held on 26th August 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 receive any public questions.

In accordance with:

- Council Procedure Rule 11 (3), questions regarding the merits of applications (or other matters) currently before the Council for determination of which the Council is under a duty to act quasi judicially shall not be answered.
 - Council Procedure Rule 11 (5), the period for the asking and answering of public questions shall not exceed 15 minutes.
 - Council Procedure Rule 51(10) any person may submit up to a maximum of 4 written questions.
-

6: Deputations/Petitions

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

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

7: Site Visit - Application No. 92488

Application for the erection of a clinical building to accommodate new accident and emergency department, associated vehicular access, car and cycle parking spaces, plant and landscaping Huddersfield Royal Infirmary, Acre Street, Lindley, Huddersfield.

(Estimated time of arrival at site: 10.10 a.m.)

Contact Officer: Nick Hirst, Planning Services

Ward(s) affected: Lindley

8: Site Visit- Application No. 91571

Application for the erection of residential development of 125 dwellings (revised layout) on land to the south of The Lodge and north of Church Lane, Linthwaite, Huddersfield.

(Estimated time of arrival at site: 10:50 a.m.)

Contact Officer: Victor Grayson, Planning Services

Ward(s) affected: Colne Valley

9: 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 20th September 2021**.

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

Members of the public may address the Committee virtually. Please include in your email the telephone number that you intend to use when addressing the Committee. You will receive details on how to speak at the meeting in your acknowledgement email.

Members of the public who wish to attend the meeting in person 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.

10: Planning Application - Application No. 2021/92488 11 - 36

Application for the erection of a clinical building to accommodate new accident and emergency department, associated vehicular access, car and cycle parking spaces, plant and landscaping Huddersfield Royal Infirmary, Acre Street, Lindley, Huddersfield.

Contact Officer: Nick Hirst, Planning Services

Ward(s) affected: Lindley

11: Planning Application - Application No. 2021/91571 37 - 70

Application for the erection of residential development of 125 dwellings (revised layout) on land to the south of The Lodge and north of Church Lane, Linthwaite, Huddersfield.

Contact Officer: Victor Grayson, Planning Services

Ward(s) affected: Colne Valley

12: Planning Application - Application No. 2021/90980 71 - 84

Application for the partial demolition and change of use of the existing public house to offices, redevelopment of the public house car park, erection of new storage units/workshop and associated alterations

(within a Conservation Area) at Pennine Industrial Equipment Ltd,
Manorcroft Works, Commercial Road, Skelmanthorpe, Huddersfield.

Contact Officer: Callum Harrison, Planning Services

Ward(s) affected: Denby Dale

Planning Update

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

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 26th August 2021

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

1 Membership of the Committee

All Committee Members were present.

2 Minutes of the Previous Meeting

RESOLVED – That the Minutes of the previous meeting held on 29 July 2021 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillor A Pinnock declared an 'other' interest in Agenda Item 8 (Application 2012/91544) on the grounds that his wife is a Member of the University Council.

4 Admission of the Public

It was noted that all agenda items were considered 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: 2021/91544

The Committee gave consideration to Application 2012/91544 – Outline application for erection of health and research innovation campus comprising: Class F1 (a) education; Class E (e) medical/health services; Class E (g) (i) Offices; Class E (g) (ii) research/development of products/processes; multi storey car park; Class E display/retail of goods; Class E (b) sale of food/drink; Class E (d) indoor/sport/recreation/fitness at Southgate/Leeds Road, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Iain Bath (applicant's agent).

RESOLVED –

1) That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- Application for approval of the reserved matters for each phase – access, appearance, layout, landscaping and scale
- 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 3 years from the date of this permission
- Details of the reserved matters for each phase before that phase commences
- Submission of a Phasing Plan.
- Submission of a Masterplan to be submitted as part of any Reserved Matters for each phase. This will include a requirement to consider the pattern of movement and make provision within the development for travel by means other than the private car (e.g. to include for cycle provision)
- Submission of a Design Code based upon the principles of the Masterplan
- Submission of a Construction Environment Management Plan for each phase
- Details of the highway access
- Details of the site layout (highways)
- Details of all new retaining walls/building retaining walls adjacent to the highway
- Construction details for all new surface water attenuation pipes/manholes located within the proposed highway
- Details of a detailed design scheme for foul, surface water and land drainage
- Details of overland flow routing
- Details of temporary surface water drainage for the construction phase
- No building or other obstruction within the protected strips of the sewers that run across the site (unless diverted)
- Site to be developed with separate systems for of drainage for foul and surface water
- Bio-diversity Management Plan (BEMP)
- Landscape and Ecological Management Plan (LEMP)
- Bio-diversity Net Gain Condition
- Details of Air Quality Mitigation Measures based on the cost damage calculation
- Details of mechanical ventilation
- EVCP for each phase
- Submission of a Phase 2 Intrusive Site Investigation Report
- Submission of a Remediation Strategy
- Implementation of a Remediation Strategy
- Submission of a Validation Report
- Details of Noise Mitigation Measures
- Restriction on noise from plant and equipment
- External lighting details
- Kitchen Extract system
- Cycle parking for each phase
- Travel Plan

Strategic Planning Committee - 26 August 2021

- Submission of a Climate Change Statement for each phase to demonstrate how the development would incorporate measures to promote carbon reduction and enhance resilience to climate change

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) contribution of £10k to fund the removal of Traffic Regulation Orders and (ii) contribution of £23k to provide a shelter and real-time information to the bus stop on Leeds Road.

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

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

Against: (no votes)

9 **Planning Application - Application No: 2020/90640**

The Committee gave consideration to Application 2020/90640 – Formation of artificial grass pitch with associated features, including eight 15m high floodlights, fencing up to 4.5m, pedestrian circulation and access route, vehicular maintenance and emergency access with Springwood Road, erection of store, grass mounds, retaining structures and landscaping works at Holmfirth High School, Heys Road, Thongsbridge.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Karen Franklin (local resident) and Ryan Blezzard (Holmfirth High School).

Under the provisions of Council Procedure Rule 36(1), the Committee received a representation from Councillor D Firth.

RESOLVED – That the consideration of the application be deferred to enable further discussions to take place with the applicant with regards matters including community use, times of use, drainage and parking.

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

For: Councillors Bellamy, Greaves, A Pinnock and Thompson (4 votes)

Against: Councillors S Hall, Pattison and Sokhal (3 votes)

10 **Planning Application - Application No: 2017/93980**

The Committee gave consideration to Application 2017/93980 – Erection of detached shed/store at Woodside Farm, Grange Moor, Huddersfield.

RESOLVED – That the application be refused on the grounds that; (i) the proposed development is, by definition, inappropriate development in the green belt, and very special circumstances (which clearly outweigh this inappropriateness and other harm) have not been demonstrated, and due to its scale, design, appearance and location, the proposed development would harm the openness and visual amenities of the site, its context and the green belt - the proposed development is therefore contrary to policies LP24, LP32 and LP54 of the Kirklees Local Plan and guidance in

Strategic Planning Committee - 26 August 2021

the National Planning Policy Framework (ii) in the absence of adequate supporting information relating to flood risk and drainage, it has not been demonstrated that those material considerations have appropriately informed the proposed development, nor that the proposed development does not pose unacceptable flood risk and risks to public safety - the proposed development is therefore contrary to policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework (iii) the proposed development, due to its proximity to the root protection areas and crowns of trees protected under Tree Protection Orders 18/16/t1 and 18/16/g1, would result in unacceptable harm to trees of significant amenity value - the proposed development is therefore contrary to policies LP24 and LP33 of the Kirklees Local Plan and guidance in the National Planning Policy Framework and (iv) in the absence of supporting information relating to biodiversity, it has not been demonstrated that the proposed development would achieve a biodiversity net gain - the proposed development is therefore contrary to policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

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

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

Against: (no votes)

11 **Planning Application - Application No: 2021/92487**

The Committee gave consideration to Application 2021/92587 – Erection of two temporary single storey modular classroom buildings at Taylor Hill Centre, Close Hill Lane, Newsome.

RESOLVED – That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice, complete the list of conditions including the following matters and allow the applicant to resolve the objection of the coal authority;

- three years to commence development
- approved plans and documents
- temporary permission for 5 years – the removal of the building (and land to be restored)
- details of replacement motorcycle and bicycle parking to be set out in plans

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

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

Against: (no votes)

Abstained: Councillor Bellamy

12 **Planning Application - Application No: 2021/92122**

The Committee gave consideration to Application 2021/92122 – Variation of Condition 1 (Plans) on previous permission 2019/94152 Reserved Matters Application pursuant to Application 2018/90802 for development of 16,723 sq

Strategic Planning Committee - 26 August 2021

metres employment floor space together with associated internal roads, parking and landscaping in relation to the reserved matters of layout, scale, appearance and landscaping, and the discharge of conditions 3, 6, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 32, 33 and 34 in so far as they relate to Phase 2 Land at Slipper Lane, Leeds Road, Mirfield.

RESOLVED – That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- development to be in accordance with plans (sought to be varied)
- material samples to be provided and used
- parking areas to be provided and retained
- prior to occupation of each unit a servicing plan is to be provided
- the landscaping scheme shall be completed and maintained
- details on unit 4 elevations to be provided
- drainage strategy to be implemented unless appropriate replacement strategy is approved

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

For: Councillors Greaves, S Hall, Pattison and A Pinnock (4 votes)

Against: Councillor Sokhal (1 vote)

Abstained: Councillors Bellamy and Thompson

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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 20th July 2021, 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 55 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: 23-Sep-2021

Subject: Planning Application 2021/92488 Erection of clinical building to accommodate new accident and emergency department, associated vehicular access, car and cycle parking spaces, plant and landscaping Huddersfield Royal Infirmary, Acre Street, Lindley, Huddersfield, HD3 3EA

APPLICANT

Calderdale and
Huddersfield Solutions
Ltd

DATE VALID

18-Jun-2021

TARGET DATE

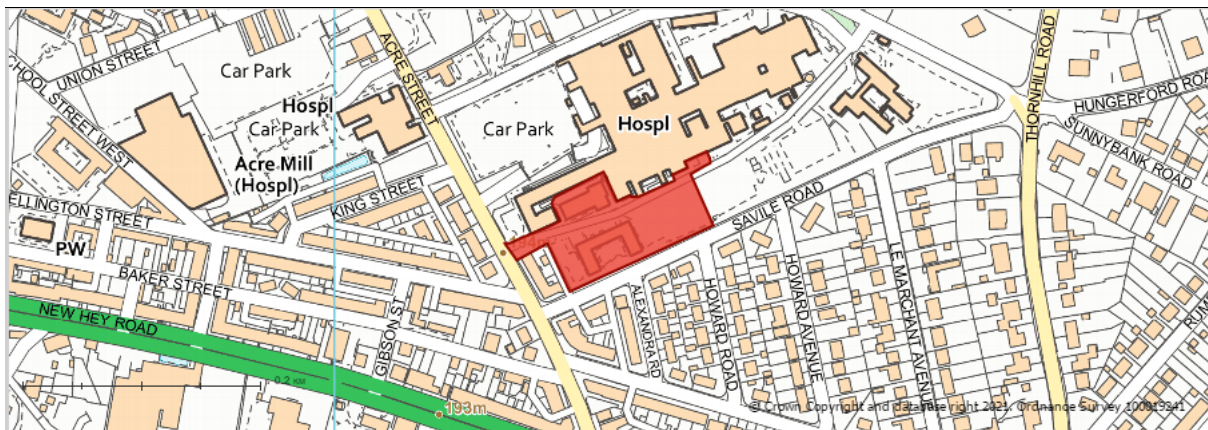
17-Sep-2021

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: Lindley

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

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

1.0 INTRODUCTION

- 1.1 This application seeks full planning permission for the erection of a clinical building to accommodate new accident and emergency department, associated vehicular access, car and cycle parking spaces, plant and landscaping.
- 1.2 The application is brought to the Strategic Planning Committee in accordance with the Delegation Agreement, as the proposal is the proposal seeks non-residential development with a site area exceeding 0.5ha.
- 1.3 The proposal, as a pre-application submission, was presented to the Strategic Planning Committee on the 3rd of June, for members to note and comment upon.

2.0 SITE AND SURROUNDINGS

- 2.1 Huddersfield Royal Infirmary (HRI)'s grounds extend to 6.79 hectares. The main facilities are bounded by Acre Street to the east, Occupation Road to the west, Savile Road to the south and the rear gardens of properties on Acre House Avenue to the north. Originally dating back to 1965, the hospital comprises a diverse range of buildings both in appearance and scale, spread around the site. The site hosts circa 900+ parking spaces, in variously sized clusters, used by staff, patients and visitors. Vehicles access the site from Acre Street and Occupation Road. The roads North Drive and South Drive cut through the site. Across Acre Road is Acre Mill, part of the hospital which predominantly serves out-patient.
- 2.2 HRI is operated by the Calderdale and Huddersfield NHS Foundation Trust (CHFT), which is an integrated Trust that provides acute and community health services. Hospital services are provided at HRI and Calderdale Royal Hospital (CRH). Together they employ over 6,300 members of staff. Each year, across both hospitals, the Trust provides treatment and care for 71,248 in-patients and 49,204 day-case patients, delivers 436,143 out-patient appointments and has 156,923 patient attendances in the Accident and Emergency departments.

2.3 The surrounding area is predominantly residential. It has a leafy suburban character. The north and east are typified by mainly detached dwellings set within generous landscaped plots and bounded by stone walls. The housing to the south and west are high density. Dwellings predominantly have traditional designs. The site is within the Lindley Ward.

3.0 PROPOSAL

3.1 The application has a site area of 0.88ha. The proposed building is to be sited within HRI's south bounds, near to the Savile Road boundary. This area currently hosts Savile Court, a staff residential facility, an access road and parking. Savile Court is close to the end of its service life and has received (separate) permission to be demolished.

3.2 The building would be single storey, with a ground floor of 1950sqm. A plantroom of circa 600sqm would be sited upon the roof. The building has a roughly rectangular footprint. Elevational treatment is traditional to the side and rears, with a feature entrance to the front. Walls are to be faced in natural stone with feature zinc cladding predominantly on the front elevation and plantroom. A new corridor would connect the new building to the existing main hospital building.

3.3 The building is to replace HRI's existing Accident and Emergency facilities, which is stated to be coming to the end of its operational life. The application makes the following statement on the new building:

It would accommodate Majors and Minors Treatment Areas, including dedicated Paediatric facilities, with Resuscitation Bays and plain film Imaging rooms. The treatment facilities are designed to ensure optimum patient privacy, dignity and observation whilst maximising operational flexibility and patient safety through the adoption of standardised room sizes, layouts and equipment to facilitate the flexing of spaces to suit changing demand between Majors and Minors areas.

3.4 The building would provide various dedicated facilities, including triage, resuscitation, major and minor rooms. Rooms are designed to have flexible use, allowing for easy re-arrangement to meet demand. The full list of proposed facilities is included within the submission plans.

3.5 Externally, the existing road through the site (South Drive) would be re-routed around the new building. Parking spaces would be sited to the front and rear of the building. Dedicated ambulance access and facilities would be sited to the front (west) of the building. A compound, encircled by 4m high acoustic fencing, would be sited to the building's east and would host two air source heat pumps. A 2.4m high acoustic fence would be erected along the site's boundaries.

3.6 In total, at the main HRI site, there are 854 parking spaces (including 53 blue badge bays) and a total of 709 parking spaces (including 10 blue badge bays) at Acre Mills for a combined total of 1563 spaces. This includes 209 dedicated visitor and patient spaces in the main car park adjacent to the main building entrance, 70 spaces off South Drive reserved for priority staff users, with the majority of other spaces being staff and visitor parking.

3.7 The proposed development would be partly built upon an existing car park that hosts 133 parking spaces. However, the proposal includes the re-provision of a total of 37 staff and visitor parking spaces. This contains 22 standard parking spaces, 9 disabled parking spaces and 6 electric vehicle charging spaces. There would also be four ambulance bays. Overall, this would result in a net loss of 96 standard staff and visitor parking spaces.

3.8 Staff numbers are to be unaffected by the proposal. The Accident and Emergency building would operate 24 hours a day, 7 days a week.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site (including wider HRI grounds)

HRI has an extensive planning history. The following are those considered directly relevant to the current proposal.

2020/93490: Prior notification for demolition of buildings – Prior Notification Approved

Note: Nurses Home, to the north-east of the proposed building.

2021/93008: Prior notification for demolition of buildings – Prior Notification Approved

Note: Savile Court, the existing building on the application site.

4.2 Surrounding Area

None.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 The proposal was initially submitted as a pre-application (ref. 2021/20167). The applicant provided a presentation to the Strategic Planning Committee on the 3rd of June 2021 outlining their proposal. Following this, members of the committee discussed the proposal, raising several points and asking questions. The primary points raised by members are below, along with a note on the feedback offered by the applicant and/or officers at the time:

- Welcome the proposal, to improve HRI's A&E facilities, in principle.
- Query whether the staff residential accommodation to be demolished was to be replaced; if so, would a new building be needed?

Note: The applicant responded that the current accommodation is not fully used and is reaching the end of its life. Re-provision plans are underway for rest areas to be provided within the existing HRI building and at Halifax hospital. No new separate building is currently expected.

- Concerns over the loss of 96 parking spaces. Members noted that this would be off-set by a surplus of parking at Acre Mills. This was counted by worries over the difficulty of crossing Acre Street and whether staff would use the facilities, or park on nearby residential streets (which was noted as an existing issue which could be exacerbated).

Note: Kirklees Highways Development Management noted these concerns and confirmed that any subsequent application would require a supporting Transport Assessment to justify any reduction in parking. Their detailed assessment would be reserved for that time.

- The proposal would bring the A&E, and its associated noise and activity, closer to residential properties. Members questioned what level of public engagement had, or would be, undertaken by the applicant.

Note: The applicant responded that boundary treatment is to be provided which would aid in mitigating any impacts. The applicant had sent leaflets to circa 1000 nearby properties, which directed residents to a website with further details. This website allowed for comments and a questionnaire. The results of which were to be provided in a Statement of Community Involvement at application stage. This is detailed in paragraphs 7.1 – 7.4 of this report.

- Members questioned the relationship between the drop-off facilities and access for those who are injured. It was questioned whether the drop off could be closer, or some form of call system could be implemented.

Note: The applicant confirmed drop off required a short wall and crossing a single lane road (ambulance traffic only).

- 5.2 Following the pre-application process and their time at the committee the applicant proceeded to submit the formal planning application. Negotiations have taken place on several subject matters, including highways, drainage and ecology. The applicant responded positively to officer feedback and provided the required further details, on the basis of which officers were supportive of the proposal.

6.0 PLANNING POLICY

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

[Kirklees Local Plan \(2019\) and Supplementary Planning Guidance / Documents](#)

- 6.2 The application site is Unallocated land within the Kirklees Local Plan.

- 6.3 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP20** – Sustainable travel
- **LP21** – Highway and access
- **LP22** – Parking

- **LP24** – Design
- **LP26** – Renewable and low carbon energy
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP49** – Education and health care needs
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land

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

Supplementary Planning Documents

- Highways Design Guide SPD (2019)

Guidance documents

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)

National Planning Guidance

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

6.6 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)

Climate change

- 6.7 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.8 On the 12th of November 2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE

The applicant's statement of community involvement

- 7.1 The application is supported by a statement of community involvement. A digital consultation ran between the 8th and 29th of March 2021, however the applicant has given a commitment to continue to accept feedback on an ongoing basis. This included a website which included plans and written details on the proposal.
- 7.2 The consultation was advised to circa 1,000 nearby households via leaflet, with properties immediately adjacent getting a more detailed information pack. Hospital staff were also invited to comment. Other methods of advertisement included press release to several local papers, the use of social media, information banners in and around the hospital, and direct engagement with nearby business stakeholders.
- 7.3 The applicant reports 167 surveys and eight emails were provided in response to their consultation period. The following is a summary of the main points raised:
- Increased traffic between CRH and HRI and on local roads
 - Noise during construction
 - Appearance and sustainability – ensuring the A&E contributes positively to its surroundings
 - Access for those with disabilities – drop-off options at entrance
 - Futureproof the design to ensure further developments aren't required in near future
 - Capacity of A&E and wider A&E services are based on sound data
 - High quality facilities at the A&E for patients, visitors and staff
 - Sustainable travel options including cycle parking etc
 - Office space for staff on-site

7.4 The applicant has responded to each of these points. Their responses are contained in their submitted Statement of Community Involvement and are to be considered where relevant within this assessment.

The planning application's public representation

7.5 As part of the planning application process the application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.

7.6 The final public representation period expired on the 31st of August 2021. Ten public representations were received in response to the proposal. The following is a summary of the comments received:

- Object to the redirection of blue-light incidents to Halifax hospital. Huddersfield should retain a primary health service for inpatients.
- The existing car park on the application site is loud and causes disruption through the night. The proposal would exacerbate this.
- The proposal includes the removal of trees which would affect the character of the area.
- The current A&E is hidden. The proposed location would harm the amenity of neighbouring residents, through overlooking, noise and light pollution. Particular concern is expressed over ambulance movements which would be 24/7 and the air source heat pumps.
- Accident and emergency departments attract criminal and anti-social behaviour. The hospital already causes this, and the A&E moving closer to properties on Savile Road would exacerbate this.
- Savile Road is in a poor state but gets used by staff for parking. It should be improved and/or adopted.
- The proposal should include a multi-storey car park to address existing and future highway issues.
- The site would make access to certain wards / services (scans department given as an example) more difficult for disabled people.
- The building should be sited elsewhere. Behind Acre Mills is suggested.
- Querying the height and overall design quality of the building, which is considered an 'eyesore'. No technical construction details, such as foundation requirements.
- The proposal would affect internet speeds of nearby dwellings. It would also harm property values.
- Kirklees Cycle Campaign, who promote cycling, do not consider the proposal to adequately incorporate into strategic cycle routes nor provide adequate provision for cycling. This includes connecting to the A629 / Halifax Road improvement scheme via Savile Road. This would promote public health, alternative methods of travel and the climate change agenda.
- Query why the current A&E cannot be used, and the comparative cost of refurbishing and upgrading the existing A&E versus the proposed construction. The current A&E is more useful and better laid out, being closer to associated departments in the main building.

7.7 The site falls within Lindley Ward. Local ward councillors were notified of the application. Councillors Cahal Burke and Antony Smith have provided a joint letter in objection to the proposal. The following is a summary of the matters raised:

- Acknowledge and welcome the investment at HRI, as opposed to previous draft plans to remove the A&E fully.
- However, Councillors remain concerned about the transfer of inpatient services and acute and critical care to Halifax, along with plans to downgrade HRI. There are unresolved issues with the future plans of HRI. The reduction of HRI services would also affect local jobs.
- The loss of 96 parking spaces is not acceptable. The displaced parking and the proximity of the building to neighbouring residents would harm the amenity of nearby residents and cause highway issues.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Lead Local Flood Authority: Expressed initial concerns and requested more information be provided on future management and maintenance. This was provided, resulting in no objection from the LLFA subject to conditions.

K.C. Highways: No objection subject to condition.

Yorkshire Water: No objection subject to condition.

8.2 Non-statutory

K.C. Conservation and Design: Advice offered on design details. No objection.

K.C. Trees: No objection subject to condition.

K.C. Ecology: Expressed initial concerns and requested further information regarding ecological enhancements on site. This was provided. On review of the amended information, no objection subject to conditions.

K.C. Landscape: No objection subject to condition.

K.C. Crime Prevention: Discussions, which have included the local Counter Terrorism Security Advisor, have taken place. No objection from either group, subject to condition.

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

9.0 MAIN ISSUES

- Principle of development
- Sustainable development and climate change
- Urban Design
- Residential Amenity
- Highway
- Drainage

- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

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

Land allocation and health care needs development

- 10.2 The site is without notation on the KLP Policies Map. LP2 states that;

All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...

The site is within the Huddersfield sub-area. The listed qualities would be considered where relevant later in this assessment.

- 10.3 Policy LP49 of the Kirklees Local Plan outlines the general principles for assessing health care needs developments. These are as follows:

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

- a. the scale and location is appropriate for the catchment;*
- b. there is a need for a new healthcare facility, particularly in relation to the spatial development strategy;*
- c. they are well related to the catchment they would serve to minimise the need to travel or they can be made accessible by walking, cycling and public transport.*

- 10.4 The proposal is to replace an existing facility which has reached the end of its functional life and is no longer fit for purpose. The site is to be built to modern standards and provide the facilities identified by the Calderdale and Huddersfield NHS Foundation Trust as necessary. The current A&E has a floorspace of 1,488sqm. The proposed would be larger, having 1950sqm (excluding plant area).

- 10.5 A new facility is proposed, as opposed to upgrading the existing facility, for several reasons. This includes being able to provide uninterrupted 'blue light' and patient access during construction, as opposed to having to close the site during renovation. Furthermore, the existing building is poorly laid out internally, with the new structure allowing for a more effective layout with regards to proximity to other wards within the main HRI building. The existing building is also in an unideal location within the site, from an access perspective: the new building has been sited to be more rapidly findable and accessible for patients.
- 10.6 The proposal seeks to replace existing facilities with enhanced ones to address modern needs. The proposed new A&E building would clearly form an essential part of the hospital estate. This being the case, the proposal is deemed consistent with the aims and objectives of LP49(a) and (b). The considerations of LP49(c) would be assessed in detail within the highway assessment of this report. In summary there is considered to be no conflict with LP49(c). Accordingly, the proposal is considered to comply with LP49 and the principle of development is acceptable.

Sustainable development and climate change

- 10.7 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.8 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change.
- 10.9 The application is supported by a dedicated Sustainability and Energy Statement. This is an extensive document which details how the proposal contributes to sustainable development, outlining design and site measures that have been or would be adopted, and how it complies with existing guidance. This details that a BREEAM (Building Research Establishment Environmental Assessment Method) assessment is being undertaken for the Proposed Scheme. The development is targeting a 'very good' rating and aspiring for an 'excellent' rating. A BREEAM assessor has been appointed to the project and would lead the BREEAM assessment.
- 10.10 Aspects of the BREEAM assessment and sustainable targets include, but are not limited to:
- Target for construction materials to have an environment product declaration (EPD), which communicates the environmental performance or impact of any product.
 - Seek to source materials locally, to reduce travel emissions.
 - Energy and water use is to be monitored for the first 12 months to review actual and predicted performance

- Lighting design strategy to utilise low energy lighting, reliability and low maintenance.
- The inclusion of a pair of air sourced heat pumps, as a carbon neutral energy source.
- A pre-demolition audit and Resource Management Plan have been produced

10.11 Officers welcome the applicant's approach to ensuring the proposal represents sustainable development and does not harm the climate change agenda.

Urban Design

10.12 Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; 'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'

10.13 Consideration must also be given to local heritage. The site is 200m away from the Edgerton Conservation Area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of conservation areas. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Additionally, LP35 and NPPF Chapter 16 outline the principle of development and restrictions for development in Conservation Areas.

10.14 The scale of the proposed building is modest and its proposed layout would sit comfortably within the site. It is to be single storey in height; however, it would host a sizable plant room on top. The plant room is set back from the sides of the ground floor and through the use of materials, considered further below, would be an inconspicuous feature. Overall, the building would be seen in the context of the substantially larger HRI main building, which already hosts various ancillary structures around it. That proposed would suitably harmonise with this established character and appear as an appropriate transition between the HRI main building and smaller domestic properties to the south.

10.15 In terms of architectural design, the other buildings on site have limited attractiveness. The proposed building's side and rear elevations are similarly utilitarian in their appearance; however, the front elevation would have a feature entrance that would offer a more engaging appearance. Materials of construction are principally to be natural stone, with zinc cladding as a secondary / feature material. The use of natural stone is welcomed, being the predominant material in the area. The use of zinc cladding is not opposed and would add visual interest to the building's appearance and material palette. Conversely, a condition requiring samples of facing materials be provided for review is proposed, to ensure suitable end products are used. Subject to this, the appearance is deemed attractive and would accurately portray the role and function of the building. It would suitably fit into the character of the area.

- 10.16 External works include surfacing to create car parking, roads and pedestrian routes. Close boarded acoustic fencing, 2.4m in height, is proposed along the south and west elevations. This feature is considered appropriate for the setting from a visual perspective. A pair of air source heat pumps are proposed to the new building's rear. These would necessitate 4.0m acoustic fencing. Being located within the site, away from public vistas, and considering the benefits of air source heat pumps, this fencing height is not a cause for concern.
- 10.17 The proposal includes the removal of 15 individual trees and two groups (consisting of five trees). The application is supported by Arboricultural Survey, Impact Assessment and Methodology. These have been reviewed by K.C. Trees, who have offered the following assessment:

The proposals have taken into consideration the public amenity provided by the trees around the boundary of the HRI site. Trees internal to the hospital site required to be lost to facilitate the proposals are established landscaping and their loss would reduce the tree cover on the site; mitigation planting of new trees within the HRI site should be secured as part of this planning permission. The planting plan submitted does include suitable replacement however I would have hoped for more trees in some of the small islands around the new parking area.

The submitted Arboricultural Method Statement (AMS) is detailed and provides confidence that the retained trees can be protected during both demolition and construction phases of the proposals. A condition of compliance with the AMS would need to be included if consent is granted.

In my view the proposals meet policies LP24i and LP33 of the Kirklees Local Plan because of the effort to retain the trees with public amenity value around the boundary of the site, the mitigation proposed and the detailed AMS to protect the retained trees

- 10.18 Officers concur with the above assessment. While the loss of trees is noted, they are predominantly within the site and are smaller, offering less public amenity. Their loss can be adequately mitigated by compensatory re-planting, with further details to be secured via condition, alongside requiring a management and maintenance plan for the proposed planting.
- 10.19 Considering the impact upon heritage assets, the Edgerton Conservation Area has a dedicated appraisal. It identifies the heritage value of the area as its traditional Victorian architecture, with numerous large architecturally interesting, detached buildings in leafy suburbs. Given the good design of the proposed building and how it appropriately harmonises with the setting, alongside the separation distance of 200m to the Edgerton Conservation Area, the proposal would cause no harm and have a neutral impact upon the conservation area as a heritage asset.

- 10.20 In summary, the proposed building is considered visually attractive and would suitably harmonise with the established built environment. It would act as an appropriate transition between the existing buildings on site, and the residential development to the south. Subject to the proposed conditions, officers are satisfied that the proposal complies with the aims and objectives of LP24 and LP35 of the Kirklees Local Plan.

Residential Amenity

- 10.21 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. There are residential properties due south of the site, on Savile Road, and to the west, on Acre Street.
- 10.22 The proposed building would be circa 29m from the nearest properties on Savile Road and 60m from those on Acre Street. Given these distances, with due regard to the roof plant screening, officers are satisfied there would be no harmful overbearing, overshadowing or overlooking. External works, including 2.4m high perimeter fencing (acoustic) and air source heat pumps with 4m high fencing, are likewise not considered harmful to the amenity of neighbouring residents.
- 10.23 The proposed development would operate 24-hours. This, and associated traffic movements (including ambulances with possibly active sirens on approach), has the potential to cause noise pollution. Whilst these residents already live-in close proximity to the hospital estate, it is recognised that this proposal would bring the A&E department closer to the southern site boundary. The application is supported by a Noise Assessment, which has been assessed by K.C. Environmental Health as follows:

The applicant has submitted a Noise Impact Assessment authored by Mott MacDonald dated June 2021 Ref HG0052-MM-ED-XX-RP-Y-000001 | P02. The noise assessment considers the implications of the existing noise climate at the site on the new Accident and Emergency Department building and the potential noise and vibration impacts of construction and operation of the Scheme on nearby noise sensitive receptors (NSR's).

The proposed new Accident and Emergency (A&E) Department at Huddersfield Royal Infirmary would be situated on land currently occupied by hospital staff accommodation and surface car parking to the southwest of the site. The development site is bounded to the north by existing hospital buildings, to the east by the car park and to the west and south there are residences located on Acre Street and Savile Road. These are the nearest noise sensitive receptors (NSR's) outside the hospital grounds. Figure 3.1 shows the site location in context with the surrounding area and figure 3.2 (based upon annotated excerpt from Architects drawing HG0052-IBI-ED-ZZ-PL-A-1000013) shows the proposed site plan including the proposed new A&E Department and new access route to the car park.

Short and long-term measurements were undertaken during the period 10:30 on 25 May 2021 to 16:00 on 26 May 2021 and the locations are shown in Figure 4.1. Noise sources were observed to be traffic noise emanating from the local road network and from vehicle movements within the site, noise from building services plant installations and noise from pedestrians. Table 4.2 shows the short term attended noise measurements and Table 4.4 shows the typical background noise levels representative of nearest noise sensitive receptors which are 43dB L_{A90} for the daytime and 36dB L_{A90} for night-time.

Para 5.1 deals with construction noise and vibration and states that at this stage in the design process, full details of construction methodologies and programme are not available, therefore quantitative predictions of construction noise levels have not been carried out as part of this assessment. Control measures related to construction noise and vibration would be set out within the Construction Environmental Management Plan (CEMP) which would identify the series of measures to reduce the environmental effects, including noise and vibration, during the construction period and covers environmental and safety aspects affecting the interests of residents, businesses, road users and the general public in the vicinity of the works.

In the case of construction vibration, significant impacts would be anticipated only where percussive or vibratory piling operations were undertaken within some 30m from vibration sensitive receptors, or, in the absence of piling activity, where heavy plant was operating within a few metres of vibration sensitive receptors. It is not anticipated that construction activities at Huddersfield Royal Infirmary would have any adverse impact upon receptors external to the hospital grounds. However, as construction activities would be occurring close to existing hospital accommodation, careful implementation of best practical means (BPM) should be applied to ensure that vibration does not disrupt hospital operation.

Para 5.2 states the proposed new A&E Department would extend into the existing car park at the south of the site and reduce the extent of the existing car park, there would also be a new road providing access to the car park running between the southern façade of the proposed new A&E Department and the southern site perimeter. The nearest NSRs to the new road are the residences on Savile Road with front facing facades approximately 25m from the road and the residences on Acre Street with rear facing facades approximately 20m from the road.

Based upon measured traffic figures for October 2020, the predicted traffic data shows that there would be a relatively high flow of vehicles in the early morning into the car park that would produce noise that may affect residents of Acre Street and Savile Road, particularly in bedrooms on the first floor. As this is a new source of noise and the early morning period is at a relatively sensitive time of day it would need to be attenuated by a noise barrier that breaks the line of sight of cars from the furthest side of the new road (inbound traffic). Relatively fewer vehicles leave the site on this access road at the noise sensitive parts of the day, but the noise barrier would also provide noise attenuation for these vehicles in addition.

The report states that the noise barrier shown from the West Elevation in Figure 5.1 (based upon annotated excerpt from Architects drawing HG0052-IBI-ED-ZZ-EL-A-200001) should extend from the start point to the endpoint shown in the Proposed Site Plan in Figure 3.2. It should be 2.4m high and acoustically absorptive on the hospital side to reduce the potential for reflection of vehicle noise and with this mitigation in place, there would be no material increase in noise levels and no adverse noise impacts due to the revised parking arrangements are predicted.

Para 5.3 deals with the new fixed plant associated with the Development stating there would be two new air source heat pumps located in the car park as shown in the proposed site plan in figure 3.2 to provide heating to the proposed new A&E Department. Using noise source data provided by the manufacturer, these were assessed using the methodology described in BS 4142:2014+A1:2019 to predict the resultant rating level at the nearest NSR's. It was determined that in order to mitigate the plant noise, a 4m high acoustic screen which is acoustically absorptive on the plant side should be used to surround the air source heat pumps. This would ensure the rating level for the plant at the nearest NSR's are 5 dB below the background noise levels.

The nearest NSR's external to the façade of the new A&E Department are the rear elevations of residences situated to the west on Acre Street, approximately 60m away and to the south on Savile Road, approximately 25m away. As the type, number, locations and noise output of other new items of fixed building services plant associated with the development are not known, it has not been possible to predict resultant rating noise levels for plant at NSR's using the methodology described in BS 4142. The report states it is possible to ensure that control measures for building services plant are included. These may comprise -

- optimum location of plant to minimise noise emission,*
- selection of quiet equipment options,*
- use of attenuators,*
- deployment of screening measures or*
- other measures appropriate to the equipment specified.*

Based upon all of the above, the rating levels at sensitive receptors of new building services installations are no greater than 5 dB below existing background noise level and therefore, no significant adverse impacts are anticipated at NSR's due to building services plant.

Para 5.4 looks at the existing fixed plant affecting the development and states there is a large cluster of condenser units adjacent to the main hospital building and existing car park. The northerly façade of the proposed new A&E Department would be located approximately 2.5m from the condenser units. Based upon the measured levels, the predicted noise levels at the façade given in Figure 5.2 would be used in designing the façade to ensure that the internal ambient noise levels do not exceed the requirements of HTM-08-01 (Health Technical Memorandum 08-01: Acoustics – Dept. of Health).

The findings of the report are accepted but conditions are recommended to prevent a loss of amenity to neighbouring occupiers.

- 10.24 K.C. Environmental Health's request the following conditions related to residential amenity:
- Implementation of the agreed noise mitigation measures
 - Limitation of noise from fixed plant and equipment
 - Provision of a construction environmental management plan (CEMP)
- 10.25 With regards to the sirens and lights of ambulances, their drivers (emergency medical technician / EMTs) are trained in their use to minimise disruption to others. The purpose of sirens and lights is to alert other road users and to request the right of way. When roads are quieter, such as during times of darkness, the need to employ these measures is typically reduced. With the site's existing A&E, sirens along Acre Street are established. The circumstances where sirens and lights are in use once an ambulance enters South Drive would be limited to extreme events.
- 10.26 Officers support the assessment from K.C. Environmental Health. The requested conditions are therefore recommended. With these conditions imposed, officers are satisfied that the proposed development would not cause undue harm to the amenity of nearby residents, in accordance with LP24 and LP52 of the Kirklees Local Plan.

Highway

- 10.27 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.28 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
- 10.29 First considering traffic generation, the proposed A&E is to replace the hospital's existing facility. Although the proposed building would be larger than the existing A&E, floorspace is not considered to dictate demand for the proposed use: traffic generation fluctuates dependent on the number of admissions and not the size of the building. Staff levels are to remain as existing. The existing A&E's floorspace is intended to be used for storage and administration post completion of the new A&E. Considering this, the proposed development is considered to have a like for like traffic generation comparative to the existing A&E and would therefore have no material difference upon the local network.

- 10.30 Regarding internal road layout, the proposed development is to make use of the existing junction of Acre Street and South Drive. This access is appropriate for the proposed use. The proposed reconfiguration of South Drive does not raise concerns and vehicle tracking has been acceptably demonstrated.
- 10.31 The proposal would result in a net loss of 96 parking spaces across the hospital. This would reduce the hospital's total parking provision (inc. Acre Mill) from 1,563 to 1,467 spaces. Within their transport assessment the applicant has demonstrate 1,467 remains an overprovision for the hospital, with an excess capacity of circa 172 spaces being at Acre Mill. This is accepted by Highways Development Management.
- 10.32 Conversely, it is also accepted that the parking spaces to be lost are more conveniently placed for patients / visitors accessing the main hospital building, comparative to the spare capacity at Acre Mill. To support parking for patients / visitors it is intended for staff parking to be redirected towards Acre Mills, freeing up spaces for patients / visitors within the car parks closer to the main hospital building. The applicant also indicates other strategies to reduce staff parking, such as introducing park and ride schemes and increased shuttles from train stations. These form part of the hospital's wider Travel Plan. It is intended to secure these measures via a car parking management plan condition.
- 10.33 Notwithstanding the loss of parking spaces near to the main hospital building, the level of priority parking provision for blue badge users would remain the same. There are nine blue badge bays within the spaces to be lost, and nine proposed.
- 10.34 Acre Mill and the main hospital building are separated by Acre Street. Pedestrians may cross between the two halves via a single controlled crossing point, which is considered adequate connectivity.
- 10.35 During the pre-application presentation members questioned the efficiency of dropping-off injured people, with difficulties of driver's leaving their cars to aid the injured. In response the applicant has proposed a 'assistance call point', to be fixed to the wall and linked to the reception. This would enable people to quickly speak to reception and request aid, as required. The provision of this may be secured via condition, to ensure the effectiveness of the highway.
- 10.36 Considering other methods of transport, the proposal includes the provision of 19 long stay (secured and covered) spaces. This is a net increase of eight compared to that existing. The applicant has also given a commitment to provide a further 2 spaces elsewhere within the estate and provide 10 short stay spaces as well. The provision of the 19 proposes spaces and details on the other committed spaces are recommended to be secured via condition. The application shows six electric vehicle charging points, which is welcomed, and the site is also well served by the bus network.
- 10.37 Given the scale of the proposed development and its location within a high-density urban environment, traffic movements associated with the proposed building phase may have a detrimental impact upon the local network, such as routing and/or contractor parking. To ensure this is adequately assessed a Construction Management Plan is recommended via condition.

- 10.38 In summary, officers are satisfied that, subject to the referenced conditions, the development would not cause harm to the safe and efficient operation of the Highway and the level of parking provision is acceptable. The application is therefore in accordance with the aims and objectives of Policies LP21 and LP22 of the Kirklees Local Plan and those of Chapter 9 of the National Planning Policy Framework.

Drainage

- 10.39 The NPPF sets out the responsibilities of Local Planning Authorities determining planning applications, including securing appropriate drainage, flood risk assessments taking climate change into account, and the application of the sequential approach. Policies LP27 and LP28 of the Local Plan detail considerations for flood risk and drainage respectively.
- 10.40 The site is within Flood Zone 1 and there are no watercourses within or in proximity to the site. There are therefore no fluvial flooding concerns for this development.
- 10.41 Foul drainage is to be via the combined sewer, which is acceptable. For surface water drainage, as a brownfield site policy LP28 seeks a 30% betterment in surface water run-off to the existing discharge point. The proposed drainage strategy, including discharge rate and attenuation size, is not objected to by either the LLFA or Yorkshire Water. Nonetheless, to enable flexibility through the development process, the LLFA advise that the submission of full technical details be secured via condition.
- 10.42 The ongoing management and maintenance of the development's drainage and attenuation features, to ensure their ongoing safety and efficiency, is to be secured via condition. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.
- 10.43 Considering the above, subject to the proposed conditions the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the LP and Chapter 14 of the NPPF.

Other Matters

Air quality

- 10.44 An Air Quality Assessment has been submitted in support of the application. The assessment considers the impact of the development on air quality, as well as adverse impacts at nearby sensitive receptors, during the construction and operational phases (post development). This has been assessed by K.C. Environmental Health.
- 10.45 For the construction phase, various possible pollutants and nuisances were considered. It identified the impacts on local air quality to be "medium to low risk" and therefore not significant. Nevertheless, the report recommends that these impacts can be further controlled through the implementation of best practice mitigation measures. The report sets out the mitigation measures to be implemented based on the assessment results. This is accepted by K.C. Environmental Health and may be secured, along with other appropriate mitigation methods, via a Construction Environmental Management Plan (CEMP) condition.

- 10.46 During operation the proposed development has the potential to expose future users of the site to poor air quality. Assessment of this has been undertaken. The proposed development is predicted to result in a redistribution of traffic with some road junctions experiencing an increase in Annual Average Daily Traffic Movements (AADT). Therefore, the modelling considered the changes in pollutant concentrations at various road links around the site, this also included the impact on sensitive receptor locations of relevant public exposure. Although the proposed development itself would not include any sensitive receptor locations it would be used by patients attending the A&E Department. Therefore, pollutant concentrations were also modelled at the facades of the proposed building to consider the potential exposure of future site users to poor air quality.
- 10.47 The report concluded that annual mean NO₂ concentrations were predicted to be below the Air Quality Objective (AQO) of 40 µg/m³ at all sensitive receptor locations in the 2026 scenario (the predicted opening year). With some receptor locations experiencing a decrease in NO₂ concentrations. Overall, the assessment considered the impact of the proposed development on future users to be not significant. K.C. Environmental Health consider the approach and methodology undertaken to assess air quality to be acceptable and concur with its assessment.
- 10.48 Notwithstanding the above, all developments are expected to provide Electric Vehicle Charging Points (EVCPs). A total of 37 parking spaces are to be created as part of the development, with 6 EVCPs proposed on plan. While this number, representing 16%, is considered acceptable no details on the type of quality of EVCPs is provided. This may be secured via condition.
- 10.49 The information submitted alongside the application is considered sufficient, subject to condition, to demonstrate that the proposal complies with the aims and objectives of Policies LP24, LP51 and LP52 of the Kirklees Local Plan in relation to air quality.

Contamination

- 10.50 The application is supported by a phase 1 and phase 2 ground investigation reports. The reports identify that the site is potentially contaminated due to historic use. These include mills and works. Desktop risk assessments and on-site investigations have been undertaken, and the reports recommend a remediation strategy be undertaken. The phase 1 and phase 2 reports have been reviewed by K.C. Environmental Health who accept the methodology and conclusions. K.C. Environmental Health advise conditions be imposed for the submission and implementation of a remediation and validation reports.
- 10.51 The site falls within the Coal Authorities 'low risk' zone. The Coal Authority offers standing advice on such developments and do not objection, subject to an informative note being imposed on a decision notice. This is recommended.
- 10.52 Subject to the recommended conditions the proposed development is deemed to comply with LP53 of the Kirklees Local Plan.

Crime Mitigation

- 10.53 The proposed building would be publicly accessible, with potentially high volumes of movement. A&E departments are accepted to be vulnerable to anti-social behaviour. Policy LP24(e) requires proposals ensure that the risk of crime is minimised by enhanced security and well-designed security features, amongst other considerations. The applicant has undertaken continued discussions with the local Designing Out Crime Officers (DOCO) and district Counter Terrorism Security Advisor (CTSA) throughout the pre-application and application processes.
- 10.54 The DOCO and CTSA consider the proposal to be well designed and considered. Adequate site security features have been demonstrated, including through the layout of rooms, use of CCTV, access control and lighting. The applicant intends to achieve BREEAM (Building Research Establishment Environmental Assessment Method) and Secure by Design certification. These are separate to the planning process, but would ensure the continued involvement of the DOCO and CTSA, whose sign off is required to achieve the desired standards.
- 10.55 Residents have raised concerns over possible anti-social behaviour at the site. Given its use, a level of this is likely inevitable. Conversely the DOCO and CTSA are satisfied that the proposal represents good design and adequately mitigates the risk of crime from the site. The proposal is therefore considered to comply with the aims of LP24(e)

Ecology

- 10.56 Development has the potential to cause harm to ecology within any site and in the wider area. Policy LP30 of the KLP states that the Council would seek to enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.
- 10.57 The application is supported by a Preliminary Ecological Appraisal (PEA) which has been reviewed by K.C. Ecology. The site is brownfield land. Despite a number of trees on site, the PEA concludes that the site is of limited ecological value. The trees along the southern boundary of the site are considered to be the most ecologically valuable feature on the site, the majority of which are set to be retained. This is accepted by K.C. Ecology, with the caveat that vegetation should only be removed outside of the bird breeding season, unless adequate survey work is undertaken first. It is recommended that this be secured via condition.
- 10.58 Notwithstanding the above, all developments are expected to demonstrate a net gain to ecology, in accordance with Local Plan policy LP30 and chapter 15 of the NPPF. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric. The applicant has undertaken the metric calculations and concluded, post on-site interventions, a net gain of 63.06% habitat and 14.16% hedgerow units on site. These are more than the desired 10% and are welcomed. The provision of a minimum 10% net gain (as required via the Biodiversity SPD), along with specifics of how it would be achieved and thereafter retained, is recommended to be secured via condition. Subject to this condition, officers consider the proposal to comply with the aims of LP30 of the Kirklees Local Plan.

Minerals

- 10.59 Mineral resources are finite and their extraction can only take place where the minerals naturally occur. The application site falls within an area designed as a Mineral Safeguarded Area (SCR with Sandstone and/or Clay and Shale) in the Local Plan. This allocation indicates that there is the potential for these mineral resources to be underlying the site. Policy LP38 seeks to ensure the appropriate management of minerals and consider whether they may be extracted during development.
- 10.60 The site is brownfield land within the urban environment, with residential properties and other hospital buildings in close proximity. Given these factors and the site's relatively small size, there is considered limited prospect of any reasonable method of extraction taking place without causing undue impact to nearby sensitive receptors. Accordingly, officers are satisfied that the proposal does not conflict with LP38.

Representations

- 10.61 In total ten representations have been received. Most matters raised have been addressed within this report. The following are those matters not already considered.

- Object to the redirection of blue-light incidents to Halifax hospital. Huddersfield should retain a primary health service for inpatients.

Response: The new A&E building is to replace existing A&E facilities on site. Matters relating to future hospital plans go beyond the scope of this application.

- The existing car park on the application site is loud and causes disruption through the night. The proposal would exacerbate this.

Response: The development includes the provision of a 2.4m high acoustic fence which would mitigate noise from the site, including car park related noise.

- Savile Road is in a poor state but gets used by staff for parking. It should be improved and/or adopted.
- The proposal should include a multi-storey car park to address existing and future highway issues.

Response: These requests are considered to go beyond the scope of the planning application. The proposal's impact upon the local highway has been considered and adequate on-site parking has been identified. A parking management plan is also to be secured via condition, to promote the use of spare, albeit more removed, parking spaces.

- Query why the current A&E cannot be used, and the comparative cost of refurbishing and upgrading the existing A&E versus the proposed construction. The current A&E is more useful and better laid out, being closer to associated departments in the main building.
- The building should be sited elsewhere. Behind Acre Mills is suggested.

- The site would make access to certain wards / services (scans department given as an example) more difficult for disabled people.

Response: The proposal has been assessed and found to be acceptable. Therefore, discussions on alternative sites have not been necessary. Regarding updating the existing A&E, this has been stated to be unideal due to poor layout, existing infrastructure, and complications over service delivery during improvement works (i.e., the complete closure of A&E facilities during works). Nonetheless, given that the proposal has been found to be acceptable, detailed discussions on this have not been necessary.

The financial cost of the development is not a material consideration to the planning process.

The building has been designed by the Trust and is therefore expected to provide for their service needs.

- Querying the height and overall design quality of the building, which is considered an 'eyesore'. No technical construction details, such as foundation requirements.

Response: The visual impact of the building is considered acceptable. The height of the building, notably the plant room, is based on operational requirements. Technical construction details are not material planning considerations and would be assessed via building regulations.

- The proposal would affect internet speeds of nearby dwellings. It would also harm property values.

Response: Officers have seen no evidence to suggest the proposal would materially affect internet speeds. Property values are not a material planning consideration.

- Kirklees Cycle Campaign, who promote cycling, do not consider the proposal to adequately incorporate into strategic cycle routes nor provide adequate provision for cycling. This includes connecting to the A629 / Halifax Road improvement scheme via Savile Road. This would promote public health, alternative methods of travel and the climate change agenda.

Response: In total the proposal includes the provision of 31 cycle storage spaces across the site (net gain of 20), with full details to be provided via condition. Officers and K.C. Highways consider this appropriate for the scale of the proposed development. A condition for providing a cycle route between the site and A629 / Halifax Road is considered to go beyond the scope of this application and would be unreasonable, therefore failing the NPPF's tests for planning conditions.

10.62 Local members Cllr Burke and Cllr Smith raised the following concerns:

- Councillors remain concerned about the transfer of inpatient services and acute and critical care to Halifax, along with plans to downgrade HRI. There are unresolved issues with the future plans of HRI. The reduction of HRI services would also affect local jobs.

Response: This does not form a material consideration for this application. This application solely relates to the provision of the new A&E facility. Matters relating to future hospital plans go beyond the scope of this application.

11.0 CONCLUSION

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

11.2 The application site is unallocated land where development is not restricted, subject to consideration of material planning considerations. The proposal seeks to replace Huddersfield Royal Infirmary's outdated A&E department with a marginally larger modern facility. This would benefit local public health and the principle of development is acceptable.

11.3 The impacts of the development have been considered. The building is visually attractive and appropriate within its setting. Subject to conditions the development would not prejudice residential amenity or highways. Other relevant matters, including local ecology, contamination and drainage, have been considered and found to be acceptable.

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

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications
3. Material samples to be provided
4. Development done in accordance with Arb Method Statement
5. Notwithstanding submitted plans, landscaping with tree replanting to be submitted, alongside planting management and maintenance for planting.
6. Implementation of the agreed noise mitigation measures
7. Limitation of noise from fixed plant and equipment
8. Provision of a construction environmental management plan (CEMP)
9. Car parking management plan
10. Construction Management Plan (CMP)
11. Assistance call point to be provided.
12. Cycle facilities shown to be provided.

13. Full technical details on foul, surface water and land drainage to be provided.
14. Management and maintenance of drainage infrastructure
15. Details of temporary surface water drainage arrangements during construction
16. Clarification on EVCP type and provision of.
17. Remediation and validation reports to be undertaken.
18. Strategy for securing minimum 10% ecological net gain alongside management and maintenance
19. No removal of vegetation within bird breeding season without survey

Background Papers

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92488>

Certificate of Ownership

Certificate B signed. Notice served on Calderdale and Huddersfield NHS Foundation Trust.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 23-Sep-2021

Subject: Planning Application 2021/91571 Erection of residential development for 125 dwellings (revised layout) land south of The Lodge and north of Church Lane, Linthwaite, Huddersfield

APPLICANT

Mark Schofield, P Casey
and Co Ltd / Yorkshire
Housing

DATE VALID

16-Apr-2021

TARGET DATE

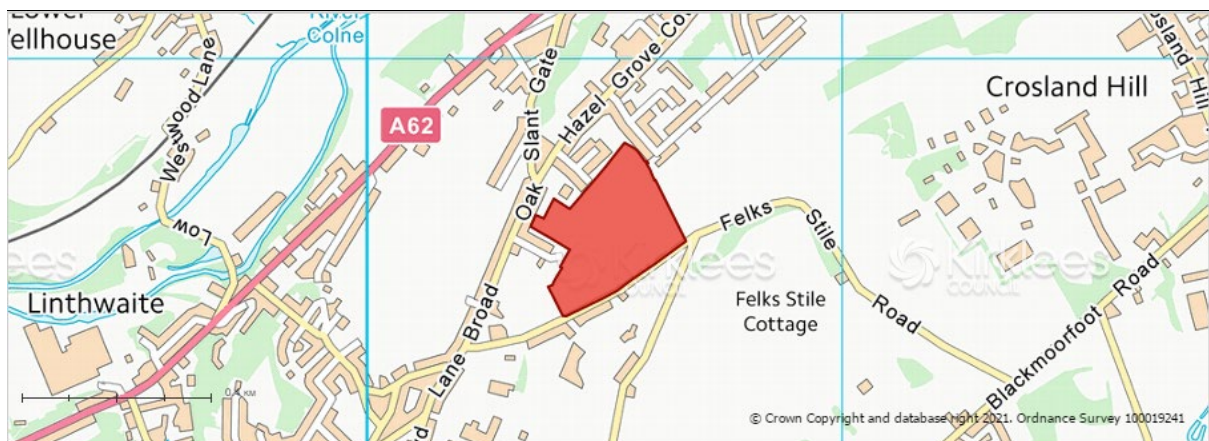
16-Jul-2021

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: Colne Valley

Ward Councillors consulted: Yes (ward Members for adjacent wards (Golcar and Crosland Moor and Netherton) also consulted)

Public or Private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

- 1) Affordable housing – 125 affordable housing units to be provided in perpetuity.
- 2) Open space – Off-site contribution of £173,180 required to address shortfalls in specific open space typologies.
- 3) Education – £424,606 contribution required.
- 4) Undeveloped land – No ransom scenario to be created.
- 5) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £63,938 financial contribution, implementation of a Travel Plan and £10,000 towards Travel Plan monitoring.
- 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) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
- 8) Traffic Regulation Order – Funding of TRO relating to parking restrictions outside Church Lane site entrance, and provision of double yellow lines.

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

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission for the erection of 125 dwellings.
- 1.2 This application is presented to Strategic Planning Committee as the proposal is a residential development of more than 60 units.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 6 hectares in size and is allocated for housing in the Local Plan (site allocation ref: HS129). The site is bounded by Church Lane to the south, and meets the termini of The Lodge and Kinder Avenue towards the site's north corner. The site shares borders with several residential properties on Ladybower Avenue, The Lodge and Broad Oak, and with the grounds of Broad Oak Bowling Club. To the southwest, beyond a vehicular access lane and a public footpath, is Broad Oak Cricket Club.
- 2.2 The site is greenfield land and is currently in agricultural use. The site generally slopes downhill from south to north. The site's lowest point is at its north corner (approximately 195m AOD), and its highest point is at its east corner (approximately 230m AOD).
- 2.3 No part of the site is within a conservation area, and there are no listed buildings within the site, however historic field boundaries within and surrounding the site are undesignated heritage assets, as are the adjacent public footpaths. The nearest listed buildings are to the southwest (Christ Church) and north (60-62 Hazel Grove, Cowlersley Lane).
- 2.4 The site has landscape sensitivity resulting from its location, surrounding topography, and visibility from surrounding locations, including from across the Colne Valley.
- 2.5 No trees within or immediately adjacent to the site (within Kirklees) are protected by Tree Preservation Orders. Adjacent land to the south, east and southwest is green belt. The adjacent bowling green is designated as Urban Greenspace in the Local Plan. The site is within a Biodiversity Opportunity Zone (Valley Slopes), an Impact Risk Zone of a Site of Special Scientific Interest, and a twite buffer zone. Land to the southeast is part of the Wildlife Habitat Network.
- 2.6 The site's existing boundaries are dry stone walls and timber fences.
- 2.7 No public rights of way cross the site, however public footpath HUD/235/10 runs north-south along the site's eastern boundary. Public footpath COL/66/40 runs north-south outside the site's western boundary, beyond a private access lane.
- 2.8 Much of the site is within a 250m buffer zone of a historic landfill site on Cowlersley Lane.

3.0 PROPOSAL:

- 3.1 The application is for full planning permission for the erection of 125 residential units. These would be provided along a new main estate road connecting Kinder Avenue to Church Lane, along a long cul-de-sac running southwest-to-northeast (and parallel to the longer stretch of the main estate road), and around a shorter cul-de-sac at the site's west corner.
- 3.2 A drainage attenuation basin is proposed at the site's north corner. The southeast part of the site would remain undeveloped, as would an area at the site's south corner where there is a risk of cricket ball strike.

- 3.3 A pedestrian connection is proposed between the main estate road and The Lodge. Another pedestrian connection is proposed at the terminus of the longer cul-de-sac, connecting to public footpath HUD/235/10. A footpath is also proposed close to the site's boundary along Church Lane, connecting the proposed site entrance to public footpath HUD/235/10 and an informal path that continues eastwards.
- 3.4 Off-street car parking is proposed in private driveways and garages.
- 3.5 All of the 125 residential units would be affordable. 10x 2-bedroom flats, 10x 2-bedroom houses, 86x 3-bedroom houses and 19x 4-bedroom houses are proposed. A 33% affordable rent / 67% intermediate tenure split is proposed.
- 3.6 All buildings would be two storeys in height. The proposed flats would occupy two blocks, and the proposed houses would be detached, semi-detached and provided in short terraces, in eight different house types (with variants thereof).
- 3.7 The applicant intends to dispose of surface water via the proposed attenuation basin, from which water would be discharged at a controlled rate to the existing combined sewer beneath Kinder Avenue. Foul water would also be disposed of via the existing combined sewer.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2002/93718 – Planning permission refused 30/01/2003 for the erection of a stable block.
- 4.2 2003/92194 – Planning permission granted 09/07/2003 for the erection of a stable block.
- 4.3 At the adjacent site to the east (at the terminus of Kinder Avenue) an application (ref: 2020/93291) for the erection of two dwellings is currently under consideration.

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

- 5.1 The applicant requested pre-application advice from the council in May 2017 (ref: 2017/20171) in relation to a residential development of 172 dwellings. Officers met with the pre-applicant team on 06/07/2017, and written advice was provided on 11/10/2017.
- 5.2 The applicant team subsequently amended the proposals, and draft layout drawings were submitted. Further meetings were held with officers on 25/06/2019 and 22/07/2019, and with ward Members (Cllr Warner, Cllr Bellamy and former Cllr Walker) on 16/07/2020. Further written advice was provided on 14/08/2020 and 10/03/2021.
- 5.3 Prior to submitting the current planning application, the applicant delivered 1,100 consultation leaflets to neighbouring properties. This leaflet included details of the emerging proposals, and invited residents to submit their views to a dedicated email address or via a telephone number. The applicant's Statement of Community Involvement reports that, over a 19-day consultation period, 59 responses were received.

- 5.4 During the life of the current application, the applicant submitted amended drawings which revised the proposed developable area (to avoid a ball strike risk area and to obviate the need for an unacceptable net or fence) and included other layout amendments (including a widened entrance to The Lodge and landscaped gaps between dwellings). Related landscaping drawings were also submitted, as were 3D images of the proposed development. A revised ball strike risk report, a revised Landscape and Visual Appraisal, ground gas and contamination information, a technical note regarding highways, details of amended house types, a revised Ecological Impact Assessment (and biodiversity net gain metric calculation), a revised Planning Statement, a Preliminary Construction Method Statement and a summary of revisions and responses to consultees were also submitted during the life of the current application.
- 5.5 On 09/09/2021 the council issued an Environmental Impact Assessment (EIA) Screening Opinion, confirming that the proposal was not EIA development (ref: 2021/20583).

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

- 6.2 The application site is allocated for residential development in the Local Plan (site allocation ref: HS129). The site allocation sets out an indicative housing capacity of 170 dwellings, and identifies the following constraints relevant to the site:
- The provision of a pedestrian footway is required across the site frontage.
 - Noise source near site – noise from sports facilities.
- 6.3 Site allocation HS129 also identifies the following site-specific considerations:
- Development on this site should have regard to the topography and the southeast area of the site should remain open to form a continuation of the open steep hill from the east of the site.
 - Links to the Wildlife Habitat Network
- 6.4 Site allocation HS129 refers to a gross site area of 5.99 hectares, but identifies a net site area of 4.91 hectares, taking into account a reduced developable area due to the site's topography, and a need to keep the southeast area of the site open to form a continuation of the open steep hill from the east of the site.
- 6.5 Relevant Local Plan policies are:
- LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development

LP4 – Providing infrastructure
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP9 – Supporting skilled and flexible communities and workforce
LP11 – Housing mix and affordable housing
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
LP30 – Biodiversity and geodiversity
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:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Affordable Housing SPD (2008)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highway Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (2020)
- Green Street Principles (2017)
- Viability Guidance Note (2020)
- 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 (2021) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:
- Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 5 – Delivering a sufficient supply of homes
 - Chapter 8 – Promoting healthy and safe communities
 - Chapter 9 – Promoting sustainable transport
 - Chapter 11 – Making effective use of land
 - Chapter 12 – Achieving well-designed places
 - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 – Conserving and enhancing the natural environment
 - Chapter 16 – Conserving and enhancing the historic environment
 - Chapter 17 – Facilitating the sustainable use of materials.
- 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)
 - Fields in Trust Guidance for Outdoor Sport and Play (2015)
 - National Model Design Code (2021)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised as a major development and as development affecting a public right of way and the setting of a listed building.

7.2 The application was advertised via four site notices posted on 12/05/2021, a press notice published on 07/05/2021, and letters delivered to addresses close to the application site. A corrected press notice was published on 16/07/2021. Following the submission of amended drawings and supporting information, four further site notices were posted on 20/08/2021 and reconsultation letters were 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 13/09/2021.

7.3 68 representations were received in response to the council's consultation and reconsultation, including a representation from the Broad Oak Recreational Grounds Trust and a representation from the Vice President of the Broad Oak Bowling Club. These representations have been posted online. The following is a summary of the comments made:

- Amendments do not address earlier concerns.
- Objection to loss of green belt land. Council did not inform residents that land was no longer in the green belt. Objection to development of greenfield site. Other sites and brownfield land should be developed instead.
- Loss of greenfield land nearby would be compounded.
- Objection to density of development.
- Proposal is out of character with surroundings. Aesthetically unappealing development. Quiet rural nature of area would be lost.
- Loss of Broad Oak's village identity. Proposed development would merge historic villages.
- Adverse impact upon conservation areas and listed buildings.
- Stone should be used, which may affect costs and affordability of homes.
- Objection to proposed use of brick.
- Recent newbuilds nearby have been of a poor quality.
- Flats are not typical to the area.
- Population of Linthwaite would increase by 10%. Population of Broad Oak would increase by 30%.
- Appeal of Linthwaite would be reduced. Sustainable communities would be undermined by several developments.
- Other local developments have stalled.
- Inadequate demand for homes.
- Permission has been refused for houses adjacent to 143 Kinder Avenue.
- Objection to a high ball strike net. Net would be unsightly and ineffective. Broad Oak Recreational Grounds Trust would not give permission for erection of this net on their land. Cricket club would remain liable for damage from balls. Concern regarding maintenance of net. Net may result in damage to trees.
- Loss of privacy. Increased overlooking.
- Loss of views.
- Loss of natural light. Overshadowing caused by proposed trees.

- Light pollution. Stars would no longer be visible.
- Concern regarding location and amenity impact of bin store serving flats. Odours from bins. Vermin concerns.
- Noise from occupied development and its traffic. Noise from communal garden of proposed flats.
- Noise, dust and disturbance during construction.
- Concern regarding construction hours.
- Noise will prevent neighbouring residents from working from home.
- Increased air pollution.
- Adverse health impacts, including mental health.
- Increased risk of crime, affecting existing neighbouring residents.
- Risk of noise complaints from new residents against events held at adjacent bowling club.
- Overlooking of existing neighbouring residents.
- Increased traffic. Cowlersley Lane is already used to access motorway. Church Lane is congested at start and end of school day. Cumulative traffic impacts.
- Highway safety concerns. Traffic calming needed. Vehicles cannot pass safely on Kinder Avenue. Access from Kinder Avenue should only be one-way. Kinder Avenue is heavily parked. Ladybower Avenue is used by children for playing. Junction of Cowlersley Lane/Ladybower Avenue is a bottleneck. Part of Church Lane is notorious for accidents. Safety risk to schoolchildren.
- Objection to creation of a through-route and short cut.
- Adverse impact upon safety of public footpath users. Footpath users would have to divert.
- Bus stops would be dangerous to use. Concern regarding relocation of bus stop.
- Site cannot be accessed by train. Local bus services are poor.
- Inadequate parking proposed for residents and visitors.
- Query whether cycle lanes would be provided.
- Concern regarding construction traffic routing.
- Increased flood risk. Land around bowling club already becomes waterlogged. Springs exist at the application site. Treeplanting would not help mitigate flood risk. Existing fields serve as a soakaway for rainwater. Climate change will result in wetter winters.
- Query as to how basin would be drained. Management and dredging of basin queried. Safety risk to children created by basin. Basin may be used as a meeting point for youths, and a location for anti-social behaviour.
- Existing sewers could not cope with additional foul water.
- Adverse impact upon wildlife. Loss of buttercup meadow. Bats, deer and other species would be affected. Light pollution would deter nocturnal wildlife.
- Lack of local infrastructure, including school places, doctors, dentists, shops and public transport. No social clubs exist for youths.
- Quality of life would be reduced.
- Existing shared boundaries should be maintained.
- Council should pay for damage to adjacent properties.
- Loss of property value. Compensation should be paid.
- Consultation period too short.
- Support for construction of new homes.

- 7.4 Responses to these comments are set out later in this report.
- 7.5 Later submissions (made after or during the above reconsultation) did not necessitate further public reconsultation.

8.0 CONSULTATION RESPONSES:

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

8.1 Statutory:

- 8.2 Sport England – Objection withdrawn, subject to further clarification being provided or the imposition of conditions detailing 1) how public access to land at the site's south corner would be restricted, and 2) a 2m high boundary treatment to the curtilage of unit 1.
- 8.3 Lead Local Flood Authority – Due to steepness of slopes and perched water, we agreed that infiltration should not be used at this site. Connection to public sewer is the only remaining option. No objection to a 5l/s connection. Applicant's indicative flood routing plan is acceptable. The history of flooding to existing properties would be lessened by intercepting water by developing the site. The land adjacent to these existing properties would be kept free from development and the road to the south would contain exceedance flows. Basin design can be conditioned. Section 106 agreement needs to secure management and maintenance arrangements for the proposed drainage until adopted. Construction phase flood risk and pollution mitigation (temporary drainage) can be conditioned. Submitted flood risk assessment refers to 1,200mm pipework in calculations, which may prevent highway adoption.
- 8.4 KC Highways – No objection. Agreed that there is no feasible solution to improve capacity at the Cowlersley Lane/A62 junction, and the low impact of the development at this junction would not justify capacity improvements. Agreed that inadequate carriageway width prevents new footway being provided on the north side of Church Lane (to connect with the footway outside the church). A Traffic Regulation Order (TRO) to remove on-street parking here is unlikely to be successful. A TRO and double yellow lines are needed for 10 to 15m outside the proposed site entrance, to ensure visibility is not impeded. Proposed informal crossing to Church Lane (with dropped kerbs and tactile paving) is acceptable given the generally low pedestrian traffic associated with the development. Noted that WYCA Metro do not require upgrades to local bus shelters. Providing upgrades to the bus stops immediately outside the application site will be difficult due to the limited space and adjacent access points, however shelter upgrades should still be secured. Negotiation will take place between the council and the applicant regarding MetroCard funding. Agreed that, due to the development's demographic, there are unlikely to be a large number of dwellings with 2 or 3 cars, and the proposed parking provision is justified. The internal estate roads provide an opportunity for on-street parking, which has a natural traffic calming impact.

8.6 Non-statutory:

- 8.7 KC Conservation and Design – The proposed layout is broadly supported but requires some relatively modest refinement to fully address the landscape context and thereby reveal its potential as a high-quality, green, accessible, inclusive and safe residential development. The proposed layout development would have no significant direct or indirect impact on identified heritage assets but would have a transformative landscape impact. Proposed ball strike net would have a disproportionately harmful impact on the setting of the Grade II listed church, landscape character and the amenity of current and future residents. The erection of the net would result in less than substantial harm to a designated heritage asset, which is not supported. The proposal should consequently be amended, with the presentation of the proposals also enhanced to demonstrate how the final layout would complement its hillside context (by means of selected CGI views) in order to meet the requirements of NPPF paragraph 127 and Local Plan policies LP24 and LP35.
- 8.8 KC Ecology – Provided the ecological measures identified within the applicant's Ecological Impact Assessment are incorporated, it is not anticipated there will be significant negative ecological impacts and the proposals are in accordance with Local Plan policy LP30i. Further detail required regarding habitat condition and classification, clarification regarding the level of planting possible around the attenuation basin, and inclusion of the basin area within the biodiversity net gain metric calculations.
- 8.9 KC Education – £424,606 contribution required towards the provision of school places.
- 8.10 KC Environmental Health – No objection. Applicant's assessment of air quality impacts is accepted. Conditions recommended, requiring implementation of applicant's suggested air quality mitigation measures, and the provision of electric vehicle charging facilities. Regarding contaminated land, some matters have not been adequately addressed by the applicant. Four conditions related to contaminated land are therefore recommended. Submitted Construction Method Statement fails to demonstrate how nearby residential amenity will be protected from nuisance during the construction phase, therefore a condition requiring further submission is recommended. Regarding noise, the applicant's findings are accepted, however conditions regarding sound insulation and ventilation are recommended.
- 8.11 KC Highway Structures – Standard conditions recommended regarding retaining walls/structures.
- 8.12 KC Landscape – Off-site contribution of £173,180 required to address shortfalls in specific open space typologies. Conditions recommended regarding landscaping and a Landscape and Ecological Management Plan. Detailed advice provided regarding open space Section 106 obligations. Further advice provided regarding landscaping, bin storage, street lighting and tree planting.
- 8.13 KC Public Health – Desktop Health Impact Assessment and draft Travel Plan are welcomed, and include positive measures. Advice provided regarding implementation of travel plan measures.

- 8.14 KC Strategic Housing – Supports proposed housing and tenure mix. 20% affordable housing provision required of developments of 11 or more units. On-site provision preferred. There is significant need for 1- and 2-bedroom affordable homes in Kirklees Rural West, along with 1- and 2-bedroom dwellings for older people specifically. Given the need for affordable 2-bedroom homes in Golcar and 3- and 4-bedroom housing in the surrounding areas, the proposed housing mix would provide significant public benefit. The dwellings would meet a range of affordable housing needs, including those of individuals, small families and larger families, which is welcomed. The proposed dwellings would provide much-needed affordable rented housing, and would offer different routes into home ownership.
- 8.15 KC Strategic Waste – Site is within 250m of a closed landfill site.
- 8.16 West Yorkshire Combined Authority (WYCA) – To encourage the use of sustainable transport as a realistic alternative to the car, a package of sustainable travel measures needs to be funded. This can be used to purchase measures including discounted Residential MetroCards. Based on a bus-only ticket, a contribution of £63,938 would be appropriate.
- 8.17 West Yorkshire Police Designing Out Crime Officer – Requested clarification regarding access to the rear of units 34 and 35, and queried what lighting was proposed (including to the side of unit 51, and at private drives).
- 8.18 Yorkshire Water – No objection, subject to condition requiring implementation of measures set out in Flood Risk Assessment.
- 8.19 Yorkshire Wildlife Trust – No major concerns highlighted within applicant's Ecological Impact Assessment. Corrections to applicant's biodiversity net gain calculation required. Ecological Design Strategy required, outlining how habitats would be protected during construction, created and enhanced in line with the metric calculations, and managed and monitored for a minimum of 30 years.

9.0 MAIN ISSUES

- Land use and principle of development
- Quantum and density
- Sustainability and climate change
- Urban design, conservation and landscape impacts
- Residential amenity and quality
- Unit sizes
- Affordable housing
- Highways and transportation issues
- Flood risk and drainage issues
- Environmental and public health
- Site contamination and stability
- Trees, landscaping and biodiversity
- Representations
- Planning obligations
- Other planning matters

10.0 APPRAISAL

Land use and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 Full weight can be given to site allocation HS129, which allocates the site for housing. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis 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 (referring to the site when it was numbered H1776) stated that there were exceptional circumstances to justify the release of the site from the green belt. The Inspector commented that the site is well contained with built development to the north, west and south, and further noted that Church Lane and field boundaries would provide defensible green belt boundaries.
- 10.4 The site is within wider mineral safeguarding areas relating to sandstone and to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing and affordable housing need, having regard to Local Plan delivery targets) for it.
- 10.5 Given the above, and notwithstanding local objections to the principle of development here, it is considered that the proposed residential use, and the principle of residential development at this site, is policy-compliant.
- 10.6 Other requirements of the Local Plan Inspector regarding this site (including in relation to the prominence of part of the site, and the need to limit development accordingly) are reflected in the wording of site allocation HS129, and are considered later in this report.

Quantum and density

- 10.7 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its

surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. Kirklees has a finite supply of land for the delivery of the 31,140 new homes required during the Local Plan period, and there is a need to “sweat” allocated sites (having regard to all relevant planning considerations) to ensure the borough’s housing delivery targets are met.

- 10.8 The 125 units proposed at this site falls short of the 170-unit indicative capacity set out in site allocation HS129 (and included at the request of the Local Plan Inspector). 125 units is approximately 74% of 170 units.
- 10.9 Of note, in her report of 30/01/2019 the Local Plan Inspector (referring to the site when it was numbered H1776) stated:

“...the south-east part of the site is steeply sloping and prominent, and I consider that the indicative capacity of 209 dwellings could not be accommodated without harming long distant views and character. Nevertheless, mitigation is capable of being provided through provision of an open buffer and a reduction in site capacity to 170 dwellings... The proposed wording in [modifications that were subsequently incorporated into the wording of site allocation HS129] is suitably flexible to allow the exact position of the buffer and open areas to be determined through the planning application process”.

- 10.10 The 170-unit indicative site capacity referred to in site allocation HS129 already takes into account the need to keep part of the site free from development in order to prevent harm to “long distant views and character”, however the Local Plan Inspector chose not to specify how much of the site should remain undeveloped, and the site allocation only goes as far as stating “the south east area of the site should remain open to form a continuation of the open steep hill from the east of the site”. The extent of the undeveloped space can, therefore, be determined as part of the council’s assessment of the current planning application.
- 10.11 The applicant’s efforts to address the site’s constraints are noted. Topography, ball strike risk and the need for on-site attenuation are three key considerations that have defined (and limited) the site’s developable area, such that three large parts of the site would not accommodate housing in the current proposals. The applicant has further argued that the council’s requirements regarding drainage and adoptable highway design (particularly highway gradients), and Yorkshire Water’s requirements, have further prevented development of more of the site. This and other information has been set out in the applicant’s Design Evolution Report, which details draft proposals considered by the applicant team from June 2019 onwards, and which explains why each was discounted. Draft proposals of up to 169 units were considered, however these involved smaller attenuation basins (than the 5,000sqm (0.5 hectare) basin subsequently ascertained to be necessary), under-street attenuation pipes (which officers subsequently advised would prevent highway adoption), and more development in the steepest part of the site (which would have involved greater excavation and retention). The Design Evolution Report also notes that the more development is proposed, the larger the attenuation basin needs to be. It is additionally noted that a 4.5m drainage easement is required along part of the site’s east boundary, and that shallow underlying rock beneath the steepest part of the site would involve costly

excavation work to accommodate development platforms. The applicant's Design Evolution Report concludes by asserting that the current scheme of 125 units is as dense as could reasonably be achieved on the site.

- 10.12 The applicant has made valid points regarding the application site's constraints. It is further noted that the applicant has included 10x 2-bedroom flats in the development, to help ensure unit numbers are not reduced even further below the 170 units expected of this site. This accords with paragraph 3.5 of the Local Plan and table 7.1 of the council's most recent Strategic Housing Market Assessment, which identify a need for more flats to be provided in major schemes if known needs are to be met. Due to the prevailing local character and typologies, however, it is not considered appropriate to increase on-site delivery through the inclusion of more flats than the proposed 10. Officers also recognise that the proposed 100% affordable housing provision is likely to impact upon viability (although no financial viability information has been provided) such that abnormal excavation and retention costs associated with development in the steepest part of the site could not easily be absorbed. The potentially harmful visual impact of such excavation and retention is also a material consideration. Finally, it is noted that the applicant has avoided a further reduction in unit numbers (from 125) when addressing key concerns during the life of the application (namely, ball strike risk and the widening of the pedestrian access from The Lodge).
- 10.13 A policy-compliant scheme of 170 units in a site of 6 hectares would achieve a density of 28 units per hectare. With 125 units currently proposed at this site, a density of only 21 units per hectare would be achieved. Having regard to the site's constraints, however, it is accepted that not all of the allocated site is developable. Assuming a developable area of approximately 3.5 hectares, the current proposal would achieve a density of 36 units per hectare, which in fact slightly exceeds the expectations of Local Plan policy LP7.
- 10.14 The under-delivery of units at this site (below the expected 170) is a shortcoming of the proposed development that attracts negative weight in the balance of relevant planning considerations. Under-use of scarce, allocated development land could potentially contribute towards development pressure elsewhere, at less appropriate sites. The application site's constraints, however, cannot be disregarded, and these limit the negative weight to be attached to this shortcoming. It is also noted that such a low quantum of development at this site could help reduce impacts, such as in relation to highways.
- 10.15 Local Plan policy LP7 states that, to ensure the best use of land and buildings, proposals must allow for access to adjoining undeveloped land so it may subsequently be developed. Paragraph 6.41 of the Local Plan states that the council will continue to positively support measures to ensure the best use of land and buildings, including through the application of relevant policies to ensure land is not sterilised for development. Given this policy, and the site allocation's expectation of 170 units, officers have considered the potential for parts of the application site being developed in the future, subject to a further planning application being submitted and approved. However, the south corner of the site is unlikely to be developed in the future unless Sport England were to no longer require new homes to be shielded by visually harmful nets/fences. The site's northern corner is unlikely to be viably developed unless a developer was able to fill in the attenuation basin, compensate for the biodiversity lost from around it, and provide an acceptable drainage

attenuation solution elsewhere. The southeast part of the application site has some potential for development, should a developer be able to address the topographical challenges here (in terms of cost, highway gradients and avoiding the construction of unsightly retention), compensate for the lost biodiversity, and ensure wider landscape impacts do not result. To this end, the applicant has designed a spur of the estate road with no private curtilage at its terminus, to allow for future vehicular access. Related to this provision, it is recommended that an appropriate obligation be secured via a Section 106 agreement, requiring the applicant to allow vehicular, cycle, pedestrian and construction access to this land in the future, without unreasonable hindrance and without exploiting a ransom scenario.

- 10.16 With all the above matters, and unit sizes and amenity matters (discussed later in this report) taken into account, it is recommended that the quantum of development currently proposed be accepted, albeit with this matter attracting negative weight in the balance of planning considerations.

Sustainability and climate change

- 10.17 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.18 The application site is a sustainable location for residential development, as it is relatively accessible and is on the edge of an existing, established settlement that is served by public transport and other facilities. This part of Linthwaite has two convenience shops, a petrol station, two pubs, a church, a bowling club, a cricket club and schools, such that at least some of the daily, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.19 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage space), electric vehicle charging points, a Travel Plan and other measures have been proposed or would be secured by condition or planning obligations. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change.
- 10.20 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Urban design, conservation and landscape impacts

- 10.21 Chapters 11, 12 and 16 of the NPPF, the National Design Guide, and Local Plan policies LP2, LP5, LP7, LP24, LP32 and LP35 are of particular relevance to this application in relation to design, as is the council's Housebuilders Design Guide SPD.

- 10.22 Due to its size, location and slope, and due to the surrounding topography, the application site is highly visible in long views across the Colne Valley (including from Sunny Bank Road, Copley Bank Road, Scar Lane and Lower Gate), and in views from Kinder Avenue and The Lodge to the north, Felks Stile Road to the east, Heath Road to the south and public footpaths COL/66/40 and HUD/235/10. There are no designated heritage assets within or immediately adjacent to the site, however the nearest part of the Linthwaite Conservation Area is 270m to the west, and the nearest listed buildings are Christ Church Linthwaite to the southwest and 60/62 Cowlersley Lane to the north. Both these buildings are Grade II listed. Many long views of the church and conservation area also take in the site, and the site contributes to the setting of these heritage assets to a degree.
- 10.23 The proposed 125 dwellings would be provided along a new main estate road connecting Kinder Avenue to Church Lane, along a long cul-de-sac running southwest-to-northeast (and parallel to the longer stretch of the main estate road), and around a shorter cul-de-sac at the site's west corner. As noted above, a drainage attenuation basin is proposed at the site's north corner, the southeast part of the site would remain undeveloped, and an area at the site's south corner would also be kept free of new buildings. Off-street car parking is proposed in private driveways and garages. All buildings would be two storeys in height. A mix of flatted blocks, short terraces, and detached and semi-detached homes are proposed.
- 10.24 The proposed layout is generally considered acceptable. It is accepted that drainage attenuation must be provided at the lowest (northernmost) corner of the site. An appropriate perimeter block approach has been adopted at the centre of the site (for units 47 to 92), and in other locations the development would partly complete perimeter blocks with existing properties at The Lodge and Broad Oak. This is considered acceptable, as it helps to minimise the exposure of vulnerable rear and side garden boundaries to public access. Elsewhere, the applicant proposes rear garden boundaries (at units 93 to 125) adjacent to the site's largest publicly-accessible open space, and proposes an attenuation basin behind the rear gardens of 12 to 20 Ladybower Avenue and 23 to 39 The Lodge. While this raises concerns regarding the vulnerability of rear boundaries, this can be mitigated by restricting access around the basin, and by making use of defensive (dense and thorny) planting. It is also noted that retaining walls are proposed to the rear of units 93 to 125.
- 10.25 Flood routing is also an important consideration in relation to layout, and this matter is considered later in this report.
- 10.26 The proposed layout would result in two estate roads sweeping across the site in a similar manner to existing hillside roads which ascend up the slopes of the Colne Valley, and which are lined with dwellings.
- 10.27 Related to this aspect of the proposed layout, there has been much discussion between officers and the applicant regarding the proposed arrangement of massing along the two estate roads. Officers expressed concern that – due to the lengths of the roads, and the regularity of the proposed dwellings and the gaps between them – much of the development would have a massing that appeared castellated, and unlike other massings in the valley (where more variety, terraces, less repetition, smaller groups of similar buildings, and wider gaps exist). This concern, however, has been partly mitigated by the inclusion

of a north-south landscaped gap or corridor (between units 58 and 59, 81 and 82, and 104 and 105), elevational variations, and subtle variations in building lines, and it is noted that many of the relevant dwellings are proposed in the lower parts of the site which are less visible in longer views from across the valley.

- 10.28 Paragraph 7.19 of the council's Housebuilders Design Guide SPD advises that, for a new dwelling located in a regular street pattern that has two storeys, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary. This is not proposed in several locations in the proposed development, however this is considered acceptable, given the above concerns regarding the proposed quantum of development, and the fact that greater spacing between dwellings could result in fewer units and/or a less acceptable unit size mix.
- 10.29 An amended Landscape and Visual Appraisal (rev P04) was submitted during the life of the application. Unhelpfully, this makes use of photographs taken looking into the sun (such that the site and its hillside appear silhouetted to a degree) or taken with the site in shadow, however the document is nonetheless of some use in assessing the proposed development's wider visual and landscape impacts. It asserts that the application site is currently of moderate quality and has a low overall sensitivity (such that it has some features worthy of retention but also has some capacity to accept change), and that the proposed development would have a minimal impact upon the relevant National Character Area (37: Yorkshire Southern Pennine Fringe) and locally-defined Landscape Character Areas. For the 20 viewpoints assessed by the applicant, a range of impacts are suggested – these are generally moderate or major for those viewpoints closest to the application site, to slight, minimal and negligible for those further away (including those located on the opposite side of the Colne Valley).
- 10.30 These assertions are generally accepted. The proposed development would have a transformative effect at the site, and an impact on the wider landscape and views, however many aspects of the proposals would help to mitigate those impacts, including the applicant's decision to not propose development within the southeast part of the site (in accordance with site allocation requirements), the inclusion of street trees, and the proposal to use context-appropriate materials. The submitted Landscape and Visual Appraisal also notes field patterns and extensive tree and woodland cover as key characteristics of the local landscape, as defined under Landscape Character Area F4 (Colne: Slaithwaite, Marsden) in the Kirklees District Landscape Character Assessment, and these characteristics are reflected in the proposed landscaping, which would further help to limit the development's impacts.
- 10.31 Of note, the submitted Landscape and Visual Appraisal does not note or illustrate other developments that may come forward in this part of the Colne Valley as a result of Local Plan site allocations, nor the 312-unit major development approved in 1973 (ref: CV5330) at the Royds Avenue / Slant Gate / Royds House Lane site downhill to the west. Some of these developments would be visible in the same views as the proposal currently under consideration and would contribute to cumulative visual and landscape impacts. Despite these potential impacts not being assessed by the applicant, officers have had regard to them, and given their respective locations, their relationships with existing built-up areas and other features, and the valley's

topography, it is not considered that cumulative visual and landscape impacts would be unacceptable.

- 10.32 In accordance with Local Plan policy LP21 (which encourages the use of sustainable modes of transport) and policies LP20, LP24dii and LP47e (which require improvements to neighbourhood connectivity and opportunities for walking and cycling), the applicant has given appropriate consideration to pedestrian movement and connectivity. The footways of Kinder Avenue would be extended into the site, and following amendments made during the life of the application, a legible and inviting pedestrian connection (with good sight lines, enabling users to see their route ahead) is proposed to/from The Lodge. Appropriate pedestrian connections are also proposed to public footpath HUD/235/10. Subject to details of these connections, landscaping and adjacent boundary treatments (which, it is recommended, be submitted at conditions stage), the proposed development would have an acceptable impact upon adjacent public rights of way, their accessibility and appeal.
- 10.33 In visual amenity and streetscape terms, acceptable parking is proposed, such that this provision would not result in a car-dominated street scene.
- 10.34 The proposed house types are sufficiently reflective of Pennine vernacular, with pitched roofs, gable ends, context-appropriate window proportions and other appropriate features proposed. The two “Cotdale” blocks would accommodate the development’s 10 flats, and would be of a similar design to the proposed houses. 2-storey development is predominant on this hillside within the Colne Valley (although some single- and 3-storey buildings exist locally), and the applicant’s proposals reflect this pattern. Although the applicant proposes a greater proportion of semi-detached dwellings than is found in the immediate surrounding area, the proposed mix of terraced, detached and semi-detached typologies is considered acceptable.
- 10.35 Artificial stone, buff/grey brick, concrete slate-coloured roof tiles, grey (RAL 7016) UPVC windows and doors, and black UPVC rainwater goods are proposed. Subject to details and samples of these materials being submitted and approved pursuant to a recommended condition, this materials palette is considered acceptable. Brick and natural stone have been used in the streets immediately surrounding the application site. Any brick used at this site would need to be a close match (in colour, tone and texture) to the proposed artificial stone.
- 10.36 There are few designated heritage assets close to the site, and it is considered that none would be adversely affected by the proposed development. The dwellings that were previously proposed in the site’s southern corner triggered a request from Sport England for the inclusion of an unacceptably tall net or fence (possibly 15m or 20m in height) to mitigate ball strike risk. Such an intervention would have harmed the setting of the Grade II listed Christ Church Linthwaite to the southwest, and would have been harmful to visual amenity generally. Recent amendments to the proposed layout, however, have obviated the need for such a net or fence. In other parts of the application site, the applicant proposes landscaping that would retain or reflect some of the existing historic field boundaries, which is welcomed.

- 10.37 Regarding crime and anti-social behaviour and the potential for unauthorised access to rear gardens, some rear and side ginnels are proposed (albeit to relatively few dwellings). The need for these is understood – residents of mid-terrace dwellings are likely to want to be able to access their rear gardens without having to pass through their homes, for example when carrying out gardening jobs, or moving bicycles. To help address the concerns relating to potential crime committed via these ginnels, it is recommended that details of boundary treatments, and of gates to rear ginnels (to minimise public access to vulnerable parts of the proposed development) be secured by condition.
- 10.38 The recently-widened proposed pedestrian entrance to/from The Lodge is now considered safer to pedestrians, although landscaping and lighting along this route would need to be designed with regard to safety and security. It is recommended that details of lighting to publicly-accessible parts of the proposed development (including shared drives) be secured by condition.
- 10.39 A general condition related to secure by design measures is also recommended. Details submitted pursuant to this condition would need to complement details of the proposed landscaping and boundary treatments, and should confirm that side windows to habitable rooms at units 47, 92 and 93 would be provided, to enhance natural surveillance of public footpath HUD/235/10. Side windows to unit 46 (overlooking the pedestrian route to/from The Lodge) would also be beneficial in terms of natural surveillance.
- 10.40 Other than in the case of the proposed first-floor flats, all new units would have ground floor WCs, making those units at least visitable by people with certain disabilities. The inclusion of ground floor flats in the scheme creates at least some opportunities for people with certain disabilities and older family members to move into the development, as does the inclusion of convertible habitable rooms at ground floor level in some of the larger units.
- 10.41 In relation to dementia-friendly design, the proposed layout is generally legible, well-connected and permeable for pedestrians. Only one true dead-end for pedestrians would be created (at the cul-de-sac at the west end of the site).
- 10.42 Stone gabion walls (with timber and wire fences above) are proposed behind units 93 to 125 and along a stretch of the proposed main estate road. 1.8m high timber fences (including trellis, where natural surveillance is required) would enclose rear gardens. 1.8m timber fences (with 1.95m artificial stone piers) are proposed in four locations. Notwithstanding the details submitted at application stage, as noted above, a condition requiring full details of boundary treatments is recommended, and it is recommended that the visibility and acceptability of these proposals be considered further at conditions stage alongside the applicant's more detailed landscaping information (which, it is also recommended, be secured at conditions stage). Amendments are likely to be necessary to the proposed timber and wire fences, and to the fencing proposed to the side of units 47 and 92, depending on the visibility of those boundaries. Sections of every curtilage bounded by a retaining wall would need to be submitted, to inform a full assessment of the dwelling-garden-wall relationship. Taller parts of the proposed gabion wall may require soft planting to soften their visual impact. Proposals for the repair of the site's perimeter dry stone walls (including along public footpath HUD/235/10) would be required.

- 10.43 In light of the above assessment, it is considered that the relevant requirements of chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7, LP24 and LP35 would be sufficiently complied with. There would also be an acceptable level of compliance with guidance set out in the National Design Guide and the council's Housebuilders Design Guide SPD.

Residential amenity and quality

- 10.44 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.
- 10.45 Acceptable separation distances are proposed between the new dwellings and existing adjacent properties, such that sufficient privacy, outlook and natural light would be maintained. A distance of 13m would be provided between the side elevation of 24 The Lodge and unit 44. 26m would be maintained between the rear elevation of 77 Broad Oak and the side elevation of unit 27. 20m would be maintained between the rear elevations of 91 Broad Oak and units 17 to 22. 34m would be maintained between the rear elevations of Broad Oak Barn and unit 16.
- 10.46 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.
- 10.47 On a related point, concerns have been raised by operators of the adjacent bowling club regarding evening events held there, and the risk of noise complaints being made by residents of the new dwellings. Paragraph 187 provides a degree of protection to such an existing use in this situation, stating:

“Planning... decisions should ensure that new development can be integrated effectively with existing... community facilities (such as... sports clubs). Existing... facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing... community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed”.

- 10.48 In comments dated 02/07/2021, KC Environmental Health recognise the possibility of noise from the bowling club affecting the nearest new dwellings. Officers note that the club is licensed and holds events, and that this has not been fully considered in the applicant's Noise Impact Assessment. That report states that the existing dwellings in the immediate vicinity of the premises already imposes a constraint in terms of the level of noise those sources can emit without causing disturbance to the local community. This is a valid point, however to ensure the likelihood of complaints from new residents is minimised, it is recommended that the condition requested by KC Environmental Health be applied with additional requirements relating to sound insulation at units 27 to 32 and 36 to 46.

- 10.49 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.50 The sizes and quality of the proposed residential accommodation are also material planning considerations.
- 10.51 10x 2-bedroom flats, 10x 2-bedroom houses, 86x 3-bedroom houses and 19x 4-bedroom houses are proposed. The proposed unit size mix would cater for a range of household sizes, would help create a mixed and balanced community, would help avoid visual monotony across the site, and is welcomed.
- 10.52 All units would be dual aspect. All units would have adequate privacy, outlook and access to natural light. Dwellings would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents. Communal gardens are proposed for the 10 flats.
- 10.53 Adequate distances would be provided within the proposed development between new dwellings.
- 10.54 With reference to the open space typologies set out in the council's Open Space SPD, the applicant proposes the following on-site provision:
- Natural and Semi-natural Greenspace - 23,377sqm
 - Amenity Greenspace - 3,400sqm
 - Provision for Children and Young People - 30sqm
 - Allotments and Community Food Growing – 626sqm
- 10.55 This on-site provision is welcomed, however a further financial contribution towards off-site provision of £173,180 would still be required to address shortfalls in specific open space typologies.

Unit sizes

- 10.56 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.

- 10.57 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 were required to be NDSS-compliant.
- 10.58 All of the proposed houses would be NDSS-compliant. The 10 flats ("Cotdale" type) would be 64sqm in size at first floor level (exceeding the NDSS's 61sqm standard for 2-bedroom, 3-person, single-storey units), however the ground floor flats would be 58sqm in size, falling short of the standard. With five of the 125 units falling short of the relevant standard (by 3sqm per unit), some negative weight applies, however given the overall level of compliance with NDSS, this is not considered to be significantly problematic.

Affordable housing

- 10.59 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.
- 10.60 All of the 125 units are proposed to be affordable. This clearly meets and exceeds the 20% provision required by Local Plan policy LP11 and attracts significant positive weight in the balance of planning considerations.
- 10.61 41 of the units would be for affordable rent, 51 would be shared ownership units, and 33 would be rent-to-buy units. This represents a 33% / 67% affordable rent / intermediate tenure split. Given that a strictly policy-compliant provision of 20% would be required to provide 13 affordable or social rent units and 12 intermediate units, the proposed tenure split is considered acceptable.
- 10.62 The applicant's Affordable Housing Statement does not clarify how the proposed 2-, 3- and 4-bedroom units would make up each of the three proposed tenures, however it is recommended that the unit size / tenure mix be secured via the required Section 106 agreement in response to known need and further advice from KC Strategic Housing.

Highway and transportation issues

- 10.63 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.

- 10.64 Paragraph 110 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 111 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.
- 10.65 Existing highway conditions must be noted. Church Lane provides the application site's main road frontage (approximately 300m long) and is subject to a 30mph speed restriction outside part of the site. Further to the east, the national speed limit applies. Church Lane lacks a footway on its north side outside the cricket ground and the application site, however a footway serves dwellings on the opposite side of the carriageway. This has several dropped kerbs, providing access to off-street parking. No parking restrictions apply to Church Lane directly outside the application site. Two bus stops exist directly outside the application site on Church Lane. A raised plateau, "keep clear" road markings, bollards and signage exist at the entrance to the junior and infant school to the southwest.
- 10.66 Close to its north corner, the application site also meets the terminus of Kinder Avenue. This is a relatively quiet residential street, with footways either side of an unusually wide carriageway, a 30mph speed restriction, and no restriction of on-street parking. Also close to the application site's north corner, The Lodge is a residential cul-de-sac which meets the site boundary.
- 10.67 No public rights of way cross the site, however public footpath HUD/235/10 runs north-south along the site's eastern boundary. Public footpath COL/66/40 runs north-south outside the site's western boundary, beyond a private access lane. From the point where public footpath HUD/235/10 meets Church Lane (where a bus stop exists), an informal path extends eastwards to meet footpath HUD/234/20 which skirts the edge of the Black Cat allocated site. This informal path appears on Ordnance Survey maps and appears to be relatively well-used, however it is not registered as a public right of way. In the Local Plan, a section of the Core Walking and Cycling Network extends between Crosland Hill Road and Kinder Avenue, and another section runs along Cowlersley Lane.
- 10.68 Site allocation HS129 requires the proposed development to provide a footway along its Church Lane frontage. Such a footway would assist safer east-west pedestrian movement, including movement between the Black Cat development and Colne Valley High School, and would provide a useful (albeit incomplete) connection to the above-mentioned section of the Core Walking and Cycling Network between Crosland Hill Road and Kinder Avenue. However, for cost reasons, the applicant has not proposed a new footway along the site frontage. Church Lane lacks adequate carriageway width to accommodate the addition of a 2m wide footway along its north side. This would mean such a footway would need to be built within the application site, which – due to the site's slope – would require significant and costly retention and engineering to an adoptable standard. The applicant instead proposes an east-west footpath a little further down the slope, connecting the proposed

development's Church Lane entrance with the informal path that continues eastwards. This is an inferior provision, as it would be located away from the carriageway and may feel less safe to use at night. It would, however, provide an east-west route away from the traffic of Church Lane, and would improve pedestrian movement options locally. Of note, no new footway is to be provided along Felks Stile Road (the continuation of Church Lane) as part of the Black Cat site development (ref: 2020/92546).

- 10.69 Short lengths of new footway are proposed at the site entrance's junction radii on Church Lane. To the west of this site entrance, a short length of path (again, set into the site, away from the carriageway) is proposed, providing a connection between the development's internal footways and the existing bus stop on Church Lane at the site's south corner. A condition is recommended, requiring details (including details of gradients) of this path, to ensure that it provides adequate accessibility to this public transport facility. The applicant also proposes tactile paving and dropped kerbs to the west of the site entrance and on the opposite footway, to enable pedestrians to cross and use the existing footway on the south side of Church Lane.
- 10.70 The applicant proposes no new footway between the application site's south corner, across the cricket ground's frontage, to connect to the footway outside Christ Church Linthwaite. This is unfortunate, however it is accepted that there isn't sufficient carriageway width here to provide a 2m wide footway without losing on-street parking in order to allow two-way traffic to continue to pass – the provision of a 2m wide footway here would necessitate such parking restrictions, or may result in residents parking on the footways. As an alternative, the provision of the above-mentioned dropped kerbs and tactile paving (to facilitate improved pedestrian access to/from the opposite footway) is considered acceptable given the generally low pedestrian traffic likely to be associated with the development.
- 10.71 Notwithstanding the acceptability of alternative measures, the lack of footway provision along Church Lane attracts some negative weight in the balance of planning considerations.
- 10.72 The proposed development's internal highway layout is considered acceptable. The applicant has had regard to the requirements of the council's Highway Design SPD, and has discussed the proposals (at pre-application stage) with Section 38 officers. The creation of new cul-de-sacs in major developments should be avoided wherever possible, however at this site it is accepted that the two proposed vehicular cul-de-sacs (where refuse collection vehicles would need to reverse to turn) are a result of the site's shape and challenging topography. Adequate forward visibility has been demonstrated within the site for refuse collection vehicles. Regarding the proposal to provide a vehicular connection between Kinder Avenue and Church Lane, although concerns have been raised by some residents, it is considered that no obvious or advantageous short-cut (resulting in excessive traffic to Ladybower Avenue and Kinder Avenue) would be created for significant volumes of traffic moving along Cowlersley Lane. To reduce speeds along the proposed development's relatively straight internal roads, the applicant proposes to provide raised junction areas and build-outs so that traffic speeds are self-enforcing at below 20mph. The possibility of on-street parking within the site would also naturally have a traffic calming effect.

- 10.73 Adequate visibility splays of 2.4m x 45m are proposed either side of the site entrance to Church Lane. That section of road is subject to a 30mph speed limit, and the applicant's speed survey here (carried out on 20/08/2020) found the 85th percentile wet weather speeds to be 30.7mph (southwest-bound) and 30.6mph (northeast-bound). Accident data for Church Lane does not suggest that the provision of a site entrance here would be inherently unsafe. A Traffic Regulation Order (TRO) and double yellow lines are needed for 10 to 15m stretches on Church Lane either side of this proposed site entrance, to ensure visibility is not impeded.
- 10.74 Having made reasonable assumptions as to which site entrance/exit residents of the proposed development would use, the applicant has provided the following trip generation predictions:

Site entrance/exit	Peak hour	Arrivals	Departures
Kinder Avenue	am	9	23
	pm	23	9
Church Lane	am	16	40
	pm	40	16

- 10.75 Of note, the applicant predicts that 73.7% of the proposed development's traffic would travel north to the Cowlersley Lane/A62 Manchester Road/Morley Lane junction, 16.3% would travel south along Gillroyd Lane, and 10% would travel east towards Blackmoorfoot Road via Felks Stile Road. In addition, the applicant predicts that some existing local residents are likely to make use of the through-route created by the proposed development, with 10% of Kinder Avenue's traffic predicted to travel through the site to access Gillroyd Lane or Felks Stile Road.
- 10.76 In accordance with officers' pre-application advice (and in light of the Strategic Planning Committee's interest in cumulative highway impacts when considering the nearby Black Cat development earlier this year), the applicant has additionally taken into account predicted background traffic growth, and traffic growth likely to be created by other major developments in this part of the Colne Valley, including:
- The Heights, off Cowlersley Lane (42 dwellings – completed)
 - Black Cat site (770 dwellings – current planning application)
 - St Luke's Hospital site (200 dwellings – under construction)
 - Royds Avenue / Slant Gate / Royds House Lane site (312 dwellings – commenced)
- 10.77 Using the PICADY assessment tool, the applicant predicts that – taking into account the proposed development's traffic, and predicted traffic growth – the site entrance on Church Lane would operate well within capacity, with minimal queueing. For the Church Lane/Gillroyd Lane, Gillroyd Lane/Blackmoorfoot Lane, and Woodside View (South Avenue)/Cowlersley Lane junctions, the applicant predicts acceptable traffic flows, with little additional queueing. The applicant has not provided a full assessment of the Felks Stile Road/Blackmoorfoot Road junction, as it is predicted that the proposed development would only generate an additional 9 traffic movements during the morning and evening peak periods here. This is accepted.

- 10.78 For the Cowlersley Lane/A62 Manchester Road/Morley Lane junction, however, the applicant notes that the junction already struggles to cope with current levels of traffic, and that future growth will only make this situation worse. The applicant has argued, however, that the proposed development itself would only result in a marginal worsening of the existing situation at this junction.
- 10.79 Movements at this junction are controlled by the council using traffic lights and MOVA, which the applicant states is the most advanced system for junction control available in the UK. Private property meets the footways (and, in some locations, the carriageways) of this junction, and existing buildings are close to the roads, meaning that no meaningful capacity improvements are possible at this junction without costly purchase and demolition. Demolition of buildings at this junction may be contentious in any case, given that the junction is within the Milnsbridge Conservation Area. Finally, it is noted that challenging topography at this junction (particularly where the northeast-bound lane of Cowlersley Lane meets the A62) may prevent capacity improvements such as the addition of filter lanes, as acceptable gradients may not be achievable.
- 10.80 It is accepted that the proposed development itself would result in only a marginal increase to peak-time traffic movements at this junction. It is therefore concluded that the traffic impact here cannot be classified as significant or severe, as per the test within paragraph 111 of the NPPF. Officers have assessed the potential for mitigation at this junction, and have concluded that capacity improvement interventions would not be possible here. It is therefore recommended that some negative weight be attached to the unmitigated (and unmitigable) impact of the proposed development at this junction, but that planning permission should not be refused on these grounds.
- 10.81 Acceptable off-street parking is proposed for the residential units. Paragraph 5.4 of the Council's Highway Design Guide SPD sets out numbers of spaces commonly provided for apartments and houses of various sizes, and the proposed development, and the proposed development would largely meet these expectations. Minor off-street parking shortfalls are proposed for some units, and the applicant has provided satisfactory justification for this with reference to car ownership statistics for Kirklees, typical car ownership levels for households occupying affordable housing, and the availability of on-street parking within the development. For these reasons (and for street scene and visual amenity reasons), it is recommended that these minor shortfalls be accepted.
- 10.82 The council's Highway Design Guide SPD states that in most circumstances, one visitor parking space per four dwellings is considered appropriate. Visitor parking spaces are not annotated on the applicant's proposed layout (except in the case of two spaces identified outside the proposed flats), however the applicant's Technical Note of July 2021 includes a plan identifying where vehicles could park on the development's internal estate roads without obstructing refuse collection vehicles or access to private drives.
- 10.83 Officers have provided detailed comments to the applicant regarding the internal layout of the proposed development, and in relation to Section 38 matters. A condition regarding internal adoptable roads is recommended.

- 10.84 The applicant has submitted a draft Travel Plan, setting out proposed measures intended to encourage a reduction in car usage, particularly single occupancy journeys, and increase the use of public transport, walking and cycling. A Section 106 planning obligation is necessary to ensure an acceptable final Travel Plan is submitted and implemented. A Travel Plan monitoring fee of £10,000 will also be necessary.
- 10.85 The West Yorkshire Combined Authority (WYCA) have advised that, to encourage the use of sustainable transport as a realistic alternative to the car, a package of sustainable travel measures needs to be funded by the applicant. This can be used to purchase measures including discounted Residential MetroCards. Based on a bus-only ticket, WYCA have advised that a contribution of £63,938 would be appropriate, and it is recommended that this be secured by condition.
- 10.86 WYCA have not asked for a contribution towards improvements to local bus stops. Two bus stops exist directly outside the application site on Church Lane – improvements to these have been considered, however the limited available space would prevent the installation of shelters. Significant retention would be required at the east corner of the site to provide space for a shelter, and a shelter at the south corner would impede visibility at the junction of Church Lane and the private access lane that runs along the site's western edge.
- 10.87 Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition.
- 10.88 Storage space for three bins, and refuse collection points, will be required for all dwellings. Further details of waste collection, including details of management to ensure waste collection points are not used for fly-tipping or permanent bin storage, are required by recommended condition. The same condition would require refuse collection points in locations that would not obstruct access to private driveways. In response to residents' concerns regarding the bin store proposed for the 10 flats, measures would need to be proposed at conditions stage to address odour, vermin and other relevant management considerations.
- 10.89 Details of means of access to the site for construction traffic would be secured via the recommended condition requiring the submission and approval of a Construction (Environmental) Management Plan.

Flood risk and drainage issues

- 10.90 Local Plan policies LP24, LP27 and LP28 are relevant to flood risk and drainage, as is chapter 14 of the NPPF. In response to the council's consultation and reconsultation, several residents raised concerns regarding flood risk, noting that parts of the site (close to the adjacent bowling club, The Lodge and Ladybower Avenue) become waterlogged following rain.
- 10.91 The applicant intends to dispose of surface water via the proposed attenuation basin at the site's north corner, from which water would be discharged at a controlled rate (5 litres per second) to the existing combined sewer beneath Kinder Avenue. The applicant has submitted a Flood Risk Assessment to support the application, along with drainage calculations.

- 10.92 It is accepted that the attenuation basin is proposed in the correct location, at the site's lowest point. Due to the steepness of the site's slopes, the presence of perched water beneath the site, and the lack of a suitable nearby watercourse, it is accepted that disposal of surface water to the existing combined sewer (from the attenuation basin, at a controlled rate) is necessary, and complies with the Government's drainage hierarchy. The proposed discharge rate of 5 litres per second has attracted no objection from either the Lead Local Flood Authority (LLFA) or Yorkshire Water.
- 10.93 Residents' concerns regarding previous waterlogging of parts of the site are noted, however the LLFA have suggested that these problems are likely to be lessened by the proposed development, as surface water would be intercepted and brought under control via the applicant's proposed drainage scheme.
- 10.94 Regarding flood routing, the LLFA has advised that the applicant's indicative plans are acceptable (it is recommended that further details regarding levels, kerb and other relevant design aspects be secured by condition), and that the road to the south of the proposed basin would contain exceedance flows.
- 10.95 The LLFA have also advised that the detailed design of the attenuation basin can be secured by condition.
- 10.96 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a recommended Section 106 agreement.
- 10.97 The applicant has been advised that spans of 900mm or more beneath the highway are likely to preclude its adoption. Regarding this consideration, the LLFA have queried why the applicant's drainage calculations included references to 1,200mm pipework. The applicant has since clarified that these actually referred to 1,200mm wide manholes, and that pipes wider than 900mm are not proposed. The LLFA are satisfied with this explanation.
- 10.98 Details of temporary surface water drainage arrangements (during the construction phase) would be secured via a recommended condition.
- 10.99 Foul water from the proposed development would discharge to the existing combined sewer beneath Kinder Avenue. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.

Environmental and public health

- 10.100 An Air Quality Assessment has been submitted by the applicant. Having regard to the West Yorkshire Low Emission Strategy, KC Environmental Health have advised that the applicant's assessment of air quality impacts is accepted, and conditions are recommended, requiring the implementation of the applicant's suggested air quality mitigation measures, and the provision of electric vehicle charging facilities. In addition, it is recommended that a final Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, be secured via Section 106 obligations.

- 10.101 Regarding noise, the applicant has submitted a Noise Impact Assessment. KC Environmental Health have advised that the applicant's findings regarding noise are accepted, however conditions regarding sound insulation (including in relation to noise from the bowling club, as discussed earlier in this report) and ventilation are recommended.
- 10.102 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. The applicant has submitted a Desktop Health Impact Assessment. The council's Public Health team have raised no objection in principle to the proposed development and have expressed support for some aspects of it. Having regard to the proposed affordable housing, travel planning, cycling provision, pedestrian connections (which can help facilitate active travel), accessibility, dementia-friendly design, measures to be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health.

Site contamination and stability

- 10.103 The site is not within an area known to be at risk from historic shallow mineworkings.
- 10.104 Regarding contaminated land, as per the comments of KC Environmental Health, some matters have not been adequately addressed by the applicant in the submitted Phase II Site Appraisal and related documents. Four conditions related to contaminated land are therefore recommended.
- 10.105 Part of the site is within the 250m buffer zone of a historic landfill site at Cowlersley Lane Quarry to the west, however this designation does not prevent the approval of residential development at this site.

Trees, landscaping and biodiversity

- 10.106 No trees within or immediately adjacent to the site are protected by Tree Preservation Orders. Adjacent land to the south, east and southwest is green belt. The adjacent bowling green is designated as Urban Greenspace in the Local Plan. The site is within a Biodiversity Opportunity Zone (Valley Slopes), an Impact Risk Zone of a Site of Special Scientific Interest, and a twice buffer zone. Land to the southeast is part of the Wildlife Habitat Network.
- 10.107 In relation to landscaping, the proposed development is generally considered acceptable. The applicant has given appropriate consideration to biodiversity, wider landscape impacts, security, residential amenity and neighbour amenity when designing the proposed landscaping. In the most recent amendments to the proposals, a north-south landscaped gap or corridor (between units 58 and 59, 81 and 82, and 104 and 105) has been added, which would assist with breaking up the regular massing of dwellings along the development's two estate roads, and could additionally serve as a wildlife corridor connecting the proposed basin (and the soft landscaping and habitats around it) to the undeveloped land further uphill to the south. Maintenance and management of this gap, and of other landscaped areas, would be the responsibility of a residents' management company. The proposed landscaping layout does not include ambiguous, leftover spaces for which responsibility would be unclear and which may be vulnerable to anti-social behaviour and fly-tipping.

- 10.108 Notwithstanding the general acceptability of the proposed landscaping, it is recommended that full details be secured by condition, along with the submission of an Ecological Design Strategy.
- 10.109 A net biodiversity gain needs to be demonstrated in accordance with Local Plan policy LP30 and chapter 15 of the NPPF. The applicant has stated that – given that a large part of the allocated site would remain undeveloped (and would be enhanced with planting and habitat creation) – an on-site biodiversity net gain of over 10% would be provided. The applicant’s latest biodiversity net gain metric calculation is currently being reviewed, and in the meantime it is recommended that appropriate conditions and Section 106 obligations be secured to ensure the required net gain is indeed achieved.
- 10.110 No significant trees exist on the site, and no trees immediately adjacent to the site (within Kirklees) are protected by Tree Preservation Orders. Development of the site presents an opportunity to increase tree coverage in this part of Kirklees, although not all of the site’s undeveloped land should be planted with trees. The proposed tree planting would complement the woodland uphill to the south of the application site, would complement the wooded character of the Colne Valley, and would additionally help the development respond to the White Rose Forest initiative, which is promoted by the council and which is intended to greatly increase tree cover within the borough. During the life of the application, amendments were made to include additional street trees along the proposed estate roads in accordance with the requirements of NPPF paragraph 131 and the West Yorkshire Combined Authority’s “Green Streets” principles. Several of the proposed street trees would be within garden curtilages, and the applicant has agreed to secure covenants regarding their retention.

Representations

- 10.111 To date, a total of 68 representations have been received in response to the council’s consultation and reconsultation. The comments raised have been addressed in this report.
- 10.112 The development’s impact upon adjacent property prices is not a material planning consideration.
- 10.113 Although outlook is a material consideration (and is discussed earlier in this report), the proposed development’s impact upon views across land in separate ownership is not a material planning consideration.
- 10.114 As noted earlier in this report, it is recommended that details of suitable boundary treatments be secured by condition, however the future maintenance of shared boundaries (and any disputes that may arise) would be a matter for the respective parties either side of the boundary to resolve.

Planning obligations

- 10.115 To mitigate the impacts of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:
- 1) Affordable housing – 125 affordable housing units to be provided in perpetuity.

- 2) Open space – Off-site contribution of £173,180 to address shortfalls in specific open space typologies.
- 3) Education – £424,606 contribution required.
- 4) Undeveloped land – No ransom scenario to be created.
- 5) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £63,938 financial contribution, implementation of a Travel Plan and £10,000 towards Travel Plan monitoring.
- 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) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
- 8) Traffic Regulation Order – Funding of TRO relating to parking restrictions outside Church Lane site entrance, and provision of double yellow lines.

10.116 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant threshold (housing developments which would deliver 60 dwellings or more), officers have asked the applicant to agree to provide a training or apprenticeship programme to improve skills and education. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. For this application, the applicant has confirmed that any developer partner would be expected to maximise opportunities for apprenticeships, the employment of long-term jobseekers, and training. Officers have suggested that an Employment and Skills Agreement be entered into.

Other planning matters

- 10.117 A condition removing permitted development rights from some of the proposed dwellings is recommended. This is considered necessary for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree. Permitted development extensions could also affect long views of the site from the opposite side of the Colne Valley.
- 10.118 In an attempt to obviate the need for the submission of a Construction (Environmental) Management Plan at conditions stage, the applicant submitted a Submitted Construction Method Statement. This was reviewed by KC Environmental Health, who have advised that the document fails to demonstrate how nearby residential amenity will be protected from nuisance during the construction phase. A condition requiring further submission is therefore recommended.
- 10.119 Light pollution has been raised as a concern by residents. While it is noted that residential development at this site would inevitably results in some upward spill of light, and that this would adversely affect the visibility of stars from some vantagepoints, it is not recommended that planning permission be refused on these grounds. It is noted that street lighting commonly used in new estate roads has been designed to reduce upward glare (when compared with lighting used in previous decades). Lighting is not proposed within the

parts of the application site that would remain undeveloped. A condition regarding outdoor lighting is recommended.

- 10.120 At pre-application stage the applicant stated that the relevant notice had been served on Northern Powergrid regarding the unsightly overhead electricity cables that cross the site, and that these would be undergrounded as part of the proposed development. A condition requiring details of the proposed electricity substation is recommended.

11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS129, and the principle of residential development at this site is considered acceptable.
- 11.2 The proposed development has shortcomings that attract some negative weight in the balance of relevant planning considerations. These relate to the shortfall of dwellings proposed on scarce allocated land, the sizes of five of the proposed flats, the unmitigated impact predicted at the Cowlersley Lane/A62 junction, and the lack of a footway to Church Lane. The proposed development's benefits (including the provision of 125 dwellings of which all would be affordable homes, construction-phase employment, tree planting, planning obligations that would benefit the public as well as residents of the development, and the required biodiversity net gain), however, attract significant positive weight.
- 11.3 The site has constraints in the form of adjacent residential development (and the amenities of these properties), topography, drainage, ecological considerations, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage.
- 11.4 On balance, and with significant weight being given to this being a 100% affordable housing scheme, approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.5 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Submission of a Construction (Environmental) Management Plan.
4. Submission of details of temporary drainage measures.
5. Submission of details of temporary waste collection and storage (should development be phased, and/or dwellings become occupied prior to completion of the development).
6. Provision of site entrance and visibility splays prior to works commencing.
7. Submission of details relating to internal adoptable roads and crossings.
8. Cycle parking provision to be provided within the site.
9. Provision of Electric Vehicle charging points (one charging point per dwelling with dedicated parking).
10. Implementation of air quality mitigation measures.
11. Implementation of sound insulation measures, including additional requirements relating to units 27 to 32 and 36 to 46.
12. Submission of ventilation scheme in relation to noise.
13. Provision of waste storage and collection.
14. Submission of details of attenuation basin.
15. Submission of full details of flood routing.
16. Submission of an Intrusive Site Investigation Report (Phase II Report).
17. Submission of Remediation Strategy.
18. Implementation of Remediation Strategy.
19. Submission of Validation Report.
20. Submission of details of crime prevention measures.
21. Submission of details of electricity substation.
22. Submission of details of external materials.
23. Submission of details of boundary treatments (including details of 2m high boundary treatment to the curtilage of unit 1, in accordance with Sport England's request).
24. Submission of details of how public access to land at the site's south corner would be restricted, in accordance with Sport England's request.
25. Submission of details of external lighting.
26. Submission of details of paths parallel to Church Lane.
27. Submission of full details of open space and playspace.
28. Submission of full landscaping details, including details of tree planting, and details of covenants regarding street tree retention.
29. Biodiversity enhancement and net gain.
30. Submission and implementation of an Ecological Design Strategy.
31. Removal of permitted development rights.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91571>

Certificate of Ownership – Certificate B signed

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 23-Sep-2021

Subject: Planning Application 2021/90980 Partial demolition and change of use of the existing public house to offices, redevelopment of the public house car park, erection of new storage units/workshop and associated alterations (within a Conservation Area) Pennine Industrial Equipment Ltd, Manorcroft Works, Commercial Road, Skelmanthorpe, Huddersfield, HD8 9DT

APPLICANT

Pennine Industrial
Equipment

DATE VALID

17-Mar-2021

TARGET DATE

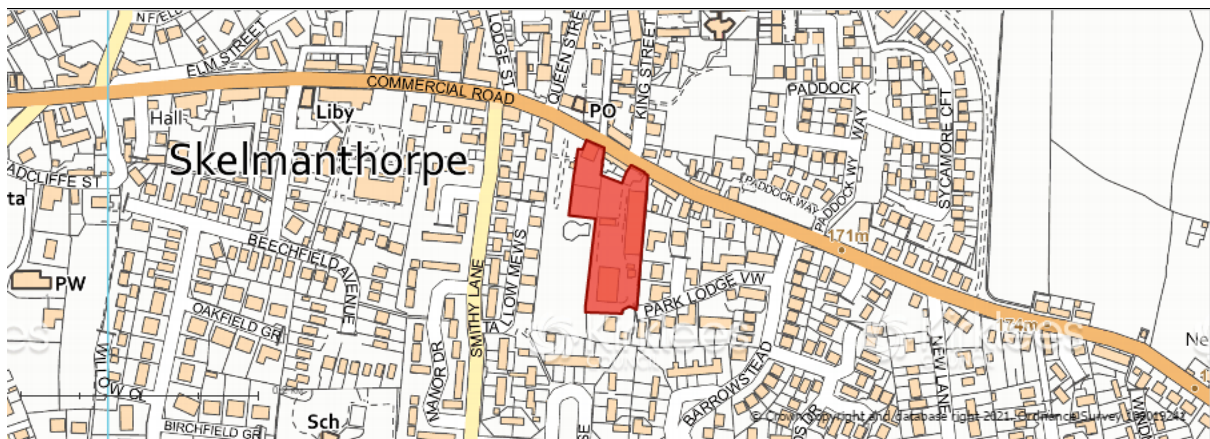
12-May-2021

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: Denby Dale

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

APPROVE

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

1.0 INTRODUCTION

1.1 The application has been brought before the Strategic Planning Committee given that the commercial site exceeds 0.5ha in size.

2.0 SITE AND SURROUNDING

2.1 The application relates to Pennine Industrial Equipment Ltd at Manorcroft Works, Commercial Road, Skelmanthorpe. The site covers 0.62ha and comprises of the existing Pennine Industrial Equipment Ltd, and the site of the former Chartist pub, which includes the pub building itself and the car park. The site rises from the north to the south.

2.2 There are currently four buildings on the site. Building one, to the southern most part the site, hosts the production floor and offices. Building two is used for storage. Building three is used for production also. Building four is used for assembly production. The site also hosts several cabins and parking throughout the site.

2.3 The north-western corner of the site, which includes the pub, and some of the associated car park is set within the Skelmanthorpe Conservation Area. 525m² of the site (8%) of the site falls within the Conservation Area boundary. It should be noted that the dwellings to the north of the site are also in the Conservation Area. The remainder of the site is unallocated in the Kirklees Local Plan.

2.4 Skelmanthorpe Recreation Ground, which borders the site to the west, is allocated as Urban Greenspace in the Kirklees Local Plan. The site is bound by dwellings to the south and east, with Commercial Road and additional dwellings bordering the site to the north.

3.0 PROPOSAL

3.1 The application is seeking permission for the partial demolition and change of use of the existing public house to offices, redevelopment of the public house car park, erection of new storage units/workshop and associated alterations (within a Conservation Area).

- 3.2 The proposal would see the existing rear extension to the pub demolished, with the pub building to stand in its original form. The pub would then be converted to provide a reception area on the ground floor and offices to the first floor.
- 3.3 Although the submitted plans show that buildings 5, 6, 7 and 8 would be erected on the pub car park land, units 5 and 6 would be connected, thus the proposal would effectively see three units erected. The units all have a height of 6.8m and be stepped up the bank with 1.3m high increases. The units would be constructed with a brick plinth wall and grey profile cladding above. The roof would also be grey cladding to match. Buildings 5, 6 and 8 would all be used for plastics / storage, whilst unit 7 would be used for a workshop and storage also. Security mesh fencing is proposed between this unit and the recreation ground.
- 3.4 The development would also include other associated alterations to the site, such as the removal of five protected trees and boundary walling between the commercial and pub site to facilitate a turning circle for HGVs and access to the proposed units. These issues will be considered in detail in paragraphs 5.1, 10.6 – 10.12, 10.16 and 10.17.
- 3.5 This expansion is anticipated to increase the size of the workforce by a further 10% (6 persons) as well as retaining the current 60 employees that work on site by providing the necessary space/resources required for the company to carry on operating from the site. The potential economic benefits are explained further in paragraphs 10.4 and 10.5.

4.0 RELEVANT PLANNING HISTORY

- 4.1 2019/90729 – Change of use of former public house to offices with two storey extension to the rear (within a Conservation Area) – Approved.
- 2012/90224 – Works to TPO(s) 37/91 – Granted.
- 2009/91179 – Erection of extension to existing factory and increase car park – Approved.
- 2008/94094 – Extension and increased car park – Refused.
- 2008/93294 – Erection of extension to existing factory and increase car park – Withdrawn.
- 95/93308 – Erection of single storey warehouse extension – Approved.
- 94/92592 – Erection of warehouse extension – Approved.
- 91/01472 – Erection of storage warehouse – Approved.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The original proposal saw 11 protected trees to be removed. These protected trees offer aid in the form of somewhat screen the commercial site from view when within the neighbouring Skelmanthorpe Recreation Ground. Furthermore, these protected trees offered visual amenity value further afield given their height, contributing to the visual amenity of Skelmanthorpe. The

removal of 11 trees was excessive given the scale of development, thus, Officers asked the agent and applicant to go away and revise the scheme so that less protected trees have to be removed, which in turn would lessen the harm with regard to visual amenity. The proposal was amended by removing the access to unit 5, by connecting it to unit 6 which in turn enables fewer trees to be removed. The proposal now seeks to remove 5 protected trees, which, whilst not ideal, is considered to be a level where this harm could be outweighed by other benefits. Notwithstanding this, officers did discuss with the agent other amendments which could have potentially further reduced the amount of trees proposed to be removed. These discussions included the potential reconfiguration the car parking area to be set under the trees, then providing the access to the new units further north, however this was dismissed due to this arrangement not allowing appropriate access in to the new units, notably units 5 and 6.

- 5.2 Notwithstanding the above, other amendments have made to improve the proposal. These included the removal of the proposed extension and interior changes of the main office building/factory floor with the required office expansion/space being provided in the former pub premises giving it a more purposeful use and making this element an overall integral part of the works/proposals. This was not directly requested by officers but does represent a positive amendment also. Following comments made by KC Ecology, the agent was asked to include a native hedgerow and bat boxes across the site to accord with Local Plan Policy LP30, which requires all development cause a biodiversity net gain. These were provided and can be seen on the latest set of plans.

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 20th July 2021).

Kirklees Local Plan (2019):

- 6.2 LP1 - Presumption in favour of sustainable development
LP21 - Highway safety and access
LP22 - Parking
LP24 - Design
LP28 - Drainage
LP30 - Biodiversity and Geodiversity
LP32 - Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP35 - Historic environment
LP51 - Protection and improvement of local air quality
LP52 - Protection and improvement of environmental quality
LP53 - Contaminated and unstable land

National Planning Guidance:

- 6.3 Chapter 6 - Building a strong, competitive economy.
Chapter 12 - Achieving well designed places.
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change.
Chapter 15 - Conserving and enhancing the natural environment.
Chapter 16 - Conserving and enhancing the historic environment.

Supplementary Planning Guidance / Documents:

- 6.4
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
 - Highway Design Guide SPD (2019)
 - Planning Applications Climate Change Guidance (2021)
 - Biodiversity Net Gain Technical Advice Note (2021)

7.0 PUBLIC / LOCAL RESPONSE

- 7.1 The application was advertised by neighbour notification letters, in the press and by two site notices. Final publicity expired on 30th April 2021. 7 representations were received, 3 were objections and 4 were general comments, however most comments did include positives and negatives about the development. The representations received are as follows:

7.2 Visual Amenity

- Object to the development as it would impact visually on the Skelmanthorpe recreation ground.
- Object to industrial units on former pub car park due to the design having a detrimental impact visually on the conservation area setting.
- Suggestions of soften boundary treatment to ensure the rec is not detrimentally impacted upon.
- Support the refurbishment of the pub for visual reasons.

7.3 Public Amenity

- Object to the industrial units through the impact of noise impacts on Skelmanthorpe recreation ground.

7.4 General Comments / Principle of Development

- Support some form of expansion to retain the existing jobs and provide more.
- Concerns regarding longevity of business given some units are already disused.
- Concerns regarding pollution.

8.0 CONSULTATION RESPONSES

- 8.1 Below is a brief summary of the consultation responses received. These comments will be discussed in further detail where relevant later on in the assessment.

8.2 Statutory Consultees:

The Coal Authority: No objections or any conditions requested.

Non-Statutory Consultees:

KC Conservation and Design: No objection subject to a condition to secure the works to the former public house.

KC Environmental Health: No objections but recommended conditions relating to the submission of a noise report; contaminated land; external artificial lighting; electric vehicle charging points; construction site working hours.

KC Highways Development Management: No objections

KC Trees: Initially objected, however after amendments which reduced the number of trees to be removed, KC Trees acknowledged that the revision was a great improvement and that the layout incorporates the most protected trees possible. It should be noted that the loss of protected trees that provide significant amenity value is not to be taken lightly, but this should be balanced against the positive elements this proposal will bring to the area.

KC Ecology: No objection subject to conditions. Noted that there is limited scope for significant ecological harm as a result of the proposals. However, stated the planting of a native hedgerow and bird nesting features to be secured by condition to ensure a biodiversity net gain as required by policy LP30.

9.0 MAIN ISSUES

- Principle of Development in the Conservation Area
- Visual Amenity (including Trees)
- Residential Amenity
- Highway Safety
- Contaminated Land
- Carbon Budget
- Drainage
- Representations

10.0 APPRAISAL

Principle of Development

Heritage

- 10.1 The site is partially set within the Skelmanthorpe Conservation Area. Policy LP35 requires proposals to retain elements of the historic environment which contribute to the distinct identity of the Kirklees area. Chapter 16 of the NPPF echoes this on a broader level. The proposed retention of this building is welcomed as it makes a positive contribution to the street scene and to the character of the conservation area. The existing rear extensions, as later additions and less prominent, contribute less to its significance and on balance their demolition is acceptable.

- 10.2 The construction of large industrial sheds, partially within the conservation area and partially within its setting, will lead to less than substantial harm to the character of the conservation area. However, the provision of space for the expansion of a local business provides a clear public benefit. The harm has been mitigated to some extent by the retention and restoration of the former public house which faces Commercial Road and contributes to the character of the conservation area. The condition relating to the planting of trees or shrubs to the western boundary also softens the impact when viewing from the Conservation Area.
- 10.3 In this case, Local Plan Policy LP35 and Chapter 16 of the NPPF are accorded with by the restoration of the public house. However, given this is fundamental to the principle of development in the conservation area, a condition would be required if the application is approved, to ensure that the restoration of the public house is carried out as part of this proposal.

Existing Business

- 10.4 The proposal would provide an expansion for an existing business. Pennine Industrial Equipment Ltd are an international business that have operated from this site for approximately 35 years. The company has expanded several times over the years and now employs 60 members of staff, of whom most live with Kirklees. Given that the business is continuing to grow successfully, additional storage/workshop facilities are required. This proposal would provide these necessary facilities to allow the company to continue operating from this site. It is anticipated that this development would provide six new jobs as well as retaining the business on site and securing the long term occupancy of the site for the future. Paragraph 81 of the NPPF states that 'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.' The principle of development for this proposal, which seeks to expand an existing business on an unallocated site, can therefore be supported given the proposal directly accords with Paragraph 81 of the NPPF. The applicant states that if the business was not permitted to expand through this application, there is a serious risk that the company will not only vacate the site, but leave the Kirklees entirely. Officers do consider this to be likely.

Conclusion on Principle of Development

- 10.5 Firstly, in considering the Conservation Area setting, the proposal provides a clear public benefit through the redevelopment of the pub, thus according with Local Plan Policy LP35 and Chapter 16 of the NPPF. With regards to economic benefits, the proposed development would likely not only secure the longevity of an established international business within Kirklees, but also help the business to expand and support the local economy. Planning policy advice for supporting applications that retain and allow existing businesses to expand on existing commercial sites, albeit in a different use, is clearly set out within Paragraph 81 of the NPPF, to which this proposal also accords. The proposed principle of development is considered to be acceptable.

Impact on Visual Amenity and Trees

- 10.6 LP24 of the Kirklees Local Plan states, proposals should promote good design by ensuring: a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.’ The impact on the visual amenity on the Conservation Area has already been assessed paragraphs 10.1, 10.2 and 10.3 of this assessment. However, the impact on the visual amenity of the wider area, outside of the conservation area also needs to be assessed. The proposed buildings and removal of the trees would have most impact on the visual amenity of neighbouring recreation ground as opposed to any dwellings in the area.
- 10.7 The proposed units would be set close to the boundary shared with the recreation ground. Nevertheless, the units are next to a relatively small part of the recreation ground, with the largest, most open part of the recreation ground being set further to the south. The applicant proposes a native hedgerow along the western boundary between the site and the recreation ground. A condition requiring plans and details of this hedgerow to be submitted and approved prior to works commencing on the superstructure of the new units is to be attached to any planning permission. This native hedgerow would soften the impact on the recreation ground. The details to be submitted would include a maintenance plan also to ensure the boundary treatment does not also harm the amenity of the park. Officers had entered into discussions with the agent to ascertain whether the proposed buildings could be faced in stone to the rear elevation, however, this suggestion was rejected by the applicant as the increased cost would, in the applicants’ opinion, render the project financially unviable. Officers’ are not in a position to comment as there has not been a viability assessment submitted as part of the application.
- 10.8 Furthermore, the former pub and associated car park, which are entirely visible from the recreation ground does not positively contribute to the visual amenity of the recreation ground. Considering the existing harm caused, the proposed buildings are therefore not considered to detrimentally harm the visual amenity of the recreation ground, albeit officers do acknowledge there would be some harm. This marginal harm is, on balance, considered justifiable considering the other, wider benefits of the scheme as set out in paragraph 10.4.
- 10.9 Further to this, the applicant and agent have worked with the Authority to reduce the number of trees to be removed from 11 to 5. Officers are satisfied that this layout incorporates the most protected trees possible if the expansion of this site is to be permitted. The line of trees to be retained will screen the turning area/yard of the industrial units. This will preserve the character of the site when viewed from the recreation ground, therefore, the removal of five of the trees is not considered to be detrimental. Nevertheless, the loss of protected trees that provide significant amenity value is not to be taken lightly. Considering the wider benefits of this scheme set out in paragraph 10.1 to 10.5, this level of harm is considered, on balance, acceptable and justifiable.
- 10.10 The proposal, does respect this part of the heritage of the area given the proposed works to the former pub building. The erection of industrial units does also respect this site, given it is an existing industrial site. In consideration of the scheme against Local Plan policy LP24 and Chapter 12

NPPF, whilst the siting of the buildings and removal of five trees would cause some harm to the visual amenity, when viewed from the recreation ground, this must be considered alongside the other benefits of the scheme. These benefits are set out in paragraphs 10.1 to 10.5 and relate to the conservation area and economic benefits.

Biodiversity

- 10.11 The removal of several mature trees, to facilitate the new units, will result in a loss of biodiversity on the site. In order to comply with Kirklees Local Plan LP30i and LP30ii mitigation for the loss of the trees and provision of a biodiversity net gain will be required. The NPPF and policy LP30 both require development proposals to apply the ecological mitigation hierarchy in order to result in no significant ecological harm. Through the hierarchy, significant harm should be avoided in the first instance, mitigated where impacts cannot be avoided and compensated for, only as a last resort. The hierarchy sets out that applicant should firstly seek options that avoid harm to biodiversity, such as finding an alternative site with less harmful impacts. In this case, the applicants have stated that this is not possible because they have been operating from the application site and are well established for approximately 35 years. The trees are required to be removed to facilitate the extension to the existing business. As the proposal is for an extension to an existing business, alternative sites are not a viable or realistic option. It should be noted that some harm has been avoided by reducing the number of trees to be felled from 11 to 5, however it is not possible to avoid some harm as the trees prevent any practical access between the sites.
- 10.12 The ecological hierarchy states that the applicant should avoid or minimise negative impacts to biodiversity using mitigation measures, such as through good project design or sensitive timing. The hierarchy then states where significant residual negative impacts on biodiversity remain despite mitigation, which is true in this instance, these negative impacts should be compensated for, such as by creating new habitats to replace those lost. Given the proposal is for a commercial use, within a tight space, there is very limited ability to create new habitats to replace those lost by the removal of the trees on site. However, as compensation for residual effects to biodiversity, the applicant has agreed to plant a native species hedge, which will be secured by condition, along the western boundary as shown on the proposed block plan dwg no 20/572/03f. This native species hedge not only provides habitat, but also would likely provide a food source for animals. Furthermore, as the biodiversity harm is most likely to attract nesting birds, five bird nesting boxes have been incorporated into the new buildings on-site as per plans 20/572/03f and 20/572/09d. The provision of these boxes will be ensured via condition. To prevent further harm, a condition would be sought for all tree work to be commence outside of the main breeding/nesting season of February to August. KC Ecology officer recommends that the provision of these bird nesting boxes, the planting of a native hedgerow, and ensuring the tree works are done outside of the main nesting season does, on balance, represents a biodiversity net gain as required by Local Plan policy LP30.

Impact on Residential Amenity

- 10.13 Local Plan Policy LP24 states that proposal should ensure a good standard of amenity for neighbouring occupiers. Chapter 12 of the NPPF echoes this on a broader level. Given the setting of the proposed development, the dwellings most receptive to harm are those to the north of the site, in between the proposed turning area and Commercial Road. This terrace hosts four properties, numbers 76, 78, 80 and 82 Commercial Road. It is understood from information provided by the agent that Pennine Industrial Equipment Ltd own and rent out number 82. These dwellings already have an intense relationship with the existing business. The land to the rear of these dwelling is proposed as car parking, which does not cause material harm to these dwellings given it is already used for this use. Given that the development is required due to relieve current pressures on the site with regard to operations, it is not anticipated that the operations on the site will become significantly more intense.
- 10.14 The part of the development that does have potentially to materially impact on the residential amenity of neighbouring occupiers is the siting of the new units close to no.76. Building 8 would be set approximately 6m from no.76, however, as shown on the proposed block plan, this is only minimally closer to the dwelling than existing pub. The previous pub use would have created a certain level of noise, disturbance and loss of amenity to no.76. It needs to be noted that these residential properties and pub site have a historic relationship dating back at least a century. Thus, this level of noise and disturbance can form the baseline as it has been generally accepted for a century. Building 8 is labelled on plan to be used for storage, subject to a condition for this building to be of a B8 use, the use of building 8 as storage is not considered to cause harm above and beyond the previous pub use, nor is the use of the former pub as offices. Officers, in conjunction with KC Environmental Health do have some concerns about the noise impacts primarily, from building 7. In accordance with the consultation response from Environmental Health, a noise report is required prior to commencement of building works to ensure the harm through noise would not be detrimental to the amenity of these dwellings. The remainder of the proposed development is not considered to materially impact on the levels of residential amenity of any occupants of the dwellings. A condition for operating hours is also considered appropriate for the new units to preserve the residential amenity of occupants of these dwellings. Officers would consider reasonable hours to be 0730-1800 Monday to Saturday, and 0800-1300 on Sundays and Bank Holidays. Finally, a condition for the submission of an artificial lighting scheme, if any is sought, is also applicable
- 10.15 Subject to the conditions above, which included the submission of a noise report before construction commences, operating hours for the new units and conditioning the storage use for B8 and the submission of a lighting scheme, the proposed development is considered acceptable with regard to residential amenity. The scheme therefore accords with Local Plan Policy LP24 on this matter. To prevent any harm to residential amenity through the construction process, a working hours condition is also required. It should be noted that no objections were made with regard to the impact on the residential amenity of any dwellings.

Impact on Highway Safety

- 10.16 The proposal would increase the general industrial floor space by 715 square metres, with a proposed increase of staff numbers by six persons. Car parking facilities will be improved and an additional ten spaces provided, bringing the total number of off-street spaces to 48. As an improvement to highway safety, a turning area for large commercial vehicles is to be provided, thus allowing for access and egress in a forward gear. Site visits undertaken by Highways DM officers showed that whilst the present car park was busy, it wasn't usually entirely full, nor was there any demonstrable amount of on-street parking associated with the business on nearby streets.
- 10.17 Although it is accepted that there will be an increase in vehicle movements to and from the site, this is not anticipated to cause a significant highway safety issue, particularly given the improvements to the internal turning facilities. Given the above, the scheme is acceptable from a highways perspective and is considered to accord with Local Plan policies LP21 and LP22 and the Highway Design Guide SPD (2019). Notwithstanding this, conditions are required for areas to be surfaced and drained sufficiently, and the permanent closure of the former pub access to ensure the safe and efficient flow of the highway network.

Contaminated Land

- 10.18 This site has been identified on our mapping system as potentially contaminated land due to its previous use as Tallow Works and Mill (our map ref 142/17). Contaminated land conditions are therefore necessary in order for the development to comply with Local Plan policy LP53.

Carbon Budget

- 10.19 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. Given the proposal will expand the existing business, which includes providing additional car parking, a condition is required for the provision of electric vehicle charging points for 10% of car parking spaces to ensure the proposal accords with Local Plan policy LP52 and the Planning Applications Climate Change Guidance (2021)

Drainage

- 10.20 The application form indicates that surface water will be disposed of via mains sewer. This does not accord with Local Plan Policies LP28 and LP32 or Chapter 14 of the NPPF. The PPG sets out that the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

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

10.21 The submitted information does not demonstrate why more sustainable drainage systems, such as ground infiltration is not achievable in this instance. Therefore, a condition for drainage details to be submitted so that the development is in accordance with Local Plan Policies LP28 and LP32, and the Drainage Hierarchy as set out within the PPG.

Planning Balance

10.22 Officers acknowledge that this application involves balance of several factors. The loss of five protected trees would undoubtedly have some impact with regards to visual amenity and biodiversity and therefore attracts negative weight within the planning balance. The biodiversity harm would be mitigated to some degree by the planting of a native hedgerow and the provision of five bird nesting boxes and to a smaller extent conditioning that the tree works are undertaken outside of bird nesting season. Cumulatively, these would represent a biodiversity net gain and reduces the negative weight as a result of tree loss. The native hedgerow would also assist in mitigating the visual impacts of the units when viewed from the recreation ground, which is not considered to be detrimental.

10.23 The proposed development would support the retention and expansion of an established, international business which has strong economic benefits to Skelmanthorpe and Kirklees. As per paragraph 81 of the NPPF, this economic benefit should carry significant weight. The proposal would also provide clear benefits to the Skelmanthorpe Conservation Area through the redevelopment of the former Chartist public house. These benefits are considered to outweigh the harm, which is mostly mitigated, meaning the proposal as a whole would represent sustainable development that accords with the aims of local and national policy.

Representations

10.24 The application was advertised by neighbour notification letters, in the press and by two site notices. Final publicity expired on 30th April 2021. 7 representations were received, 3 were objections and 4 were general comments, however most comments did include positives and negatives about the development. The representations received are as follows:

10.25 Visual Amenity

- Object to the development as it would impact visually on the Skelmanthorpe recreation ground.
- Object to industrial units on former pub car park due to the design having a detrimental impact visually on the conservation area setting.
- Suggestions of soften boundary treatment to ensure the rec is not detrimentally impacted upon.
- Support the refurbishment of the pub for visual reasons.

Response: Noted and addressed in points 10.1-10.3 and 10.7-10.11.

10.26 Public Amenity

- Object to the industrial units through damaging character of the Skelmanthorpe recreation ground.

Response: Noted and addressed in points 10.6 -10.10

10.27 General Comments / Principle of Development

- Support some form of expansion to retain the existing jobs and provide more.
- Concerns regarding longevity of business given some units are already disused.
- Concerns regarding pollution.

Response: Noted.

11.0 CONCLUSION

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

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that proposed scheme has significant benefits in the fact it will retain an existing, international business in Kirklees whilst allowing the company to grow. The proposed development has significant constraints through the siting partially in the conservation, the existence of protected trees and close proximity to residential dwellings and the Skelmanthorpe Recreation Ground. It is considered that the proposed development, will lead to some level of harm caused through the felling of trees. However, the native hedgerow planting and provision of bird boxes mitigates this harm whereby the economic and heritage benefits of the scheme, which carry significant weight are considered to outweigh the harm caused. It is considered that the development would constitute sustainable development.

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

Below is a summary of the proposed conditions:

1. In accordance with the approved plans
2. Development to begin within 3 years
3. The works to former pub to be complete before occupation of new units.
4. Building 8, as per the submitted site plan is to be of a B8 use only.
5. Prior to construction beginning, a noise report to be submitted
6. Hours of operation for buildings 5, 6, 7 and 8 to be 0730-1800 Monday to Saturday, 0800-1300 Sundays and Bank Holidays.
7. Areas surfaced and drained accordingly.
8. Before occupation of the development, the former pub access is to be closed permanently.
9. Construction working hours to be 07.30 to 18.30 hours Mondays to Fridays, 08.00 to 13.00 hours Saturdays, with no noisy activities on Sundays or Public Holidays
10. Before groundworks commence, the Submission of a Phase 1 Preliminary Risk Assessment Report is required.

11. If applicable after condition 11, the submission of a Phase 2 Intrusive Site Investigation Report
12. If applicable after condition 12, the submission of Remediation Strategy.
13. Implementation of the Remediation Strategy.
14. Submission of a Validation Report.
15. Electric Vehicle Charging Point for at least 10% of non-residential parking spaces.
16. Drainage details to be submitted prior to groundworks commencing.
17. Carried out in accordance with submitted tree information.
18. Trees to be removed out of nesting season (outside of February until August)
19. Bird nesting boxes as shown on plans to be provided prior to occupation of the new buildings.
20. Details of the native hedgerow as shown on the proposed site plan, shall be submitted and approved prior to work commencing on the superstructure. This shall include a maintenance schedule.
21. New units to be used ancillary to the existing site and not to be rented out or sold separately.