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

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Monday 30 May 2022

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 9 June 2022**.

(A coach will depart the Town Hall, at 10.30am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in Huddersfield 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 Paul Davies
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Bill Armer
Councillor Mark Thompson
Councillor Andrew Pinnock

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

Substitutes Panel

Conservative

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

Green

K Allison
S Lee-Richards

Independent

C Greaves
A Lukic

Labour

A Anwar
F Perry
M Kaushik
E Firth
T Hawkins

Liberal Democrat

A Munro
P A Davies
J Lawson
A Marchington

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 Meetings

1 - 8

To approve the Minutes of the meetings of the Committee held on 24 March 2022 and 25 May 2022.

3: Declaration of Interests and Lobbying

9 - 10

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

4: Admission of the Public

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

5: Public Question Time

To 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.
-

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 2022/91456

Reserved matters application pursuant to outline permission 2021/91544 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(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness Southgate/Leeds Road, Huddersfield.

(Estimated time of arrival at site – 10.35am)

Ward affected: Dalton

Contact: Nick Hirst, Planning Services

8: Site Visit: Application 2021/92003

Erection of 61 age-restricted apartments, ancillary accommodation and associated external works (within a Conservation Area) at Prickleden Mills, Woodhead Road, Holmfirth.

(Estimated time of arrival at site: 11.00am)

Ward affected: Holme Valley South

Contact: Victor Grayson, Planning Services

9: Review of Planning Appeal Decisions

To receive, for information.

Contact: Ellie Worth, Planning Services

10: Planning Applications

21 - 22

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 (by telephone) or 11:59pm (by email) by no later than Monday 6 June 2022.

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

Please note that, in accordance with the Council's public speaking protocols at planning committee meetings, any public verbal representations will be limited to three minutes per person.

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.

11: Planning Application - Application No: 2021/92003

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Erection of 61 age-restricted apartments, ancillary accommodation and associated external works (within a Conservation Area) at Prickleden Mills, Woodhead Road, Holmfirth.

Ward affected: Holme Valley South

Contact: Victor Grayson, Planning Services

12: Planning Application - Application No: 2022/90078

55 - 62

Erection of agricultural building and demolition of existing building at Upper Blacup Farm, Upper Blacup, Halifax Road, Hightown, Liversedge.

Ward affected: Cleckheaton

Contact: Callum Harrison, Planning Services

13: Planning Application - Application No: 2002/91065

63 - 66

Erection of agricultural building at Mug Mill Farm, Mug Mill Lane, Thornhill, Dewsbury.

Ward affected: Dewsbury South

Contact: Callum Harrison, Planning Services

**14: Position Statement: 2022/91456 Reserved Matters
Application Pursuant to Outline Permission 2021/91544**

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Reserved matters application pursuant to outline permission 2021/91544 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(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness Southgate/Leeds Road, Huddersfield.

Ward affected: Dalton

Contact: Nick Hirst, Planning Services

Planning Update

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

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 24th March 2022

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

Observers: Councillor Liz Smaje

1 Membership of the Committee

All members of the Committee were present.

2 Minutes of the Previous Meeting

The minutes of the meeting held on 24 February 2022 were approved as a correct record.

3 Declaration of Interests and Lobbying

Cllr Pattison declared that she had been lobbied on application 2021/92486.

Cllr Hall declared that he had been lobbied on application 2021/93073.

Cllr Hall declared an "other interest" in application 2021/92486 on the grounds that he knew the applicant.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Planning Applications

The Committee considered the following applications.

7 Site Visit - Planning Application No: 2021/93645

Site visit undertaken.

8 Site Visit - Planning Application No: 2021/92486

Site visit undertaken.

9 Planning Application - Application No: 2021/92528

The Committee gave consideration to Planning Application 2021/92528 Erection of retail development, associated parking, servicing areas and landscaping. Land off, Bankwood Way, Birstall Retail Park, Birstall, Batley.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Chris Darley (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the Committee received a representation from Councillor Liz Smaje (ward member).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development of Development Management to:

1. Complete the list of conditions including those contained within the considered report and planning update including:

1. Time limit (3 years).
2. Development in accordance with the approved plans.
3. Restriction on the net sales area of the stores and the proportion of convenience and comparison floorspace to that proposed within the application.

Lidl store:

Net sales area of 1,414m²
80% convenience goods (equating to 1,131m²)
20% comparison goods (equating to 283m²)

Home Bargains store:

- Net sales area of 2,014m² (plus the associated garden centre)
45% convenience goods (equating to 906m²)
55% comparison goods (equating to 1,108m²).
4. Restriction on the sub-division of the units.
 5. Detailed junction design for points of access.
 6. Detailed scheme for proposed change to the road priorities on Woodhead Road/Bankwood Way.
 7. Scheme for highway directional signage.
 8. Detailed drainage design including surface water attenuation and petrol interceptor for the car park.
 9. Temporary drainage measures for construction.
 10. Biodiversity Enhancement Management Plan (BEMP).
 11. Construction Environmental Management Plan for biodiversity (CEMP.)
 12. Contamination/remediation conditions.
 13. Scheme of to address land instability arising from coal mining legacy (address Coal Authority comment).
 13. Scheme for provision of electric vehicle recharging points.
 14. Management plan for landscaped areas.
 15. Detailed design of highway retaining walls.
 16. Facing materials of the retaining wall to the south-eastern boundary alongside Bankwood Way.
 17. Security measures for the delivery/loading area.

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18. Restriction on noise from fixed plant and equipment.
 19. Construction management plan for amenity and highways.
 20. Overland flow routing (drainage/flood risk).
 21. Air quality mitigation.
 22. External lighting scheme.
2. Secure a Section 106 agreement to cover the following matters:
- i. £160,000 for a pedestrian improvement scheme on the neighbouring retail park which includes: - A signalised crossing on Gelderd Road - New and upgraded pedestrian crossing points within the immediate vicinity of the site.
 - ii. Travel Plan Monitoring fee (£10,000).
 - iii. Off-site contribution towards biodiversity enhancement (£38,180)
 - iv. Arrangements for the future maintenance and management of the surface water drainage infrastructure within the site.
3. Pursuant to (2) above, 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 Strategic Investment 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 Development and Master Planning is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

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

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

Against: Councillors: Bellamy, Thompson and S Hall (3 votes)

10 **Planning Application - Application No: 2021/93645**

The Committee gave consideration to Planning Application 2021/93645 Installation of a new 3G synthetic turf pitch, upgraded and extended grass pitches, car-parking and additional landscape works YMCA, Lawrence Batley Recreational Complex, New Hey Road, Salendine Nook, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Stephen Graley (in support).

RESOLVED –

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 the considered report including:

1. Development to be carried out in accordance with approved details.
2. Car Park Layout Details (Prior to development being brought into use).
3. Car Park Management Plan (Prior to development being brought into use).

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4. Car Park Surfacing (Prior to commencement of development of the car park).
5. Secure on-site Cycle Storage (Prior to the development being brought into use).
6. Development to be conducted in adherence to the recommendations made in the Preliminary Ecological Appraisal.
7. Artificial Pitch Shockpad Specification and Maintenance.
8. Artificial Pitch Markings Submission and Implementation (Prior to Completion).
9. Artificial Pitch Risk Assessment (Prior to the development being brought into use).
10. Submission of a Noise Assessment Report for proposed noise generating use close to existing noise sensitive premises (Prior to the Artificial Pitch and Pitch 3 being brought into use).
11. Hours of Use Restrictions for Customers.
12. Noise Management Plan (Prior to the Artificial Pitch and Pitch 3 being brought into use).
13. Ball Impact Sound Mitigation.
14. External Artificial Lighting Details (Prior to the operation of any new or re-sited luminaires on the site).
15. Electric Vehicle Charging Points (Prior to commencement of development of the car park).
16. Construction Environmental Management Plan (Prior to works to remove the protected trees).
17. Submission of an Arboricultural Method Statement (Prior to works to remove the protected trees).
18. Submission and implementation of full landscaping scheme (Prior to the development being brought into use).
19. Submission of a Biodiversity Net Gain Plan (Prior to works to remove protected trees).

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

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

Against: (0 votes)

11 **Planning Application - Application No: 2021/93073**

The Committee gave consideration to Planning Application 2021/93073 Erection of energy storage facility contained within a fenced compound with associated landscaping and access works Land adj, Holme Bank Mills, Station Road, Mirfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Louise Leyland (Agent).

RESOLVED –

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 the considered report including:

Strategic Planning Committee - 24 March 2022

1. Time limit (3 years).
2. Development in accordance with the approved plans.
3. Enhancement and monitoring management measures as set out in the Biodiversity Management Plan (BMP) to be adhered to.
4. Details of additional soft planting along southern boundary to submitted and approved.
5. Fencing details to be submitted and approved.
6. All construction shall be carried out in accordance with the approved Highways Traffic Management Plan (December 2021) throughout the period of construction.
7. No more than of 20 heavy vehicle movements (10 in 10 out) per day shall take place at the site in each working week (Monday – Saturday).
8. Prior to the development being brought into use, the proposed car park shown on Proposed Site Plan number GA/003 hereby approved shall be laid out surfaced, marked out into bays and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.
9. Proposals to be carried out in accordance with measures set out in the submitted 'Drainage Strategy Incorporating an Assessment of Flood Risk' and Planning Statement.
10. Access and maintenance within the site to be scheduled to avoid peak storm events.
11. Electric connections to be and associated control equipment to be set at a minimum height of 600mm above ground level.
12. Dealing with unexpected contamination.
13. Restricting construction working times.
14. Details of electric vehicle charging point/s to be provided and approved prior to installation of any electrical system on site.
15. Details of lighting scheme including luminance and location of poles to be provided and approved prior to installation.
16. Details of CCTV location of poles to be provided and approved prior to Installation.

An additional condition to provide details covering the decommissioning of the facility.

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

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

Against: (0 votes).

12 **Planning Application - Application No: 2021/92486**

The Committee gave consideration to Planning Application 2021/92486 Erection of 5 buildings for a mixed use of educational, agricultural and community uses former Spenborough Wastewater Treatment Works, Smithies Lane, Heckmondwike.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Chris Slaven (in support), Alistair Flatman (Agent), and Adam Cook (on behalf of the applicant).

RESOLVED –

That the application be refused in line with the following reasons outlined in the considered report:

1. The proposed development of five new buildings on previously undeveloped land within the Green Belt would represent inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The buildings would result in significant impacts on openness and harm to the character and appearance of the Green Belt. The considerations that have been put forward by the applicant, individually or cumulatively do not outweigh the harm to the Green Belt and therefore, the very special circumstances that are necessary to justify this inappropriate development in the Green Belt do not exist. The development would therefore conflict within guidance at Chapter 13 of the National Planning Policy Framework.

2. The visual harm of the proposal buildings, via their scale, quantity, urban design and siting in a rural landscape is considered detrimental and unacceptable to the rural character with regard to visual amenity. The associated benefits are not considered to outweigh this harm. To permit the development would also be contrary to Local Plan policies LP24 and Chapter 12 of the National Planning Policy Framework.

3. The proposed development lies within the Kirklees Wildlife Habitat Network and the Strategic Green Infrastructure Network, Insufficient information has been provided within the application to demonstrate that the proposal would minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist, or safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network. For this reason, it is considered to be contrary to Local Plan policy LP30 and Chapter 15 of the National Planning Policy Framework.

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

For: Councillors: Bellamy, Greaves, Pattison, A Pinnock and Thompson (5 votes).

Against: Councillor Sokhal (1 vote).

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 25th May 2022

Present: Councillor Steve Hall (Chair)
Councillor Paul Davies
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Mark Thompson
Councillor Andrew Pinnock
Councillor Bill Armer

1 Admission of the Public

RESOLVED – That the business for the meeting be considered in public.

2 Appointment of Sub-Committees and Appointment of Chairs

It was moved by Councillor S Hall, seconded by Councillor P Davies and;

RESOLVED –

(1) That the Planning Sub-Committees Heavy Woollen Area and Huddersfield Area be comprised of the Membership as set out at Agenda Item 14 of the Annual Council Agenda.

(2) That Councillor Lowe be appointed as Chair of Planning Sub Committee (Heavy Woollen Area) and (ii) Councillor Ullah be appointed as Chair of Planning Sub Committee (Huddersfield Area), for the 2022/2023 Municipal Year.

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

LOBBYING

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

Lobbying

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

Name of meeting: STRATEGIC PLANNING COMMITTEE

Date: 9th June 2022

Title of report: A Review of Planning Appeal Decisions (January 2021 – December 2021)

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

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

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

1. Purpose of report

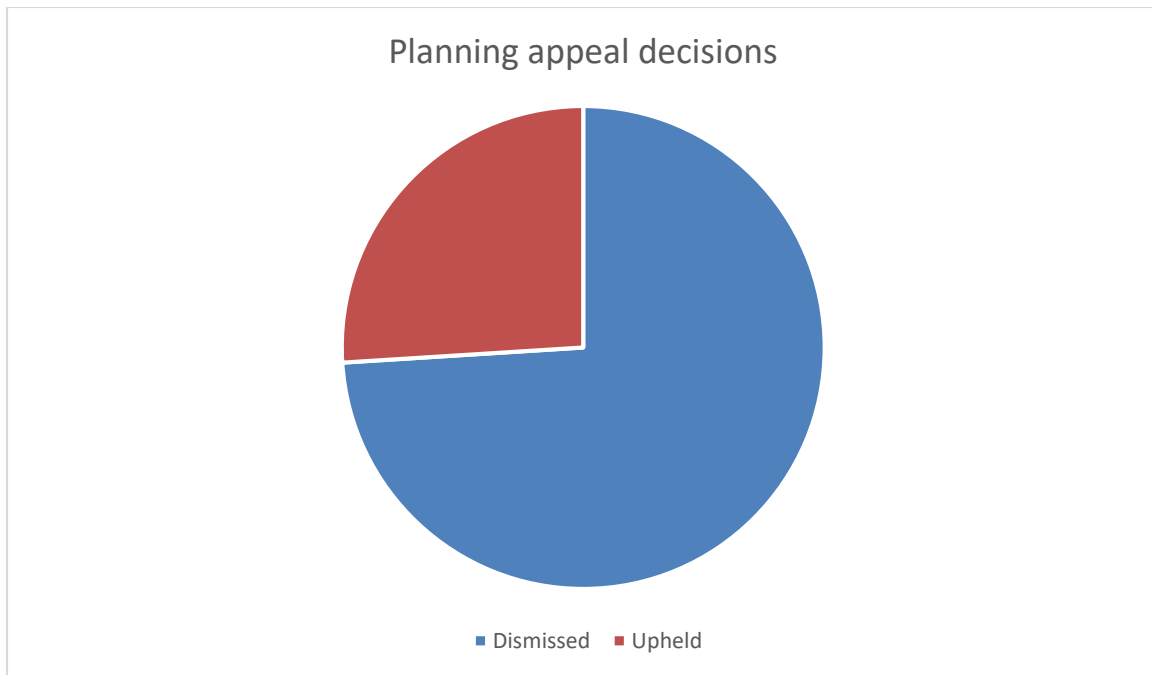
1.1 For information purposes

2. Key Points

Planning Appeals

2.1 Between January 2021 and December 2021, the council have received 78 planning appeal decisions in the electoral wards within the Kirklees district. Of these, 74% were dismissed. Appendix 1 provides a list of relevant appeals and the level of the decision.

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



Tree appeals

2.3 Of the 78 planning appeals, there were 3 tree works appeals, all of which were dismissed.

Application for award for costs

2.4 Two applications for an award of costs were lodged against the council. Of these, one has been awarded (2020/91146 - Land west of, Wesley Avenue, Netherthorpe, Holmfirth, HD9 3UL).

Delegated and Committee Decisions

2.5 Of the 78 appeals, 67 were determined under delegated powers. Of these, 53 were dismissed (79%). 7 applications were determined by a Planning Committee, whereby 4 were dismissed (57%). 4 applications were also appealed against non-determination.

2.6 Having compared the above data with that from 2020, it has been noted that there has been a reduction in the number of appeals dismissed from 83% to 74%. Whilst this shows a decrease since last year, this percent is still significantly above the national statistics, which will be outlined in more detail below.

Appendix 1 provides a list of relevant appeals.

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

- 2.7 The Government measures the performance of local authorities in deciding applications for planning permission, pursuant to section 62B of the Town and Country Planning Act 1990. This includes assessing local planning authorities' performance on the 'quality' of their decisions on applications for major and non-major development. This is measured by the proportion of decisions on applications that are subsequently overturned at appeal. If an authority is 'designated' as underperforming, applicants have the option of submitting their applications directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.
- 2.8 The criteria for designation, as revised in December 2020, sets out the threshold for designation on applications for both major and non-major development above which the local planning authority is eligible for designation. This is 10% of an authority's total number of decisions on applications made during [a specific 2 year period] being overturned at appeal.
- 2.9 To note, the latest published performance tables from the MHCLG (September 2020) provides Experimental Statistics to enable local authorities to validate the information held. Using these tables, for the 24 months to the end of September 2020, a total of 1.8% of decisions on Major applications were overturned at appeal (nationally). Within Kirklees for the same period, 2 decisions on Major applications were overturned on appeal, out of a total of 150 applications. This equates to 1.3% of all decisions at appeal.
- 3.0 The corresponding information for non-major applications was a total of 1% of decisions overturned at appeal (nationally). Within Kirklees for the same period, 19 decisions on non-major applications were overturned on appeal, out of a total of 3,908 applications. This equates to 0.5% of all decisions at appeal.

Compliance

- 4.0 Between January 2021 and December 2021, Planning Compliance have also served 93 enforcement notices throughout the district. A breakdown of each type of notice can be found in table 1 below. Of these, 10 enforcement notice appeals were received within the district, of which 9 were dismissed, and the enforcement notices upheld in the favour of the council (90%).

Type of Notice	No. served
Enforcement Notice	20
Breach of Condition Notice	8
Planning Contravention Notice	56
Temporary Stop Notice	4
Stop Notice	1
Other	4

Total	93
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- 5. Implications for the Council**
Not applicable
- 6. Consultees and their opinions**
Not applicable
- 7. Next steps**
Not applicable
- 8. Officer recommendations and reasons**
That the report be noted
- 9. Cabinet portfolio holder recommendation**
Not applicable
- 10. Contact officer and relevant papers**
Julia Steadman – Group Leader for Development Management
- 11. Director responsible**
David Shepherd – Strategic Director for Growth and Regeneration

Appendix 1 – List of planning appeals including tree works decided between January and December 2021

Heavy Woollen Area

1. 2020/91953 4, Co-operative Street, Chickenley, Dewsbury, WF12 8QA - Erection of first floor side extension – Officer decision – Appeal dismissed.
2. 2020/92980 51, Bywell Road, Dewsbury, WF12 7LH - Change of use to mixed use dwelling and ice cream/dessert takeaway including outdoor seating area – Officer decision – Appeal dismissed.
3. 2020/90932 Adj, 135, Latham Lane, Gomersal, Cleckheaton, BD19 4AP - Erection of detached dwelling – Officer decision – Appeal dismissed.
4. 2020/92856 286, Cliffe Lane, Gomersal, Cleckheaton, BD19 4RZ - Erection of front and rear dormers and alterations – Officer decision – Appeal dismissed.
5. 2020/93078 3, Bradbury Street, Ravensthorpe, Dewsbury, WF13 3AU - Change of use of dwelling ground floor to hot food takeaway and first floor storage and installation of shop front – Officer decision – Appeal dismissed.
6. 2020/93889 51, Mill Lane, Hanging Heaton, Batley, WF17 6DZ - Erection of external decking and stairs – Officer decision – Appeal dismissed.
7. 2020/93890 53, Mill Lane, Hanging Heaton, Batley, WF17 6DZ - Erection of raised decking – Officer decision – Appeal dismissed.
8. 2019/94133 Telecommunication Mast 28529, Adj Highfield Farm, Jagger Lane, Emley Moor, HD8 9TF - Demolition of existing mast, change of use and extension to existing building to form a residential dwelling, erection of detached garage and associated access works – Officer decision – Appeal dismissed.
9. 2020/90125 adj, 1, The Copse, Scholes, Cleckheaton, BD19 6NE - Erection of detached dwelling (within a Conservation Area) – Officer decision – Appeal dismissed.
10. 2020/90501 Former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury, WF13 2RU - Change of Use and alterations to convert trade counter retail unit to function room and store – Committee decision – Appeal dismissed.
11. 2021/90834 3, Windmill Hill Lane, Emley Moor, Huddersfield, HD8 9TA - Prior approval for enlargement of dwellinghouse by erection of additional storey – Officer decision – Appeal dismissed.
12. 2020/91200 167, Drub Lane, Drub, Cleckheaton, BD19 4BZ - Erection of two storey side extension and front and rear dormer windows and increase roof height – Officer decision – Appeal dismissed.
13. 2021/91892 31, Hare Park Avenue, Hightown, Liversedge, WF15 8DN - Erection of fence and gates to the front – Officer decision – Appeal dismissed.
14. 2020/91111 Land Adj, 4, Springwell View, Birstall, Batley, WF17 0DN - Demolition of existing garage and erection of detached dwelling – Officer decision – Appeal dismissed.
15. 2021/90302 1, Penn Drive, Hightown, Liversedge, WF15 8DB - Erection of first floor extensions and alterations to form first floor accommodation – Committee decision – Appeal dismissed.
16. 2021/90564 land at, April Court, Roberttown, Liversedge, WF15 7RB - Erection of one detached dwelling and erection of detached domestic garage – Officer decision – Appeal dismissed.
17. 2021/91691 2, Jagger Lane, Emley Moor, Huddersfield, HD8 9SY - Erection of first floor rear extension – Officer decision – Appeal dismissed.

- 18.2021/91721 Land at, Cobden Close, Batley, WF17 5QN - Erection of detached dwelling – Officer decision – Appeal dismissed.
- 19.2021/91354 land at, Old White Lee Colliery, Leeds Road, Heckmondwike, WF16 9BH - Demolition of existing buildings, erection of 5 dwellings, formation of access and associated works – Committee decision – Appeal dismissed.
- 20.2020/91747 Land Adjacent, 60, Northgate, Cleckheaton, BD19 3NB - Demolition of former dairy/snooker centre/storage and erection of 9 light industrial units – Committee decision – Appeal dismissed.
- 21.2021/91921 2, Doctor Lane, Shelley, Huddersfield, HD8 8HQ - Erection of detached potting shed/home office and associated works – Officer decision – Appeal dismissed.
- 22.2021/92876 8, Hopton Hall Lane, Upper Hopton, Mirfield, WF14 8EN - Erection of two storey side extension (Within a Conservation Area) – Officer decision – Appeal dismissed.
- 23.2020/92666 2, Scout Hill Terrace, Dewsbury, WF13 3RE - Erection of single storey front extension – Non determination – Appeal upheld.
- 24.2020/93834 rear of, 11 & 12, Clarence Terrace, Savile Town, Dewsbury, WF12 9JZ - Erection of detached garage and store – Officer decision – Appeal upheld.
- 25.2020/93432 Land at, Whitley Road, Whitley, Dewsbury, WF12 0LZ - Outline application for erection of residential development – Officer decision – Appeal upheld.
- 26.2020/94272 7-8, Park Gate, Skelmanthorpe, Huddersfield, HD8 9BB - Certificate of Lawfulness for existing use of land at 7-8 Park Gate as domestic curtilage – Officer decision – Appeal upheld.
- 27.2021/91036 Five Miles, 330, Barnsley Road, Flockton, Huddersfield, WF4 4AT -Certificate of lawfulness for proposed erection of detached swimming pool building – Officer decision – Appeal upheld.
- 28.2021/91118 land at former, 750, Bradford Road, Batley, WF17 8NL - Erection of car showroom/office and MOT testing station – Officer decision – Appeal upheld.
- 29.2020/92470 3, Chestnut Meadows, Mirfield, WF14 0HH - Certificate of lawfulness for existing outbuilding – Officer decision – Appeal upheld.
- 30.2019/91467 land south of, Granny Lane, Mirfield - Erection of 67 dwellings with associated access and parking – Committee decision (contrary to Officer recommendation) – Appeal upheld (Costs application refused).
- 31.2020/93607 181, Leeds Road, Heckmondwike, WF16 9BY - Erection of detached double garage with store below and new boundary wall and fence – Officer decision – Part upheld/part dismissed.

Huddersfield Area

- 32.2020/91886 42, Magdale, Honley, Holmfirth, HD9 6LU - Work to TPOs 18/78 within a conservation area – Officer decision – Appeal dismissed.
- 33.2019/94055 9, Pontey Cottages, Meltham Road, Honley, Holmfirth, HD9 6RQ - Erection of first floor side extension, new pitched roof with raised eaves to existing rear extension and alterations to windows – Officer decision – Appeal dismissed.
- 34.2020/91927 18, Royd Mount, Holmfirth, HD9 2QZ - Work to TPOs 13/20 within a conservation area – Officer decision – Appeal dismissed.

35. 2020/91160 Former police station, Wakefield Road, Moldgreen, Huddersfield, HD5 8DJ - Erection of hot food unit (A5) with associated car parking and landscaping – Officer decision – Appeal dismissed.
36. 2020/91482 57, Underbank Old Road, Holmfirth, HD9 1AS - Listed Building Consent for erection of single storey side extension (within a Conservation Area) – Officer decision – Appeal dismissed.
37. 2020/93042 Land adj Nont Sarahs Hotel, New Hey Road, Scammonden, Huddersfield, HD3 3FJ - Formation of car park – Officer decision – Appeal dismissed.
38. 2020/93623 Former Stable Block/Menage, Deer Hill End Road, Meltham, Holmfirth, HD9 5PU - Demolition of existing stable and erection of detached dwelling – Officer decision – Appeal dismissed.
39. 2020/90807 2, The Coppice, Fixby, Huddersfield, HD2 2JA - Erection of first floor extension and single storey rear extension, alterations to roof and erection of raised decking – Officer decision – Appeal dismissed.
40. 2020/92428 Rockhouse, 8, Summervale, Holmfirth, HD9 7AG - Erection of decking – Officer decision – Appeal dismissed.
41. 2020/93683 adj, 391, Leeds Road, Huddersfield, HD2 1YB -Erection and display of a freestanding 48-sheet sized digital LED advertising unit mounted on a single column – Officer decision – Appeal dismissed.
42. 2020/93531 Latham Barn, Gatehead Lane, Hepworth, Holmfirth, HD9 7TU - Erection of rear extension and balcony and alterations to holiday let/bed and breakfast unit and garage to create dwelling forming annex accommodation associated with Latham Barn, Gatehead Lane, Hepworth, Holmfirth, HD9 7TU – Officer decision – Appeal dismissed.
43. 2020/93421 Tyre Master, Wasp Nest Road, Fartown, Huddersfield, HD1 6HA - Certificate of lawfulness for existing use of premises for vehicle repairing and servicing – Officer decision – Appeal dismissed.
44. 2020/91325 Adj, 7, Seymour Walk, Meltham, Holmfirth, HD9 4BP - Erection of detached dwelling – Officer decision – Appeal dismissed.
45. 2020/93822 8, White Rose Avenue, Dalton, Huddersfield, HD5 9UE - Erection of two storey and single storey extensions to rear – Officer decision – Appeal dismissed.
46. 2020/92552 adjacent to, 2, Lighenfield Lane, Netherton, Huddersfield, HD4 7WJ - Erection of detached dwelling – Officer decision – Appeal dismissed.
47. 2020/93365 Land opp, 8, Mountain Way, Kirkheaton, Huddersfield, HD5 0EW - Outline application for erection of residential development – Officer decision – Appeal dismissed.
48. 2019/91688 adj, 9, Briggate, Dalton, Huddersfield, HD5 9ST - Outline application for erection of residential development – Officer decision – Appeal dismissed.
49. 2021/91229 Near Law Slack Farm, Penistone Road, Hepworth, Holmfirth, HD9 2TR - Demolition of existing dwelling and erection of detached dwelling – Officer decision – Appeal dismissed.
50. 2019/93134 Elysium Barn, Copthurst Road, Cartworth Moor, Holmfirth, HD9 2TS - Change of use and alterations to existing barn to form holiday let – Officer decision – Appeal dismissed.
51. 2021/91367 Land east of, Hillock Farm, Dean Road, Holmfirth, HD9 3XB - Change of use from agricultural to storage and processing of timber,

- improvement of field access, formation of access track and hardstanding and erection of wood store – Non determination – Appeal dismissed.
52. 2021/90242 1, Grimscar Avenue, Birkby, Huddersfield, HD2 2TY - Outline application for erection of retail unit with flat above – Officer decision – Appeal dismissed.
 53. 2021/90067 2, Dover Cottages, Dover Lane, Holmfirth, HD9 2SG - Erection of raised decking to rear – Officer decision – Appeal dismissed.
 54. 2020/91611 92, New North Road, Edgerton, Huddersfield, HD1 5QP - Change of use from mixed commercial/residential use to fully commercial (B1 office), demolition of the rear toilet block and associated works (Within a Conservation Area) – Officer decision – Appeal dismissed.
 55. 2021/91972 3, Two Gates, Holme Lane, Slaithwaite, Huddersfield, HD7 5UG - Erection of detached sunroom – Officer decision – Appeal dismissed.
 56. 2021/9104529, Lamb Hall Road, Longwood, Huddersfield, HD3 3TJ - Erection of Leisure Annex – Officer decision – Appeal dismissed.
 57. 2021/91412 233, Scar Lane, Golcar, Huddersfield, HD7 4AU - Erection of single and two story side extension, raised patio and demolition of existing detached garage – Officer decision – Appeal dismissed.
 58. 2021/90588 16, Netherwood Close, Fixby, Huddersfield, HD2 2LR - Erection of single storey extension – Officer decision – Appeal dismissed.
 59. 2021/90775 15, Dorchester Road, Fixby, Huddersfield, HD2 2JZ - Erection of two storey side and single storey rear extensions and front and rear dormers – Officer decision – Appeal dismissed.
 60. 2021/92222 7, Paget Crescent, Birkby, Huddersfield, HD2 2BZ - Erection of single and two storey extensions – Officer decision – Appeal dismissed.
 61. 2021/91373 - Land Adj, 34, Cliff Road, Holmfirth, HD9 1UY - Erection of 2 detached dwellings – Officer decision – Appeal dismissed.
 62. 2021/91813 100, Leeds Road, Huddersfield, HD1 6NN -Advertisement Consent for erection of 2no. illuminated digital advertisement screens – Officer decision – Appeal dismissed.
 63. 2020/94040 Barnside Farm, Barnside Lane, Hepworth, Holmfirth, HD9 1TN - Change of use from agricultural barn to bunk barn tourist/leisure accommodation – Officer decision – Appeal dismissed.
 64. 2021/90145 adj, 6, Oakfield Road, Birkby, Huddersfield, HD2 2XF - Demolition of existing garage and garden shed and erection of garage to existing dwelling and detached dwelling (within a Conservation Area) – Officer decision – Appeal dismissed.
 65. 2019/92952 - 32, Sandmoor Drive, Lindley, Huddersfield, HD3 3WF - Work to tree TPO HU1/70 – Officer decision – Appeal dismissed.
 66. 2021/91640 land adj, 35 /37, Dunford Road, Holmfirth, HD9 2DR - Erection of two detached dwellings with integral garages, external works and landscaping – Officer decision – Appeal dismissed.
 67. 2021/92121 30, Clough Park, Fenay Bridge, Huddersfield, HD8 0JH - Demolition of existing garage and erection of one detached dwelling – Officer decision – Appeal dismissed.
 68. 2020/93738 Springfield Barn, Fieldhead Lane, Holme, Holmfirth, HD9 2QJ - Removal of condition 5. (permitted development) on previous permission no. 97/92281 for re-use, extension and adaptation of redundant barn to form dwelling – Non determination – Appeal upheld.

69. 2020/92196 White Reaps Farm, Slaithwaite Road, Meltham, Huddersfield, HD7 5TY - Erection of ground and first floor extensions – Officer decision – Appeal upheld.
70. 2021/90312 Woodcock & Wilson Ltd, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 7AA -Prior notification for the installation of 20.00m high valmont slimline climbable monopole on 5.2 x 5.2 x 1.4m deep concrete base with 6 no. antenna apertures at 0°/120°/240° and 4 no. proposed 600 dishes and associated ancillary works – Officer decision – Appeal upheld.
71. 2020/91146 Land west of, Wesley Avenue, Netherthorpe, Holmfirth, HD9 3UL - Outline application for erection of residential development – Committee decision (contrary to Officer recommendation) – Appeal upheld (Costs allowed).
72. 2021/90604 85, Swallow Lane, Golcar, Huddersfield, HD7 4NB - Erection of two storey side and first floor extensions – Officer decision – Appeal upheld.
73. 2021/91578 land at, Lancaster Lane, Brockholes, Holmfirth, HD9 7BP - Erection of 9 detached dwellings with associated works – Non determination – Appeal upheld.
74. 2021/90865 34, Victoria Street, Lindley, Huddersfield, HD3 3ED - Erection of extensions, raising roof height and associated alterations – Officer decision – Appeal upheld.
75. 2020/90691 75, Wooldale Road, Wooldale, Holmfirth, HD9 1QG - Erection of chicken shed (Listed Building within a Conservation Area) – Committee decision (contrary to Officer recommendation) – Appeal upheld.
76. 2020/94406 48-48a, Lidget Street, Lindley, Huddersfield, HD3 3JR - 48-48a, Lidget Street, Lindley, Huddersfield, HD3 3JR - Change of use from ground floor beauty salon and first floor residential flat to a mixed use of tanning/beauty salon and retail – Officer decision – Appeal upheld.
77. 2020/93290 adj 381 Manchester Road, Huddersfield, HD4 5BR - Advertisement Consent for upgrade of one 48 sheet hoarding sign to digital LED display – Officer decision – Appeal upheld.
78. 2021/90386 Wilshaw Village Hall, Wilshaw Road, Meltham, Holmfirth, HD9 4DX - Listed Building Consent for installation of replacement windows (within a Conservation Area) – Officer decision – Appeal part upheld/part dismissed.

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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: 09-Jun-2022

Subject: Planning Application 2021/92003 Erection of 61 age-restricted apartments, ancillary accommodation and associated external works (within a Conservation Area) Prickleden Mills, Woodhead Road, Holmfirth, HD9 2JU

APPLICANT

Eliston Homes

DATE VALID

13-May-2021

TARGET DATE

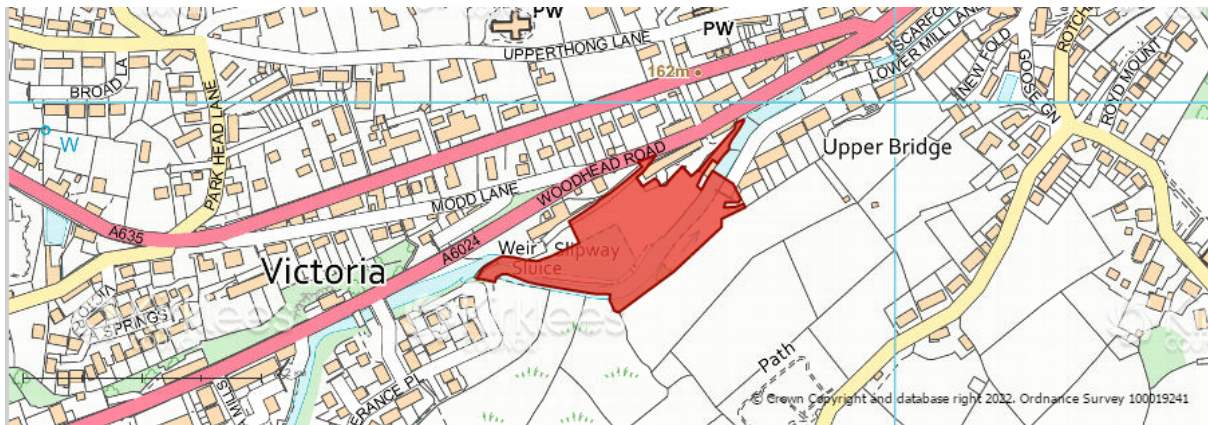
12-Aug-2021

EXTENSION EXPIRY DATE

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley South

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Refuse planning permission for the following reasons:

1. The proposed development, due to its design (including its heights and massing), location and relationships with designated heritage assets, would be visually overbearing in relation to adjacent existing development and the River Holme, would appear overdominant in views in this part of the valley, would harm the character and appearance of the Holmfirth Conservation Area, and would harm the setting of listed buildings, contrary to policies LP24 and LP35 of the Kirklees Local Plan, objectives A, B and C and policies 2 and 3 of the Holme Valley Neighbourhood Development Plan, Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and guidance set out in the National Planning Policy Framework (chapters 12 and 16), the National Design Guide and the Housebuilders Design Guide SPD.
2. The proposed development, due to its design (including its heights and massing), locations of habitable room windows, and proximity to site boundaries and adjacent homes and gardens, would result in losses of privacy, outlook and natural light for neighbouring residents, contrary to policy LP24 of the Kirklees Local Plan and guidance set out in the Housebuilders Design Guide SPD
3. The proposed development includes inadequate provision of off-street parking spaces for residents and visitors and for users of the four parking spaces displaced from the terminus of Lower Mill Lane. The proposed development is therefore contrary to policy LP22 of the Kirklees Local Plan and guidance set out in the Highway Design Guide SPD.
4. 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.
5. The proposed development, due to its lack of on-site affordable housing and open space, lack of related financial contributions to address these requirements off-site, and lack of other necessary provisions, would not sufficiently meet known housing need, would not provide adequate, usable outdoor space for its residents, and would not sufficiently mitigate its impacts. Furthermore, with insufficient measures to encourage the use of sustainable modes of transport, to ensure land and infrastructure is managed, and to secure public access to the riverside walk, the proposed development would not be sustainable, and would not sufficiently mitigate risk in relation to drainage and maintenance, and would not ensure that a connected, permeable neighbourhood would be created. This would be contrary to policies LP4, LP11, LP20, LP24, LP27, LP28, LP47 and LP63 of the Kirklees Local Plan, and guidance in the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission for the erection of 61 age-restricted apartments, ancillary accommodation and associated external works.

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 This application relates to an irregular-shaped site, previously occupied by Prickleden Mill. The site is approximately 1.1 hectares in size, and most of it is located on the north bank of the River Holme, however the site also includes a smaller area on the south bank. Much of the site is almost flat, however there are steeply-sloped areas at the north and south edges of the site.

2.2 The site's mill buildings have been demolished, however the mill pond survives, as do stone and brick retaining walls towards the edges of the site. The majority of the site is hard-surfaced.

2.3 A sloped lane provides access to the site from Woodhead Road. The site can also be accessed from Lower Mill Lane, where an existing riverside carriageway and footway currently terminate at the site's boundary.

2.4 The site is surrounded by residential uses, although a two-storey stone building (also accessed via the sloped lane from Woodhead Road) is currently in use by a plumbing and heating engineering company.

2.5 The site is within the Holmfirth Conservation Area. There are no listed buildings within the site, however immediately to the north of the site, 25 and 27 Woodhead Road are Grade II listed.

2.6 Tree Preservation Orders (TPOs) protect trees within the site on the south bank of the River Holme. Other TPOs have been designated at the far west end of the site.

2.7 No public rights of way cross the site.

3.0 PROPOSAL:

3.1 The application is for full planning permission for the erection of three residential blocks, accommodating 61 age-restricted apartments. The three blocks comprise:

- Blocks A and B – Adjacent to River Holme, part 5-storey / part 6-storey (not including undercroft parking), accommodating 26x 2-bedroom and 1x 3-bedroom apartments.
- Blocks C and D – Adjacent to the site's northern boundary (and 27 and 29 Woodhead Road), part 4-storey / part 5-storey), accommodating 21x 2-bedroom and 1x 3-bedroom apartments.
- Block E – Adjacent to River Holme, 4-storey building (not including undercroft parking) with a 5-storey tower, accommodating communal gym, residents services kiosk and 12x 2-bedroom apartments.

3.2 The three blocks would accommodate a total of 59x 2-bedroom apartments and 2x 3-bedroom apartments.

3.3 A detached, single-storey residents lounge is proposed on the north side of the retained mill pond. A freestanding electricity substation is also proposed.

- 3.4 Undercroft parking would be provided in a basement storey beneath the residential blocks, and in surface parking areas. The undercroft storey would have an open elevation facing the river, and would be accessed at the north corner of block E. A total of 78 car parking spaces are proposed: 47 in the undercroft (of which 14 would be accessible), and 31 in two surface parking areas. Bin stores, other stores and 61 self-storage units are also proposed in the undercroft. Lift and stair cores would extend down to the undercroft from all three blocks.
- 3.5 Vehicular access is proposed via Lower Mill Lane and a new bridge across the River Holme. No vehicular access is proposed from the north, although an emergency vehicle access is annotated on one drawing, adjacent to the building occupied by a plumbing and heating engineering company.
- 3.6 Two new footbridges are proposed over the River Holme, enabling a riverside walk to be created partly along the south bank of the river, and partly along the southern edge of the mill pond. The submitted drawings suggest pedestrian connections would also be provided to the north.
- 3.7 A central green space is proposed between blocks A and B and C and D.
- 3.8 The submitted application form states that foul water would be disposed of via the existing mains sewer. The form also states that surface water would be disposed of via an existing water course, although no detailed surface water disposal strategy has been submitted.
- 3.9 Natural stone and blue slate is proposed for the new buildings.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2012/90738 – Planning permission granted 19/12/2013 for the demolition of the site's former industrial buildings and bridge, and the erection of 46 age-restricted apartments, two guest rooms, an external residents' lounge, a manager's office, resident and visitor car parking, a new bridge, related engineering and landscaping works, the retention of the former mill dam and the formation of a riverside walk. This permission has been implemented. A related conservation area consent application (ref: 2012/90739) was also approved on 19/12/2013.
- 4.2 2014/93971 – Non-material amendments approved 08/05/2015 to permission ref: 2012/90738. This concerned parking and site layout amendments, relocation of bike store and manager's office, elevational changes, deletion of guest suite, internal layout changes, reduction in floor-to-floor and cill-to-head heights, and reduction in number of rooflights.
- 4.3 2015/92408 – Planning permission granted 14/10/2015 for the erection of an electricity substation enclosure.
- 4.4 2014/90183 – Discharge of conditions application relating to conditions 7 (site investigation), 8 (remediation strategy), 9 (revised remediation strategy), 10 (validation report) and 24 (construction plan) of permission ref: 2012/90738. Split decision (approval pursuant to condition 8 only) issued 09/03/2017. Details submitted pursuant to condition 24 were considered by the Huddersfield Planning Sub-Committee on 12/05/2016. The Sub-Committee

resolved to approve the applicant's details and discharge condition 24 subject to a commitment to carry out a post-development survey of Lower Mill Lane, make arrangements to create and engage with a resident liaison group, and provide a means to cover the cost of a Traffic Regulation Order. A Section 106 agreement was subsequently drafted but never completed and signed, therefore condition 24 remains undischarged.

- 4.5 2017/93646 – Non-material amendment to permission ref: 2012/90738, for the use of PVCu window frames (instead of powder-coated aluminium window frames) to the stair towers, and for the use of hinged French windows instead of sliding patio doors. Approved 08/10/2018.
- 4.6 Various other applications for the discharge of conditions of permission ref: 2012/90738 were considered by the council.
- 4.7 2018/90031 – Approval under Section 73 granted 07/05/2020 for variation of condition 2 and deletion of condition 20i of previous permission ref: 2012/90738 to enable changes to layout, elevations, materials, landscaping, boundary treatments, retaining structures and pond works, rerouting of riverside walk, repositioning of blocks, and other changes, and removal of requirement to provide a pedestrian crossing on Woodhead Road.

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

- 5.1 On 11/08/2020 the applicant's agent contacted the council, requesting a meeting to discuss amendments to the scheme previously approved at this site. The agent was advised to make use of the council's pre-application advice service, however this advice was not followed.
- 5.2 On 05/11/2020 the applicant's agent submitted amended drawings to the council (not via the council's pre-application advice service), suggesting that the revised scheme could be considered as a variation to the previous permission. Officers disagreed, noting the increased heights and additional storeys, elevational changes, added tower, basement car park and increase in the number of units. On 08/12/2020 officers advised the agent that a new application would be necessary.
- 5.3 During the life of the current application, a meeting between the applicant, the council and the Environment Agency (EA) was held on 21/12/2021 to discuss drainage matters. The applicant submitted a revised Transport Statement (rev 3), biodiversity information (including an Ecological Impact Assessment and a biodiversity metric spreadsheet), and a Flood Risk Assessment addendum and related response to the EA.
- 5.3 The technical information submitted during the life of the application did not necessitate local reconsultation.

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 this part of Kirklees is the Local Plan (adopted 27/02/2019) and the Holme Valley Neighbourhood Development Plan (made 08/12/2021).

Kirklees Local Plan (2019):

6.2 The application site is unallocated in the Local Plan.

6.3 Relevant Local Plan policies are:

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

Holme Valley Neighbourhood Development Plan (2021):

6.4 The Holme Valley Neighbourhood Development Plan was made during the life of the current application, on 08/12/2021.

6.5 The site is within the “River Holme Settled Valley Floor” Landscape Character Area.

6.6 Relevant objectives include:

- A. To preserve and promote the distinctive characteristics of the Holme Valley.
- B. To protect important open spaces, public views and landscape of the Holme Valley.
- C. To promote the type of housing that meets the needs of the local population and to ensure that all new development meets appropriate design and building standards.
- F. To promote the health and well-being of residents

G. To improve accessibility, infrastructure and movement around the Valley by promoting more sustainable transport choices.

H. To promote sustainability, reduce impact on climate change and move towards a zero-carbon local economy.

6.7 Relevant policies include:

Policy 1: Protecting and Enhancing the Landscape Character of the Holme Valley

Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

Policy 3: Conserving and Enhancing Local Heritage Assets

Policy 6: Building Homes for the Future

Policy 7: Supporting Economic Activity

Policy 11: Improving Transport, Accessibility and Local Infrastructure

Policy 12: Promoting Sustainability

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

Supplementary Planning Guidance / Documents and other documents:

6.8 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:

6.9 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.

6.10 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:

6.11 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

6.12 Since March 2014 Planning Practice Guidance for England has been published online.

6.13 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 has been advertised as a major development within a conservation area affecting the setting of a listed building. Site notices were posted, a press notice was published on 18/06/2021, and notification letters were sent to neighbouring properties. This is in line with the council’s adopted Statement of Community Involvement. The end date for publicity was 16/07/2021.

7.2 53 representations have been received. The main points raised are summarised as follows:

- Unsustainable development proposed. Lack of information regarding sustainability.
- Climate emergency not responded to.
- Lack of proposals for district heating, renewable energy generation, car pooling, recycling, triple glazing and building insulation.
- No proposals for reducing energy use.
- Additional care needs and burden on local services due to older residents occupying development.
- Adverse impact on tourism. Potential for leisure and tourism development to the west would be jeopardised.
- No objection to development.
- Plans appear to be well thought-out.
- Smaller development could be supported.
- Heights should be reduced by two storeys. Three-storey houses would be preferable.
- Excessive scale and massing, incongruous with context. Adjacent dwellings would be overwhelmed. Proposals would dominate the valley.
- Site's original buildings were not as tall as those proposed.
- Proposals greatly exceed previously-approved scheme.
- Development should be below the sight lines of properties on Woodhead Road.
- Visually shocking proposal.
- Unimaginative design. Ugly development.
- Objection to gated community.
- Harm to setting of listed buildings.
- Harm to Holmfirth Conservation Area.
- Visual impact assessment required.
- Loss of views.
- Loss of natural light to neighbouring properties.
- Overlooking concerns and loss of privacy.
- Harm to health and wellbeing.
- Too many apartments proposed.
- Proposed accommodation is needed.
- Inadequate range of unit sizes and types. Proposals would not meet a variety of housing needs. 1- and 2-bedroom apartments are needed to enable downsizing.
- Age-restricted accommodation is already available in Holmfirth.
- Housing for younger people is needed.
- Age restriction would discriminate, and is not legal.
- Lack of affordable housing.
- Development would only be of benefit to people from outside Kirklees.
- Residents' lounge unnecessary.
- Proposed apartments would lack amenities.
- Objection to raising ground levels.
- Increased flood risk.
- Inadequate drainage proposals.
- Adverse impact on local sewers and existing pipes beneath site.
- Contribution towards biodiversity enhancement not demonstrated.

- Adverse impact on wildlife, including red- and amber-list species. List of species observed at the site provided.
- Wildlife information is incomplete.
- Breeding bird survey carried out in winter, and is therefore invalid.
- Bat and newt surveys needed.
- Site clearance in 2020 will have affected wildlife survey results.
- Concern regarding works to mill pond. Unclear if island in mill pond (a valuable habitat) would be retained.
- Invasive species survey needed.
- Loss of trees.
- Increased traffic, including along Lower Mill Lane and Hollowgate. Impacts would negate benefits of council's highway improvement proposals for the town centre. Lower Mill Lane is not wide enough for existing or additional traffic.
- Hollowgate is already used for rat-running.
- Danger to children using nearby roads.
- Motorised vehicular trip generation has been underestimated.
- Private motorised transport would be prioritised.
- Inadequate parking proposed.
- Unclear where four visitors' parking spaces (at Lower Mill Lane) would be reprovided.
- Risk of public using site for parking.
- Query if car parks would have barriers.
- Construction traffic would endanger pedestrians.
- Long construction period would cause disruption.
- No proposals for contractor parking.
- The use of walking, cycling and public transport would not be promoted. Inadequate cycle parking.
- Cycle trip generation has been overestimated.
- Riverside walk would only be accessible to residents.
- Footbridges and riverside walk are welcomed and necessary.
- Query how riverside walk would connect to Perseverance Mill development.
- No electric vehicle charging proposed.
- Risk of damage to local roads.
- Object to loss of turning area at Lower Mill Lane.
- Increased pollution.
- Increased noise. Noise would affect people working from home.
- Odours from development.
- Adverse impact on property values.
- Risk of damage to properties, including from excavation and pilling.
- Proposals contrary to Local Plan policies.
- Further publicity needed for application.
- Lack of consultation with local residents and businesses. Developer should be required to hold a public meeting. Statement of Community Involvement required.

7.3 On 03/08/2021 the applicant's agent contacted ward Members, offering a meeting to discuss the proposals. In response, Cllr Davies advised that – as he sat on Huddersfield Planning Sub-Committee – he was not able to provide any views on the scheme prior to any discussion at a planning committee meeting. Former Cllr Patrick responded to the agent as follows:

“It will have to be something special as I have never supported any application to build on this site with access off Lower Mill Lane. Are you going to build a new bridge over the river and introduce a new access via the Younger Homes development? Or perhaps reduce the number of apartments to 24?”

7.4 The Holme Valley Parish Council commented as follows:

“Support the development in principle, though consideration needs to be given to:

- 1. Highways issues regarding volume of traffic from Hollowgate and Lower Mill Lane.*
- 2. The management of parking to the complex given the number of residences and spillover visitor parking; give thought to promoting schemes such as carpooling.*
- 3. Managing the disruption to Hollowgate and Lower Mill Lane during construction.*
- 4. More detailed information on how the development will address the climate emergency regarding renewables and sustainability (charging points, ground source heating, solar panels etc). Applicant should reflect on the guidance from the submission Holme Valley Neighbourhood Development Plan which states that, “New major developments should install district heating from renewable resources and will be expected to deliver an on-site heat network, unless it can be demonstrated that this would render the development unviable. In this case, developers must demonstrate that they have worked with 3rd parties, commercial or community, to assess the opportunity” (Holme Valley Neighbourhood Development Final Submission Plan, June 2020 p140 Policy 12: Promoting Sustainability)”.*

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

8.2 KC Highways Development Management – 78 parking spaces required for 61 apartments, plus spaces for any lost at the end of Lower Mill Lane. The new bridge would be wide enough to accommodate all anticipated vehicle movements including the private refuse collection service and a fire tender. No detailed plans are provided showing the access from Low Mill Lane. No detailed plans are provided showing the closure and the proposed pedestrian/cyclist/emergency access from Woodhead Road. The traffic assessment in 2012 for 46 apartments was much higher than the assessment in the new Transport Statement. PROW team’s comments are needed regarding the route of the riverside walk over the gated bridge. No detailed plans are provided showing the proposals for the storage and collection of wastes or cycle storage. No refuse or emergency vehicle swept path drawings are provided. Further comment (25/05/2022): Applicant’s explanation regarding trip generation accepted. Concerns remain regarding insufficient parking.

- 8.3 KC Lead Local Flood Authority – Objection on the grounds that an inadequate Flood Risk Assessment has been provided, and unnecessary risk has been incorporated into the design. No assessment of the mill pond has been included. Previous surveys including the council’s assessment of risk from mill ponds are available. No adjustment of design to avoid and mitigate risk has been included. No measure of existing surface water flood risk from outside the site has been assessed and therefore this has not been considered in the design. There is no surface water disposal strategy. The inclusion of new bridges represents a potential risk as does the existing bridge for trapping debris. This specific matter should be raised with the Environment Agency as this is main river flood risk. The LLFA has previously observed surface water emergence through a boundary wall and the ground adjacent to the pond. No site walkover reports such weaknesses. There is a proposed introduction of a new building with finished floor levels lower than the 1 in 100 + 30%/50% climate change check – this represents a failure to avoid risk and should not be permitted. Mitigation should be for residual risk only (this includes walkways). A wall may be suitable to mitigate risk of exceedance events but not where risk is introduced within the parameters promoted for assessment by NPPF and local policy. The proposed use of volume only as compensatory storage as opposed to flows and flood levels is unacceptable. The use of an underground car park as an area to deliberately flood introduces a danger not currently present. The Environment Agency should comment on compensatory storage but may not comment on evacuation plans. This risk should be avoided. The LLFA suggests that underground parking should be protected from flooding from the access within the 1 in 100 plus climate change river flooding event with a suitable freeboard. Given the basement location and potential rapid inundation this may need to be considered for the 1 in 1,000 year event to avoid serious risk to life. A full assessment of areas showing flood zone 3 including parking areas should take place. The planning officer should look at the area defining a sequential test. If the renovation of the site limits the search to the site area only, a strict sequential approach should be examined for risk avoidance including climate change and freeboard analysis. This has not been achieved.
- 8.4 Environment Agency – Holding objection, recommendation to refuse planning permission. Unsatisfactory flood risk assessment has been provided, and the proposed development would potentially have an adverse effect on biodiversity and a Water Framework Directive waterbody. Biodiversity Net Gain assessment required.
- 8.5 Natural England – No comment.
- 8.6 Non-statutory:**
- 8.7 KC Building Control – The West Yorkshire Fire and Rescue Service may comment. Potential Part B – 5 (access) issues. Proposed development would affect a public sewer –Yorkshire Water should be consulted.
- 8.8 KC Conservation and Design – Objection. The proposed development does not enhance represent an improvement on the previously-approved scheme, rather it is considered to have an adverse impact on the character and appearance of the site and its context, contrary to the requirements of Local Plan policy LP35 and NPPF 2021, paragraphs 199 and 202. The public benefits of the redevelopment of the site, including the management of the mill

pond, are considered to be diminished by the increased scale, height and mass of the proposed apartment complex without a clear and convincing justification as required by NPPF 2021, paragraph 200. The applicant should be advised to review the scale, mass and height of the proposed development to reflect that previously approved.

Compared with the previously-approved scheme, the proposed apartment blocks would have a more assertive visual impact on the immediate valley and the enclosing townscape. The topography of the site context will mean that the scale and height of the proposed development would have a disproportionate and adverse impact on the character and appearance of this part of the conservation area and the approach to the town centre. The scale of the proposed development would fundamentally change the visual relationships with its designated context, including the residential properties which line Woodhead Road, and in particular the pair of listed cottages. The development site would also be flanked by new and developing residential schemes which would appear to be dwarfed by the scale of the proposed development, which would dominate views along the valley and from the valley sides. The impact of the development would consequently have a transformative rather than complementary impact on the character of this part of the conservation area. The proposed blocks are neither convincing expressions of the character of the former complex nor do they complement the architectural evolution of the valley. Consequently, the increased scale and intensity of the proposed development is considered to result in a compromise of the site and its context, with some rather jarring architectural features (balconies) which diminish the suggested industrial character of the residential blocks.

- 8.9 KC Ecology – No objection. The submitted Landscape and Ecological Management Plan would ensure that the development would bring about enhancements and the submitted Biodiversity Impact Assessment for Net Gain would ensure the development would achieve a minimum 10% net gain in habitats and hedgerows. This ensures the development complies with Local Plan policy LP30. Condition recommended, requiring a Construction Environmental Management Plan (biodiversity).
- 8.10 KC Education – No comment, as the proposal is for age-restricted accommodation.
- 8.11 KC Environmental Health – Conditions recommended regarding noise assessment and mitigation, site contamination, electric vehicle charging and construction management.
- 8.12 KC Highway Structures – Conditions recommended regarding highway retaining walls and structures. All new storm water attenuation tanks/pipes/culverts with internal diameter/spans exceeding 0.9m must be located off the adoptable highway.
- 8.13 KC Landscape – Inadequate information provided regarding landscaping (including proposals for planting appropriate to this riverside location) – condition recommended. Landscape and Ecological Management Plan should be secured by condition. Inadequate information provided regarding on-site open space sizes and typologies, however without taking into account on-site provision, a £90,788 contribution towards off-site open space would be required. Maintenance and management arrangements would need to be secured. Riverside walk should be dedicated as a highway / public right of way.

- 8.14 KC Strategic Housing – Kirklees Rural West has a significant need for affordable 1- and 2-bedroom homes, along with 1- and 2-bedroom dwellings for older people specifically. In accordance with Local Plan policy LP11 and its 20% affordable housing requirement, the proposed development should include seven social/affordable rented dwellings and five intermediate dwellings.
- 8.15 KC Trees – Site is within the Holmfirth Conservation Area and adjacent to protected woodland, ref: 08/95/w1. The proposals would have no impact on the adjacent trees, however the woodland edge is raised above the level of the proposed car parking on what appears to be bedrock. The previous applications for this site have included details of the retaining structure proposed along the edge of the protected woodland. Clarification needed regarding proposals for the southern boundary with the protected woodland – if work is proposed to this edge, details of construction and woodland protection would be required in the form of an Arboricultural Method Statement. If no retaining structure is proposed on the southern boundary, the existing woodland is unlikely to be affected by the proposals, and Local Plan policies LP24i and LP33 would be met.
- 8.16 KC Waste Strategy – Full details of private waste collection arrangements and waste management strategy for the site required – pre-occupation condition recommended. Concerns raised regarding responsibility for moving waste to the basement, the sizes and designs of waste stores, space allowed for refuse collection vehicles, access from Lower Mill Lane and the potential for construction access disrupting existing waste collection services.
- 8.17 Historic England – Objection (if the council intends to grant planning permission). Heritage concerns, including regarding proposed heights and impacts upon the character and appearance of the conservation area, and the setting of nearby listed buildings. The overall form and layout of the proposals are appropriate, but the increase in scale of the apartment blocks could appear overdominant within the local townscape and in longer-range views. Sections and other contextual drawings should be submitted. Architectural language of the proposals would increase their visual impact. Concerns need to be addressed in order for the application to meet the requirements of paragraphs 195, 199 and 200 of the NPPF. Amendments should be sought.
- 8.18 West Yorkshire Police Designing Out Crime Officer – No objection subject to information being provided regarding control of access into buildings, external lighting (bollard lighting is not supported), secure mail delivery, windows and doors, site and car park access control, site gates, off-site parking, internal partition wall construction, cycle storage and CCTV.
- 8.19 Yorkshire Water – Objection. Proposed layout must be amended to account for existing public sewerage infrastructure. Survey of existing drainage required.

9.0 MAIN ISSUES

- Principle of development
- Sustainability and climate change
- Quantum and density
- Housing mix, sizes and tenure
- Design and conservation
- Residential amenity and quality
- Trees, biodiversity and landscaping
- Highway issues
- Flood risk and drainage issues
- Environmental health
- Representations
- Planning obligations
- Conditions
- Other planning matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated in the Local Plan. The principle of residential development at this site has previously been accepted by the council through its approval of earlier applications. In the intervening years since the council considered and approved application ref: 2012/90738, the site's context has not changed significantly. It remains the case that no existing adjacent uses are incompatible with the proposed residential use. Other site and contextual constraints can be addressed through carefully-designed proposals. No policies set out in the Holme Valley Neighbourhood Development Plan rule out residential development at this site.
- 10.2 Implementation of previous permission ref: 2012/90738 has commenced (but subsequently ceased), therefore that permission could still be lawfully implemented, and this represents a fallback position which carries significant weight as a material consideration relevant to the current application.
- 10.3 The brownfield status of the application site is relevant to the principle of development. Of note, although the site was largely cleared of buildings some years ago, hard surfaces and walls remain, therefore the site is not "land that was previously developed [but] where the remains of the permanent structure or fixed surface structure have blended into the landscape" (and, therefore, the site is not excluded from the definition of brownfield land provided in Annex 2 of the NPPF). Such re-use of scarce, previously-developed land potentially helps avoid and relieve development pressure elsewhere, at less appropriate sites, including greenfield sites and sites where sustainable development is harder to achieve. This aspect of the proposal (the re-use of brownfield land) attracts significant positive weight in balance of planning considerations.
- 10.4 The impact of the proposed development upon local economic activity is a relevant consideration. Given the proximity of the site to Holmfirth Town Centre, residents of the proposed development are likely to spend locally. Although this impact is unquantified, it can reasonably be asserted that this aspect of the proposed development accords with the aims of Local Plan and

Holme Valley Neighbourhood Development Plan policies which encourage and support the growth, attraction, viability, enhancement and development of existing centres.

- 10.5 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.
- 10.6 The proposed 61 apartments would contribute towards the supply of housing in Kirklees. As the site is not allocated for residential development, these 61 units can be regarded as a windfall. It is further noted that the current application would provide more units than the previously-approved 46-unit scheme at this site.
- 10.7 With regard to the five-year housing land supply position in Kirklees, the most recently-updated information confirms that the council is currently able to demonstrate 5.17 years of deliverable housing land supply, and therefore Kirklees continues to operate under a plan-led system.
- 10.8 The site is within a wider mineral safeguarding area relating to sandstone, sand and gravel. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.
- 10.9 Given the above assessment, it is concluded that the principle of residential development at this site is acceptable.

Sustainability and climate change

- 10.10 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.
- 10.11 The application site is a sustainable location for residential development, as it is a brownfield site, it is highly accessible and it is within an existing, established settlement that is served by public transport and other facilities. The centre of Holmfirth is within walking distance of the application site. Here, many of the daily, social and community needs of residents of the proposed development could be met, and combined trips could be made, which further indicates that residential development at this site can be regarded as sustainable.
- 10.12 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.

- 10.13 Little information regarding sustainability and climate change has been submitted by the applicant. Paragraph 5.7 of the submitted Planning and Heritage Statement simply states “The proposed development will be environmentally sustainable from the outset and the scheme will be constructed to Building Regulation standards ensuring a highly energy efficient scheme”. On 04/08/2021 the applicant was asked to provide a Climate Change Statement (using the template within the council’s Planning Applications Climate Change Guidance) and information to address policy 12 of the Holme Valley Neighbourhood Development Plan, however no submission was received in response.
- 10.14 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.

Quantum and density

- 10.15 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 ensure land is efficiently and sustainably used (having regard to all relevant planning considerations) which will help ensure the borough’s housing delivery targets are met.
- 10.16 With 61 apartments proposed in site of 1.1 hectares, a density of 55 dwellings per hectare would be achieved. If the undevelopable parts of the site are excluded from this calculation, much higher density figures would be arrived at.
- 10.17 Such high densities are to be expected of a development comprising apartments (indeed, they represent efficient use of land), and are not considered to be inappropriate for a site close to a designated town centre. It is therefore not recommended that the density of the proposed development be referred to in the reasons for refusal.
- 10.18 The quantum of the proposed development in the form currently proposed, however, gives rise to concerns in relation to heritage and other impacts. To accommodate the proposed 61 apartments, the applicant has opted for a design solution involving unacceptable heights and massing. These matters are considered later in this report, and a refusal reason is recommended in relation to the direct impacts of that proposed design solution, however it is not recommended that the proposed 61 apartments be specifically referred to in the reasons for refusal.
- 10.19 It is again noted that the proposed 61 apartments would make a welcome contribution towards the supply of housing in Kirklees, and it is recommended that the proposed quantum and density be accepted.

Housing mix, sizes and tenure

- 10.20 Policy LP11 of the Local Plan is relevant, while objective C of the Holme Valley Neighbourhood Development Plan seeks to promote the type of housing that meets the needs of the local population and to ensure that all new development meets appropriate design and building standards.
- 10.21 The proposed development would deliver 59x 2-bedroom apartments and 2x 3-bedroom apartments. Some of the proposed apartments would additionally be provided with studies. The submitted Planning and Heritage Statement makes no mention of tenure, and provides no confirmation that affordable housing would be provided as part of the development.
- 10.22 The submitted Planning and Heritage Statement confirms that the apartments are intended for age-restricted living, no details of age groups (for whom the accommodation would be provided) has been confirmed. Of note, the previous permission ref: 2012/90738 was subject to a Section 106 agreement (dated 19/12/2013) which restricted occupation of the development to persons aged 55 years or over. Had approval of planning permission for the current application been recommended, a similar restriction would have been recommended, to be secured via a new Section 106 agreement.
- 10.23 Paragraph 3.5 of the Local Plan recognises that “If identified housing needs are to be met, houses of all sizes are needed together with an increasing number of bungalows and flats/apartments”, and policy LP11 requires all proposals for housing to contribute to creating mixed and balanced communities in line with the latest evidence of housing need. It goes on to state that all proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing. For major developments, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure. The council’s most recent published assessment of housing need is the Kirklees Strategic Housing Market Assessment (2016). This suggests that, across Kirklees, the greatest requirement within the private housing sector is for 3-bedroom houses, however there is also a significant requirement for 1-, 2- and 4-bedroom houses. There is some (albeit less of a) requirement for private flats and bungalows. Within the affordable housing sector, the greatest requirement is for 3-bedroom houses, and affordable flats are also required.
- 10.24 In response to consultation on the current application, KC Strategic Housing have advised that Kirklees Rural West has a significant need for affordable 1- and 2-bedroom homes, along with 1- and 2-bedroom dwellings for older people specifically.
- 10.25 The proposed unit size mix, while heavily weighted towards 2-bedroom apartments, does not conflict with the above policies and guidance. Flatted developments proposed in recent years in (or near to) town centre locations in Kirklees have often involved a preponderance of studio and 1-bedroom units, and therefore the 2- and 3-bedroom mix now proposed would help to diversify the range of apartment sizes available in the borough.

- 10.26 The sizes (in sqm) of the proposed dwellings are a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. 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. Epidemic-related lockdowns in 2020/21 and increased working from home have further demonstrated the need for adequate living space.
- 10.27 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
- 10.28 An accommodation schedule (confirming floorspace figures for all apartments, in GIA sqm) has not been submitted with the current application. The applicant has not confirmed whether the proposed apartments would be NDSS-compliant.
- 10.29 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.
- 10.30 20% of 61 dwellings is 12.2, therefore to comply with Local Plan policy LP11, 12 affordable apartments would need to be provided. Had approval of planning permission been recommended, the recommended Section 106 Heads of Terms would have included a requirement to provide such a policy-compliant affordable housing provision, in the form of seven social/affordable rented apartments and five intermediate apartments. The sizes and locations of these units would need to be specified to meet known need and to ensure the affordable housing was indistinguishable from the development's private units.

Design and conservation

- 10.31 The application site is within the Holmfirth Conservation Area, and two houses immediately to the north are Grade II listed. It is also visible from public vantage points, and would become more visible if public access is extended along the banks of the River Holme via the proposed riverside walk. It is therefore important to ensure high quality, appropriate development is brought forward at this relatively sensitive site.

- 10.32 In relation to design and conservation, Local Plan policies LP2, LP7, LP24 and LP35 and chapters 11, 12 and 16 of the NPPF are particularly relevant, as are objectives A, B and C and policies 2 and 3 of the Holme Valley Neighbourhood Development Plan. The National Design Guide and the council's Housebuilders Design Guide SPD are also relevant. In relation to the Holmfirth Conservation Area and the adjacent listed buildings, Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant.
- 10.33 No character appraisal has been published for the Holmfirth Conservation Area, however Appendix 1 of the now-superseded Unitary Development Plan included the following brief character assessment:
- “Market and mill town of distinctive character at the confluence of the Rivers Holme and Ribble. Close knit development of terraced houses on the steep hillsides overlook and enclose the mainly Victorian town centre with prominent Georgian Church and larger villas on the edge of the town. Almost all stone built. Small well maintained park (former graveyard) by river in town centre, and hillside Victorian Park contrast with the tightly built hillside terraces and the formality of Victoria Street. Narrow alleys and roads to rear of church where traditional stone setts remain”.*
- 10.34 A character appraisal of the Holmfirth Conservation Area has been independently produced by the Holmfirth Conservation Group, and this has been used to inform policies in the Holme Valley Neighbourhood Development Plan. That plan includes – at Appendix 2A – a list of positive contributors to conservation areas within the Holme Valley.
- 10.35 The applicant site has sensitivities due to its conservation area location, its proximity to listed buildings, and its visibility from publicly-accessible locations (both nearby and on higher surrounding land). With the welcomed inclusion of public access along the River Holme, the site (and any future development thereon) would be highly visible from a key pedestrian route along the valley bottom.
- 10.36 Due to its condition, the site currently detracts from the character and appearance of the Holmfirth Conservation Area and the setting of the adjacent listed buildings. Redevelopment of the site provides an opportunity to remove the harm currently being caused, and to secure an enhancement to that character, appearance and setting.
- 10.37 Although assessment of the current application should not be based solely on a comparison with the previously-approved development, as the previous approvals at this site represent a lawful fallback position, they are a material consideration relevant to the current application. Comparison drawings (showing outlines of the previously-approved blocks over the currently-proposed elevations) have not been submitted by the applicant, however key differences can nonetheless be ascertained, including the following:
- Ground levels and finished ground floor levels would be raised slightly higher than in the previously-approved scheme.
 - Highest roof ridge of blocks A and B would be 170m AOD, where 167m AOD was previously approved on the equivalent block.

- Blocks A and B would present 6-storey elevations (including the undercroft and storey at eaves level) to the River Holme, where 5-storey elevations were previously approved.
- Tower to block E would be 166m AOD. No tower was previously approved, although lift overruns were shown on the approved drawings.
- Highest roof ridge of blocks C and D would be 167m AOD, where 164m AOD was previously approved on the equivalent block.

10.38 The applicant has discussed aspects of the proposed design approach in the submitted Planning and Heritage Statement, and it is noted that the proposed layout reflects the footprints of the previously-approved scheme. The applicant adds (at paragraph 5.52) that the proposed blocks “have been designed to reflect the historical use of the site i.e. industrial woollen mill buildings and have taken advantage of the topography in the valley bottom”.

10.39 In relation to heights and massing, it is noted that the borough’s valley bottom sites often accommodated large mill buildings, and it is accepted that new developments that reflect these historic patterns of height and massing could be appropriate in some locations. However, other considerations are also relevant. Impacts upon townscape, heritage assets, views from public vantagepoints and neighbouring amenity are relevant considerations. Neighbouring residents have also noted that the site did not previously accommodate mill buildings of the scale now proposed by the applicant.

10.40 Objections to the proposed development on design and conservation grounds have been raised by Historic England and KC Conservation and Design. Their comments are summarised earlier in this report (paragraph 8.8 and 8.17) and need not be repeated here, however it is necessary to reiterate that the proposed development – due to its excessive height and massing, and tall, imposing elevations – would be visually overbearing in relation to adjacent existing development, would appear overdominant in views in this part of the valley, would harm the character and appearance of the Holmfirth Conservation Area, and would harm the setting of listed buildings. The setting of the River Holme would also be adversely affected by the heights of the proposed blocks and the exposure of the proposed undercroft. Concerns have also been raised regarding aspects of the proposed elevational treatments. While consultees have not specified what level of harm would be caused, reference has been made to paragraph 202 of the NPPF, which refers to less than substantial harm, and states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

10.41 Applying the test set out in paragraph 202, it is noted that the public benefits of the proposed development (including housing delivery, re-use of brownfield land, removal of existing harm caused by the unkempt site, and increased spending in the nearby town centre) are significant, however they are not considered to be so great as to outweigh the identified harm.

10.42 Given the above concerns, it is recommended that the proposed development be refused on design and conservation grounds. The proposed development is considered to be contrary to Local Plan policies LP24 and LP35, chapters 12 and 16 of the NPPF, and objectives A, B and C and policies 2 and 3 of the

Holme Valley Neighbourhood Development Plan. There is also limited compliance with guidance set out in the National Design Guide and the council's Housebuilders Design Guide SPD. In relation to the Holmfirth Conservation Area and the adjacent listed buildings, approval of the proposed development would not be compliant with Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 10.43 Regarding the outstanding objections of the Environment Agency and the Lead Local Flood Authority, while it is not yet known what amendments may yet be required to address the concerns, it should be noted that adjustments to ground and finished floor levels may necessitate public reconsultation on the application, and could potentially worsen the impacts of the proposed development.
- 10.44 The applicant proposes to use natural stone and slate in the elevations and roofs of the residential blocks. These are appropriate materials for this location, although the submission of details and samples of these materials (and of others, including those of the residents' lounge which have not been specified) would have been secured by condition, had approval of permission been recommended.
- 10.45 Had the proposed development been recommended for approval, crime prevention measures would have been secured by condition.

Residential amenity and quality

- 10.46 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.
- 10.47 As the proposed layout reflects the footprints of the previously-approved scheme, and as that previously-approved scheme was considered acceptable in terms of neighbour amenity impacts, the proposed blocks are not considered unacceptable in terms of neighbour amenity impacts with reference to proximity alone. However, given the greater heights and the elevational changes proposed under the current application, the proximity of the blocks to existing properties to the north must be considered again. The current application has attracted objections from residents of those properties to the north, citing concerns regarding loss of views, privacy and natural light.
- 10.48 Of note, while views (from private vantagepoints) of distant features across third party land cannot be protected through planning decisions, impacts upon everyday outlook are material planning considerations, as are impacts upon privacy and natural light.
- 10.49 The applicant's proposed site plan (drawing (100)10) omits existing properties surrounding the application site, and the submitted site sections (drawings (100)11 and 12) only provide limited information regarding the relationships between existing properties and the proposed blocks. On 04/08/2021 officers advised the applicant that the application submission lacked information explaining how residential amenity will be protected and lacked drawings detailing the impact of overshadowing, showing the proposed separation distances between the existing and proposed development, and showing the location of habitable room windows within existing and proposed elevations. No drawings were submitted in response to these concerns.

- 10.50 Notwithstanding this lack of information, an assessment can be informed by comparison between the limited submitted information and facts on the ground. It is noted that some of the existing dwellings to the north of the application site are located close to the site boundary. The rear garden of 27 Woodhead Road appears to be less than 3m deep, for example. The 4-storey block C would be built within 5m of this boundary. Even taking into account level differences, the resultant elevation-to-elevation distances would be shorter than those set out in the council's Housebuilders Design Guide SPD, which raises concerns regarding loss of outlook and natural light. Additionally, as the northwest elevation of block C would include habitable room windows, overlooking of existing neighbouring gardens and windows of 27 Woodhead Road.
- 10.51 Similar amenity impacts are likely at other properties to the north, including 23b, 23c, 23d, 25 and 29 Woodhead Road, although in some of those cases rear gardens are deeper and/or the proposed blocks would be located further away (than is the case at 27 Woodhead Road).
- 10.52 Should further and currently-missing contextual information (including sections and a site plan showing adjacent properties) be submitted by the applicant, the above assessment may need to be revisited, however based on the information submitted to date, amenity impact concerns are currently significant enough to warrant a recommendation of refusal of planning permission.
- 10.53 As with the design and conservation matters considered earlier in this report, regarding the outstanding objections of the Environment Agency and the Lead Local Flood Authority, while it is not yet known what amendments may yet be required to address the concerns, it should be noted that adjustments to ground and finished floor levels may necessitate public reconsultation on the application, and could potentially worsen the amenity impacts of the proposed development.
- 10.54 Little information has provided by the applicant regarding the proposed development's open spaces, however given the gates and fencing shown on the submitted drawings, it is assumed that the green space proposed at the centre of the site (and made possible by the applicant's decision to located most parking spaces in an undercroft) would not be publicly-accessible. Had the proposed development been recommended for approval, maintenance and management arrangements for this space would have been secured via a Section 106 agreement.
- 10.55 Without taking into account on-site provision, a £90,788 contribution towards off-site open space would be required. This would also have been secured via a Section 106 agreement.
- 10.56 Regarding the amenities and other qualities of the proposed apartments, all would have relatively good outlook, privacy and access to natural light, possibly with the exception of the lower floor apartments to the rear of blocks C and D, which are likely to look out onto tall retaining walls (this has not been clarified in the few sections submitted by the applicant). The amenity of the proposed development would, however, be enhanced by the proposed detached residents' lounge overlooking the retained mill pond.

Trees, biodiversity and landscaping

- 10.57 Tree Preservation Orders (TPOs) protect trees within the site on the south bank of the River Holme. Other TPOs have been designated at the far west end of the site, and the site's conservation area status affords further protection to certain trees. Land to the south of the application site is within the green belt. The majority of the application site is within a Biodiversity Opportunity Zone (Built-up Areas and Flood Plains), bats and twites are present in the area, the River Holme is an important wildlife corridor, and its banks and adjacent land form part of the Wildlife Habitat Network. The site is within an Impact Risk Zone of a Site of Special Scientific Interest.
- 10.58 A net biodiversity gain needs to be demonstrated in accordance with Local Plan policy LP30 and chapter 15 of the NPPF.
- 10.59 Discussion took place with the applicant during life of the application regarding the appropriate point at which to define the site's biodiversity value baseline (be it the site's value before initial works to implement 2012/90738 were carried out, the site's current value, or the site's future value following full implementation of 2021/90738 (including its biodiversity enhancements)). Current guidance on this matter (where a site already has a commenced permission and a cleared site) is currently unclear.
- 10.60 With the ecological information submitted on 21/04/2022, the applicant's consultant appears to have used 2021 information as the site's baseline for the purposes of biodiversity net gain calculation. Given the wording and spirit of Schedule 14 of the Environment Act 2021, and given the wildlife that will have colonised the site following its clearance some years earlier, this approach regarding determining the point at which baseline should be established is considered acceptable.
- 10.61 KC Ecology have advised that the submitted information is acceptable in relation to biodiversity net gain. The submitted Landscape and Ecological Management Plan would ensure that the development would bring about enhancements and the submitted Biodiversity Impact Assessment for Net Gain would ensure the development would achieve a minimum 10% net gain in habitats and hedgerows. This ensures the development would comply with Local Plan policy LP30. Had approval of planning permission been recommended, a condition would have been secured requiring a Construction Environmental Management Plan (biodiversity).
- 10.62 Several residents have raised concerns regarding the wildlife that currently visits and inhabits the site, and regarding the adequacy of the applicant's surveys. However, in the absence of objections from KC Ecology or Natural England, and given that the applicant has demonstrated that a biodiversity net gain would be achieved, it is not considered necessary to request further surveys or refuse permission on ecological grounds.
- 10.63 Regarding trees, the proposed development raises no concerns, however had approval of permission been recommended, clarification would have been sought (and, if necessary, and Arboricultural Method Statement would have been secured) regarding impacts upon TPO-protected trees along the southern edge of the site, and regarding the existing island and tree in the site's mill pond.

Highway issues

- 10.64 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.
- 10.65 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.
- 10.66 Existing highway conditions must be noted. The site can currently be accessed via an unadopted lane adjacent to 15 Woodhead Road. This lane is narrow and is problematic in terms of gradients and visibility. To the southeast of the site, on the other side of the River Holme, is the adopted Lower Mill Lane, which has a limited carriageway width, and where double yellow lines and private driveways limit opportunities for on-street parking. A turning head and four parking spaces exist at the terminus of Lower Mill Lane.
- 10.67 The site is within walking distance of Holmfirth Town Centre. The site is not close to a railway station, however buses Woodhead Road, and more bus services are available from the town centre.
- 10.68 The Local Plan includes an indicative east-west leg of the Core Walking and Cycling Route along the valley between Holmfirth and Holmbridge.
- 10.69 Pedestrian access is not currently available along the banks of the River Holme within and opposite the application site.
- 10.70 Vehicular access into the developed site is proposed via Lower Mill Lane and a new bridge across the River Holme. No vehicular access is proposed from the north, although an emergency vehicle access is annotated on one drawing, adjacent to the building occupied by a plumbing and heating engineering company. On another drawing, however, only a pedestrian connection is shown here.
- 10.71 Two new footbridges are proposed over the River Holme, enabling a riverside walk to be created partly along the south bank of the river, and partly along the southern edge of the mill pond. The submitted drawings suggest pedestrian connections would also be provided to the north.
- 10.72 Although the previously-approved development included vehicular access into the site from both Woodhead Road and Lower Mill Lane, the current proposal to only provide vehicular access from the southeast (via a new bridge over the River Holme) has not attracted an objection from KC Highways Development Management.

- 10.73 The proposed riverside walk footbridges represent an improvement on what was approved under application ref: 2018/90031 (where part of the “riverside” walk was routed through that development’s car park), and are welcomed.
- 10.74 Trip generation figures were discussed with the applicant during the life of the application, and KC Highways Development Management subsequently accepted the applicant’s predictions that the proposed development would be a low generator of vehicular movements (fewer than eight during the morning peak hour, and fewer than seven during the evening peak hour). These low numbers are considered likely given that age-restricted accommodation is proposed, and given site’s location close to Holmfirth Town Centre.
- 10.75 Although the applicant’s Transport Statement indicates that 75 parking spaces would be provided, a total of 78 car parking spaces are shown on the submitted drawings. 47 would be provided in the proposed undercroft (of which 14 would be accessible), and 31 in two surface parking areas (six adjacent to blocks C and D, and 25 off Lower Mill Lane on the south bank of the River Holme).
- 10.76 Of note, 59 parking spaces were shown on the application drawings approved by the council in 2013 under application ref: 2012/90738. In 2015 the number of spaces was subsequently reduced to 55 for tree and ecological reasons under application ref: 2014/93971. Under application ref: 2018/90031, the number of spaces remained at 55 (of which four were to be provided for public use). For a development of 46 age-restricted apartments with no guest accommodation, that level of provision was considered adequate for this location.
- 10.77 In the council’s Highway Design Guide SPD, Key Driver 20 notes that the council has not set local parking standards for residential and non-residential development. However, as an initial point of reference for residential developments (unless otherwise evidenced) it is considered that new 1- and 2-bedroom apartments should be provided with one car parking space, and 3-bedroom apartments (or larger) should be provided with two. In most circumstances, one visitor space per four dwellings is considered appropriate. Applying these expectations, a total of 78 parking spaces should be provided (63 for residents, and 15 for visitors).
- 10.78 Although the proposed development is for age-restricted residential accommodation (which, at some sites, has involved lower levels of car ownership and parking demand), and although the application site is within walking distance of the centre of Holmfirth, it is considered necessary and appropriate to fully apply the on-site parking expectations set out in the Highway Design Guide SPD. There is no capacity for overspill parking on surrounding streets, residents would not necessarily be carless, and most of the proposed apartments would have two bedrooms, therefore vehicle ownership and parking demand may not be significantly below that of general needs housing.
- 10.79 With 78 parking spaces shown on the submitted drawings, the proposed on-site provision (for residents of and visitors to the proposed development, at least) would be adequate.

- 10.80 Four existing parking bays at the terminus of Lower Mill Lane would be removed to enable the provision of vehicular access into the application site. Paragraph 4.3.1 of the applicant's Transport Statement notes that these spaces would be relocated, but does not confirm where (paragraph 4.4.5 only states they will be provided "close to the point of access to the site"). The applicant's proposed site plan (100)10 does not clearly annotate any spaces for use by the public or existing residents of Lower Mill Lane, although four of the 78 spaces are annotated "P00" (if these are the reprovided space, provision for residents of and visitors to the development would be deficient). The four existing spaces are known to be well-used, and Lower Mill Lane does not have on-street capacity to absorb the vehicles displaced due to the loss of these spaces. With no clear explanation from the applicant as to where these spaces would be reprovided (without causing underprovision elsewhere), this aspect of the proposed development is considered unacceptable.
- 10.81 Cycle parking is proposed at undercroft level. Had the proposed development been recommended for approval, a condition requiring details of this provision (including details of additional space needed for tricycles used by older residents) would have been applied.
- 10.82 The submitted Transport Statement refers to private waste collection vehicles visiting the site. Had the proposed development been recommended for approval, full details of private waste collection arrangements and a waste management strategy for the site would have been secured by condition. Concerns raised by KC Waste Strategy (regarding responsibility for moving waste to the basement, the sizes and designs of waste stores, space allowed for refuse collection vehicles, access from Lower Mill Lane and the potential for construction access disrupting existing waste collection services) would need to be addressed by the applicant through submissions made pursuant to that condition.
- 10.83 Under application ref: 2018/90031 a £25,000 contribution was secured towards accessibility improvements (potentially to be spent on pedestrian crossings in Holmfirth Town Centre) instead of the previously-secured zebra crossing to Woodhead Road. Had approval of the current application been recommended, a similar contribution would have been sought for inclusion in a Section 106 agreement. Travel Plan implementation and monitoring would also have been recommended.
- 10.84 Conditions relating to construction management and pre- and post-development road condition surveys would have been recommended if the proposed development had been considered acceptable in all other respects.

Flood risk and drainage issues

- 10.85 Local Plan policies LP24, LP27 and LP28 are relevant to flood risk and drainage, as is chapter 14 of the NPPF.
- 10.86 The various parts of the application site are within Flood Zones 1, 2 and 3a. Part of the site is within an Indicative Critical Drainage Area.
- 10.87 The submitted application form states that foul water would be disposed of via the existing mains sewer.

- 10.88 Regarding surface water, paragraph 5.37 of the submitted Planning and Heritage Statement stated that a detailed scheme for the drainage of the site accompanied the planning application, however no such scheme was included in the application submission. The submitted application form simply stated that surface water would be disposed of via an existing water course, while paragraph 7.1.11 of the submitted Flood Risk Assessment stated “Surface water generated on site will be managed by a proposed drainage system. The strategy for the surface water drainage has not been completed to date but will need to restrict run-off to levels agreed with the LLFA / EA”.
- 10.89 The Flood Risk Assessment addendum received on 26/05/2022 states at paragraph 10.1.6 “A drainage strategy report is being produced under separate cover which will consider both surface water generated on site and from outside the site”.
- 10.90 It remains the case that the applicant has not explained how the proposed development would be drained. This alone is a significant concern (and is a recommended reason for refusal), as no assessing authority would be able to determine whether any proposals for drainage the site are in fact adequate.
- 10.91 In response to the council’s initial consultation on the current application, the Environment Agency (EA) issued a holding objection and raised significant concerns regarding the adequacy of the applicant’s initial Flood Risk Assessment. Discussions subsequently took place between the EA and the applicant. The Lead Local Flood Authority (LLFA) also objected to the proposed development, raising significant concerns.
- 10.92 Regarding the Flood Risk Assessment addendum received on 26/05/2022, at the time of writing no further comments have been received from the EA or the LLFA, however even if the applicant’s flood risk information (and amended proposals, including an intention to no longer allow the undercroft car park to flood) was now acceptable, the lack of a drainage strategy would still prevent approval of the current application.

Environmental health

- 10.93 The proposed development is not considered incompatible with existing adjacent residential uses in terms of noise. Although existing residents of Lower Mill Lane would experience more comings and goings past their homes as a result of the proposed development, the impacts of these would not be so great as to warrant refusal of planning permission. Had the proposed development been considered acceptable in all other respects, a condition controlling the hours of use of the proposed residents’ lounge (and events held within it) would have been recommended, in order to protect the amenities of existing and future residents nearby.
- 10.94 Conditions recommended by KC Environmental Health regarding site contamination and electric vehicle charging would have been recommended, had the proposed development been considered acceptable in all other respects.

Representations

- 10.95 To date, a total of 53 representations have been received in response to the council's consultation. The comments raised have been addressed in this report.

Planning obligations

- 10.96 To mitigate the impacts of the proposed development, planning obligations would need to be secured via a Section 106 agreement. Such an agreement would have been recommended, had the proposed development been considered acceptable in all other respects, and would have included provisions already mentioned earlier in this report, as well as:

- Provisions previously secured in the Section 106 agreement (dated 19/12/2013) associated with planning permission ref: 2012/90738, where still relevant and necessary.
- Provision of public access along riverside walk and bridge in perpetuity.
- Construction management provisions as per the draft Section 106 agreement prepared in connection with application ref: 2014/90183 (securing establishment and engagement with a residents' liaison group, and securing funding for a Traffic Regulation Order).

- 10.97 In light of the other significant concerns relevant to the current application, no Section 106 was drafted in anticipation of planning permission being approved. In the absence of such a Section 106 agreement, the proposed development's impacts would not be adequately mitigated, and a further reason for refusal on these grounds is recommended.

- 10.98 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), if an amended and acceptable scheme is proposed under a new planning application in the future, officers will contact the applicant to discuss provision of 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.

Other planning matters

- 10.99 Regarding the social infrastructure currently provided and available in the area surrounding the application site (which is relevant to the sustainability of the proposed development), it is noted that local medical and care provision has been raised as a concern in representations made by local residents. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance that requires a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

- 10.100 The proposed development's impact upon property values is not a material planning consideration.
- 10.101 The application site is within the Development Low Risk Area as defined by the Coal Authority, therefore no coal mining risk assessment needed to be submitted by the applicant, and consultation with the Coal Authority was not necessary. Had approval of planning permission been recommended, the applicant would have been referred to the Coal Authority's standing advice regarding coal mining legacies and risk.
- 10.102 Give the heights of the proposed blocks, a Fire Statement did not need to be submitted with the application.
- 10.103 It is noted that the site has been unused and in a state of dereliction for several years. Despite planning permission having been granted for redevelopment in 2013, in one of the borough's higher land value areas, the cleared site remains undeveloped. While the previously approved scheme was not known to be unviable, and while the current applicant has not argued that the currently-proposed 61 apartments and taller blocks are essential to make development at this site possible, it is acknowledged that this site has constraints, and development here would involve abnormal costs, that are likely to impact upon viability. However, no up-to-date viability evidence was submitted with the current application, therefore no further conclusions on these matters can be made, and speculation regarding development viability should not inform the council's assessment of the current application.

11.0 CONCLUSION

- 11.1 The application site is unallocated in the Local Plan. Residential development at this windfall site is considered acceptable in principle.
- 11.2 The site has constraints in the form of adjacent residential development (and the amenities of these properties), heritage assets, topography, drainage, ecological considerations, and other matters relevant to planning. Some of these constraints have been sufficiently addressed by the applicant, or could have been addressed at conditions stage.
- 11.3 There are, however, significant concerns regarding flood risk, parking, visual and heritage impacts, and neighbour amenity. These concerns have not been adequately addressed by the applicant during the life of the application. Additionally, in the absence of a completed Section 106 agreement, other impacts of the proposed development would not be sufficiently mitigated.
- 11.4 The public benefits of the proposed development have been considered. These include the re-use of a brownfield site and the 61 homes that would be delivered by the proposed development. These attract significant positive weight in the balance of planning considerations, however they are not considered to be so great as to outweigh the harm caused by the proposed development.
- 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.

11.6 The proposed development has been assessed against relevant policies in the development plan and other material considerations. The proposed development does not accord with the development plan, and there are clear reasons for the refusal of planning permission in relation to drainage, parking, design and conservation, trees and other unmitigated impacts.

Background Papers:

Application and history files.

[Link to application details](#)

Certificate of Ownership – Certificate A signed.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 09-Jun-2022

Subject: Planning Application 2022/90078 Erection of agricultural building and demolition of existing building Upper Blacup Farm, Upper Blacup, Halifax Road, Hightown, Liversedge, WF15 8HL

APPLICANT

BI Clarke

DATE VALID

11-Feb-2022

TARGET DATE

08-Apr-2022

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.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Cleckheaton

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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

1.1 The application has been brought before the Strategic Planning Committee given that the application would represent a departure from the Kirklees Local Plan.

2.0 SITE AND SURROUNDING

2.1 The site relates to an existing farm holding. The site currently has a large number of older farm structures. Due to alleged safety issues two of the existing barns have already had to be taken down. The farm is accessed via a steep, private track from Halifax Road which also serves the historical farmhouse.

2.2 The application site is allocated as Urban Green Space (UGS) on the Local Plan Policies Map (adopted 2019) forming a small part of a much larger strategically important UGS site (ref UG315) that extends from Cleckheaton in the west to Hightown, Liversedge in the east.

3.0 PROPOSAL

3.1 The application is seeking permission for the erection of a agricultural building and demolition of the existing building.

3.2 The applicant states that the existing farm structures have reached the end of their life and are no longer fit for purpose for the applicant's modern farming machinery. This proposal is made to replace some of the old building stock with atypical modern steel framed agricultural shed with eaves heights and widths to accommodate the applicant's plant and everything associated with the existing farming business on site.

3.3 Due to safety issues two of the existing barns have already had to be taken down. The proposed shed is 30.48m (l) x 12.19m (w) x 4.57m (h to the eaves). It would contain roller shutter doors to allow plant access.

3.4 The existing building stock represents 570m² of floorspace and the proposal is for a reduced footprint of 371m².

3.5 The proposed building would be faced in castle boarding and concrete panels for the walls and fibre cement sheets for the roof.

4.0 RELEVANT PLANNING HISTORY

2020/91193 – Works to overhead lines – granted.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The proposed scheme has undergone several procedural changes, with the red line being extended up to the adopted highway, notice being served on those who have access down the private road, and the signing of certificate B.
- 5.2 Officers have also entered into discussions about moving the location of the proposed barn to the eastern side of the field closer to where the existing barns to be demolished are located. It has been stated by the agent that it is not possible to site one larger building on this section of the field due to the topography of the land. Upon closer inspection, officers agree with the agent on this matter, thus, the barn is still proposed to the western side of the field.

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).
- 6.2 The application site is allocated as urban green space (UGS) on the Local Plan Policies Map (adopted 2019) forming a small part of a much larger strategically important UGS site (ref UG315) that extends from Cleckheaton in the west to Hightown, Liversedge in the east.

Kirklees Local Plan (2019):

- 6.3 LP1 - Presumption in favour of sustainable development
LP10 - Supporting the rural economy
LP21 - Highway safety and access
LP22 - Parking
LP24 - Design
LP28 - Drainage
LP30 - Biodiversity and Geodiversity
LP34 - Conserving and enhancing the water environment
LP51 - Protection and improvement of local air quality
LP52 - Protection and improvement of environmental quality
LP53 - Contaminated and unstable land
LP61 - Urban green space

National Planning Guidance:

- 6.4 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.

Supplementary Planning Guidance / Documents:

- 6.5
- 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 a site notice. Final publicity expired on 10th March 2022. No representations were received.

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.

KC Highways Development Management – no objections

KC Environmental Health – no objections subject to suggested conditions relating to the reporting of unexpected contaminated land and construction working hours.

The Coal Authority – no objections subject to pre-commencement conditions for intrusive site investigation to establish the risks posed by the coal mining legacy on the site.

KC Policy – no objections given the proposed development affects only a small part of the area allocated as UGS and relates to an existing agricultural business on site.

9.0 MAIN ISSUES

- Principle of Development in the Urban Green Space
- Design
- Residential Amenity
- Highway Safety
- Ecology
- Contaminated Land / Coal Mining Legacy
- Carbon Budget
- Artificial Lighting
- Representations

10.0 APPRAISAL

Principle of Development in the Urban Green Space

- 10.1 This proposed development is with Urban Green Space (UGS) as shown on the Local Plan Policies Map (adopted 2019) and as such is subject to Local Plan Policy LP61 (Urban Green Space).

- 10.2 Allocation of the whole of UG315, to which this site makes up a small part of is based on the Open Space Assessment undertaken as part of the Kirklees Open Space Study (2016) and its classification as a natural/semi-natural greenspace (agricultural land).
- 10.3 Assessed against physical, social and environmental qualities to determine its public value, UG315 has been assessed as a high value as open space having:
- high structural and landscape benefits as an important strategic greenspace acting as a green lung within a highly urbanised area which defines the identity and character of the area and separates the settlements of Cleckheaton and Hightown;
 - significant visual qualities and high amenity and sense of place benefits providing a high quality attractive open space which has the appearance of countryside and can be viewed from many locations, including public footpaths, and provides visual relief in the urban area; and
 - some informal recreation use along various public footpaths that cross the site.
- 10.4 The proposed development would see a new agricultural building erected in support of the existing and historically established farming use on the site. Whilst the scheme would see a net loss in the area of land built upon via the demolition of existing buildings, unfortunately LP61 does not take replacement buildings into consideration.
- 10.5 However, the farm use on the site long pre-dates the allocation of the site as urban green space. There are also existing agricultural buildings on this site (within the urban green space) which predate the allocation. In relation to the need for the agricultural building to enable the continued management and maintenance of the existing farm unit which is allocated as Urban Green Space, policy LP61 does not specifically address development matters relating to the operation or continued use of established uses either. Consideration will therefore need to be given to whether the circumstances of the proposed development in this instance constitute material considerations and what weight can be attached to those given the UGS allocation in the development plan. In this case, the positives are:
- the proposal is required in connection with the existing agricultural use on which the UGS allocation is based;
 - there are existing agricultural buildings within UGS315 which is consistent with the UGS allocation; and
 - the proposed development affects only a small part of the area allocated as UGS, will have minimal impact on the wider UGS site (subject to impact on visual amenity) and as such the function of the wider UGS and its quality as an important landscape will be maintained.
- Therefore, the scheme needs to be judged based on all material considerations as stated by paragraph 47 of the NPPF.
- 10.6 As previously stated, the proposed scheme is required in connection with the existing agricultural use. In addition to plant storage, the applicant wishes to increase his farm revenue by selling more haylage which needs to be stored inside when cropped. The applicant states that the current sheds are not water-tight and the new shed will allow proper storage and ventilation of the crop. Therefore, the demolishing of several, piecemeal buildings and erection of one, purpose-built structure would enable the development and diversification of agricultural and other land-based rural businesses, directly

supported by paragraph 84 of the NPPF. Local Plan Policy LP10 also stresses the importance of supporting the rural economy by stating: The economic performance of the rural economy will be improved by:... b. supporting the needs of small and medium sized enterprises.’ This carries significant weight in this case.

- 10.7 In summary, the proposed development would clearly support the existing rural business and its role within the local economy, which pre-dates the urban green space allocation. Whilst the urban green space policy does not directly support a scheme of this nature, the proposed development affects only a small part of the area allocated and will have minimal impact on the wider urban green space site functionally and visually. The scheme would also result in a lesser footprint being built upon when completed given the proposed demolition. Furthermore, the agricultural use as a whole is supported in the urban green space. Therefore, considering the planning balance and in agreement with KC Policy, officers conclude that the principle of development within the urban green space is considered to be acceptable and in accordance with the aims and objectives of the Kirklees Local Plan and the National Planning Policy Framework.

Design

- 10.8 Local Plan policy LP24 states that ‘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.’ Chapter 12 of the NPPF echoes this on a broader level.
- 10.9 The proposed building is atypical agricultural in design. The proposed building would be faced in castle boarding and concrete panels for the walls and fibre cement sheets for the roof. The roller shutters would provide appropriate access for agricultural machinery. Whilst the proposed building is larger, in terms of footprint, it would cover a smaller area than the existing buildings when considered cumulatively. Given the atypical agricultural design, on an existing and established agricultural holding the proposed development respects the character of the rural landscape and townscape in accordance with Local Plan policy LP24 and Chapter 12 of the NPPF.

Impact on Residential Amenity

- 10.10 The proposed building would be set over 100m away from the closest dwelling. Given this, the residential amenity of occupants of nearby dwellings shall not be adversely impacted upon. Local Plan policy LP24 states that ‘Proposals should promote good design by ensuring:... b. they provide a high standard of amenity for future and neighbouring occupiers.’ Given the separation distances, the proposal can be considered to accord with Local Plan policy LP24 with regard to residential amenity.

Impact on Highway Safety

- 10.11 Access will be gained from the existing field access and no amendments or new access are proposed. Highways Development Management (HDM) state that ‘Given that the proposed building replaces existing dilapidated buildings associated with the existing farm operations and access arrangements are unchanged HDM have no objection to these proposals.’

- 10.12 For the reason given above, the scheme is considered to accord with Local Plan policy LP21 and the Highways Design Guide SPD with regard to Highway Safety and Access.

Ecology

- 10.13 The field is currently grassed. It does not have a watercourse running through it or have any obvious habitat. It is also bound by existing boundary treatment on all sides and is not part of a habitat network or corridor. Given this, there are not considered to be any ecological impacts.

Contaminated Land / Coal Mining Legacy

- 10.14 This site has been identified on our mapping system as potentially contaminated land due to its proximity to a landfill site (Site 21/4). Contaminated land conditions are therefore necessary as per Local Plan policy LP53 and Chapter 15 of the NPPF.
- 10.15 The submitted Coal Mining Risk Assessment also makes recommendations for ground investigations to be carried out on the site in order to establish the extent of any unrecorded shallow mine workings and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable. Therefore, intrusive site investigation will be conditioned as requested by The Coal Authority. Subject to these conditions, the scheme is considered acceptable with regard to contaminated and unstable land.

Carbon Budget / Climate Emergency

- 10.16 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. The proposal does not seek to form any additional parking, therefore it would be unreasonable, as per the six tests for conditions, to seek a carbon budget related condition.

Representations

- 10.17 As a result of the publicity period, no representations were received.

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 proposed development accords with the purposes of national and local policy in regard to development in the urban green space and supporting the rural economy through meeting the needs of existing small and medium agricultural enterprises. The proposal will cause no visual harm to the rural character of the area, or harm the amenity of neighbouring or future occupiers, including the forthcoming housing development.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.
- 12.0 CONDITIONS - Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**
1. Development to commence within 3 years.
 2. In accordance with the approved plans.
 3. The existing buildings to be demolished within 6 months of the completion of the proposed building.
 4. Reporting of unexpected contaminated land.
 5. Intrusive site investigation to be undertaken.
 6. Submission of confirmation the site is safe prior to occupation.

BACKGROUND PAPERS

Certificate of Ownership – Certificate B signed: 11/02/2021

[Link to application details](#)

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 09-Jun-2022

Subject: Planning Application 2022/91065 Erection of agricultural building Mug Mill Farm, Mug Mill Lane, Thornhill, Dewsbury, WF12 0QE

APPLICANT

J Wigglesworth

DATE VALID

30-Mar-2022

TARGET DATE

25-May-2022

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.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury South

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

Kirklees Council to devolve its development control functions to Wakefield Council for the determination of the application.

1.0 INTRODUCTION

- 1.1 This application is reported to the Strategic Planning Committee as the application is for a cross boundary application with Wakefield Council.
- 1.2 Officer's seek approval of the Strategic Planning Committee to devolve the decision making authority to Wakefield Council in respect of the determination of this planning application.

2.0 BACKGROUND

- 2.1 A full planning application has been submitted to Wakefield Council and Kirklees Council for the erection of agricultural building. In circumstances where the application site crosses the administrative boundary between two Local Planning Authorities, two identical applications should be submitted, one to each of the Local Planning Authorities, seeking permission for the development of land falling within each administrative area.
- 2.2 In this case, the part of the application site where the building is proposed lies within the administrative boundary of Wakefield Council, with only the vehicular access from Wood Lane within the administrative boundary of Kirklees Council.
- 2.3 Wakefield Council have taken an active role in determining the duplicate application to this one being considered. This is evident by the amendments displayed on the Wakefield Council planning website.

3.0 OPTIONS FOR CONSIDERATIONS

- 3.1 Paragraphs 73 - 74 of the Communities and Local Government Circular 04/08 sets out the procedures in respect of payment of the application fee for a cross boundary application as follows: 'The planning fee is payable solely to the Authority of whichever area contains the larger or largest part (within the red line boundary) of the whole application site.'
- 3.2 In this case, the majority of the site, including where the building is set, falls within the administrative area of Wakefield Council. Thus, the application fee is paid solely to them whereby Kirklees Council have not received a fee.

- 3.3 The obligation on applicants to submit their application to the relevant Local Planning Authority's should be unaffected by the administrative arrangements put in place between Local Planning Authorities for the determination of cross boundary planning applications. Accordingly, where an application site falls within the administrative areas of two Local Planning Authorities the applicant should submit an application to each Planning Authority.
- 3.4 Paragraph 73 of Circular 04/2008 states that where an application site straddle one or more Local Planning Authority boundaries, it is necessary to submit identical applications to each Local Planning Authority, identifying on the plans which part of the site is relevant to each.
- 3.5 It is strictly possible and lawful for an applicant to formulate two distinct planning applications for each Local Planning Authority. However, such an approach would be artificial since each Local Planning Authority would need to know the details of the development as a whole in the other Local Authority's administrative area in order to make an appropriate determination of the application. For example – Kirklees Council would need to know what the access would serve and Wakefield Council would need to know how the development would be accessed.
- 3.6 In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the Local Planning Authority whose administrative area the development is proposed to be carried out. In the case of cross boundary applications, this can lead to two Local Planning Authorities making individual determination, imposing different conditions on the permissions and entering into separate Section 106 Agreements. In some cases they may come to different outcomes. This is considered to be undesirable in terms of achieving a coordinated approach to delivering development.
- 3.7 Section 101(5) of the Local Government Act 1972 authorises two or more Local Planning Authorities to discharge any of the functions jointly. This arrangement can be achieved through the establishment of a joint committee. In practice, this type of arrangement is usually established for larger application or if it is likely that there will be a number of cross boundary applications. Kirklees and Wakefield could choose to establish a joint committee and determine the cross boundary application collectively. In practice, however, this approach is not considered to be an efficient use of Council resources for such a small planning application.
- 3.8 An alternative solution is that Kirklees Council could devolve its decision making powers to Wakefield Council in respect of its determination of any cross boundary planning application submitted to it. Wakefield Council who has been paid the full application fee in any event, would then determine both the application submitted directly to it and the application initially submitted to Kirklees but delegated to Wakefield. This is considered by officers to be the preferred option available to the council.
- 3.9 If Wakefield Council was minded to grant consent for the cross boundary development, it could grant planning permission authorising the development applied for in both of the administrative areas under the two original planning applications. The same applies should Wakefield be minded to refuse the application.

4.0 RECOMMENDATION

4.1 Officers consider that it would be appropriate in this case for Kirklees Council to devolve its development control functions to Wakefield Council for the following reasons:

- The proposed development within Kirklees' administrative boundary comprises of the existing access only, whereby no alterations are proposed;
- The build itself would be sited outside of Kirklees' administrative boundary.

5.0 IMPLICATIONS FOR THE COUNCIL

5.1 None to note.

6.0 OFFICER RECOMMENDATION

6.1 Officer's recommend that in accordance with Section 101(1) of the Local Government Act 1972, the Strategic Planning Committee devolves its development control powers to Wakefield Council in respect of application 2022/91065 for full planning permission for the erection of an agricultural building.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 09-Jun-2022

Subject: Planning Application 2022/91456 Reserved matter application pursuant to outline permission 2021/91544 for erection of health and research innovation campus comprising: Class F1(a)-education; Class E(e)-medical/healthservices; Class E(g)(i)-offices; Class E(g)(ii)-research/development of products/processes; multi storey car park; Class E(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness Southgate/Leeds Road, Huddersfield, HD1 1TW

APPLICANT

Tim Hosker, University of
Huddersfield

DATE VALID

04-May-2022

TARGET DATE

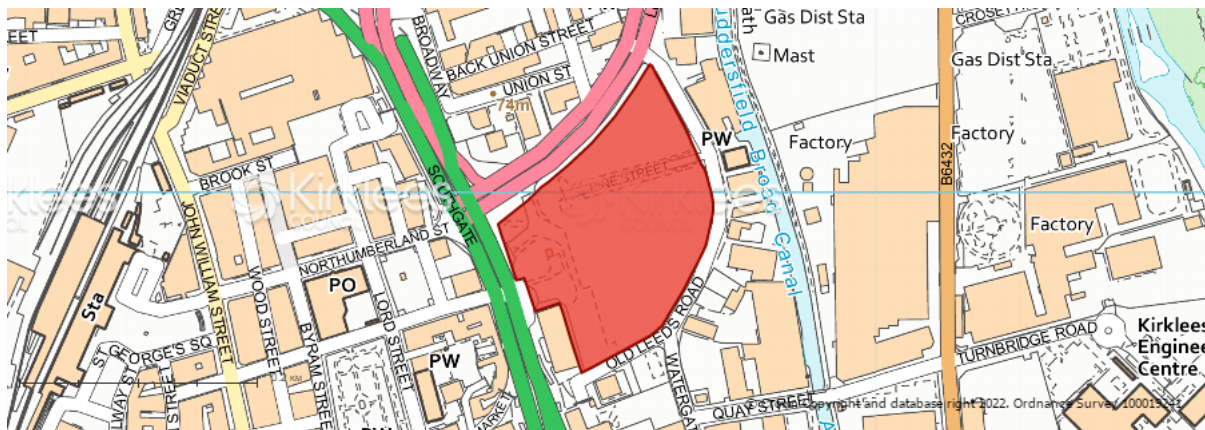
03-Aug-2022

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.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Within Dalton Ward, adjacent to the boundary with Newsome Ward.

Ward Councillors consulted: Yes

Public or private: Public

Position Statement

For Members to note the content of the report.

1.0 INTRODUCTION

1.1 The application seeks approval of all Reserved Matters (namely access, appearance, landscaping, layout, and scale) to phase 1 of the Outline application 2021/91544. It is brought to the Strategic Committee on request of the committee, stipulated when the parent Outline application was determined (meeting dated 26th of August 2021). For clarity the Outline approved the following development description, subject to conditions:

Outline application for erection of health and research innovation campus comprising: Class F1(a)-education; Class E(e)-medical/healthservices; Class E(g)(i)-offices; Class E(g)(ii)-research/development of products/processes; multi storey car park; Class E(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness

1.2 This item is a position statement which presents an initial overview of the application, following a request from the applicant to present their proposals to the committee. The report does not include assessments by planning officers or consultees. The purpose of this report is to provide members with an overview of the proposal, prior to their viewing of the applicant's presentation. This approach has been agreed with the Chair of the committee. Any questions following the presentation, for planning officers or the applicant, are welcomed.

1.3 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the application, and discussions between officers and the applicant. This Position Statement does not include a formal recommendation for determination. Discussion relating to this Position Statement would not predetermine the application and would not create concerns regarding a potential challenge to a subsequent decision on the application made at a later date by the Committee.

2.0 SITE AND SURROUNDINGS

2.1 The Outline application site fully extends to an area of 2.67 hectares comprising the entire Southgate site. It is bounded by Southgate and Crown House, a 1970s office block, to the west, Leeds Road to the north and Old Leeds Road to the south and east. The site was formerly occupied by two

storey high-rise housing developments, a large sports centre, multi-storey car park and various other buildings, however it was cleared and re-graded by the Council in 2016. Part of the site has most recently been used as a temporary car park providing 166 spaces to accommodate parking displaced by the closure of the Market Hall car park.

- 2.2 This reserved matter application relates to the phase 1 of the site's development, which is a 0.48ha parcel of land alongside the site's west and north-west boundaries. This is circa 20% of the whole site.
- 2.3 The surrounding area is mixed in character. Opposite the site on Old Leeds Road the buildings are principally in light industrial / business use within a variety of older Victorian mill buildings, as well as more recent 1970s business units. Opposite the site on Leeds Road is Harold Wilson Court, a recently refurbished 11-storey residential block.
- 2.4 Huddersfield Town Centre lies to the west. The west side of the ringroad forms the boundary for the Huddersfield Town Centre Conservation Area, which hosts numerous Listed Buildings; notably the Grade 1 Huddersfield Railway Station is situated at a distance of approximately 450m from the site. The station would be accessed via Northumberland Street and across Southgate. This route also provides a pedestrian connection via Leeds Road to John Smith's Stadium, which is situated approximately 0.5 miles to the east of the application site.

3.0 PROPOSAL

- 3.1 The application seeks approval of all Reserved Matters (namely access, appearance, landscaping, layout, and scale) on Phase 1 of Outline application 2021/91544. This initial phase of the development has a site area of 0.48ha to the Outline's full 2.67ha.
- 3.2 The working name for the building is The Health and Wellbeing Academy. It is intended to be occupied by the University's School of Health and Human Sciences. The building would host a number of classrooms, laboratories and other specialist facilities for learning. Of note these include:
 - Mock operating theatre
 - Mock ambulance (aka simbulance)
 - A mock community flat / dwelling, to replicate visiting patients at home, with external area.
 - A functional podiatry and orthotics clinic which would be open to members of the public (circa 1000sqm of floor space).
 - Dedicated office / work space for 'external partners'.

These would be alongside administrative, utility and ancillary areas, include student lounge, café and kitchen.

- 3.3 The building would be sited adjacent to the boundaries to Leeds Road and Southgate. It would have an irregular footprint and would be surrounded by hard and soft landscaping which would also form the connections into the later phases of the site. External facilities would include waste storage and cycle parking. No dedicated parking is proposed as part of this phase; however, this phase would not require the removal of the adjacent temporary car park off Pine Street. The masterplan currently includes a multi-storey car park on site as a later phase.

- 3.4 The building's design would be contemporary. The height would be split level, principally comprised of four storey and a seven-storey sections. The building would have a footprint of circa 2,000sqm, providing a total of circa 10,000sqm across all floors. The four-storey section would be predominantly faced in natural stone and the seven-storey section in metal cassette cladding (in bronze), with large glazing panels throughout. The building would include a mezzanine level and several tiered roofs, roof terrace / terrace garden areas. Solar panels are indicatively shown on the roofs.
- 3.5 Surface water is proposed to be discharged via combined sewer. As a brownfield site policy seeks for a minimum of a 30% betterment in discharge rate: a discharge rate of 34l/s to the combined sewer is intended. Attenuation is to be delivered via a mixture of rain gardens, filter strips, and underground tanks. Externally, to address falling land levels (down to the east), a staircase is to run east to west. Soft landscaping includes tree lined (pedestrian) streets and sloping grassed areas.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2009/93675: Erection of replacement retail store (Class A1) with petrol filling station, car parking, landscaping and associated works – Allowed on appeal (expired)

2015/93322: Prior notification for demolition of buildings – Approved

2020/91629: Temporary use of site as a car park for a period of 3 years – Approved

2021/91544: 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(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness – Approved with S106

2022/91412: Discharge of conditions 4 (phasing), 5 (masterplan), 6 (design code), 7 (CEMP), 8 (access), 9 (internal access), 10 (highway retention), 11 (highway drainage), 12 (drainage strategy), 13 (drainage assessment), 14 (temporary drainage), 18 (EclA), 19 (BEMP), 23 (phase II investigation), 27 (noise), 31 (cycle parking) and 32 (climate change) of previous Outline permission 2021/91544 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(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness – Decision Pending

4.2 Surrounding Area

Crown House

2017/93186: Prior approval from change of use from office (B1) to dwellinghouses (C3) (98 flats) – Details Approved

2017/93866: Prior approval from change of use from office (B1) to dwellinghouses (C3) (110 flats) – Details Approved

2018/90213: Alterations to lower ground to create 7 apartments and external alterations – Approved

2021/92282: Prior approval for change of use from office (Class B1a) to 85 residential units – Details Approved

4.3 Enforcement

The site has no Planning Enforcement history.

5.0 **HISTORY OF NEGOTIATIONS**

5.1 No pre-application submission was made for this phase of the development. However, since submission a meeting has taken place between the applicant and senior planners where the applicant presented the proposal in detail.

5.2 At the time of writing no further negotiations have taken place. Planning officers are awaiting responses from their consultees and the expiration of the public representation period. Once received, any necessary negotiations will be undertaken.

6.0 **PUBLIC / LOCAL RESPONSE**

Public representation

6.1 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.

6.2 The public representation period ends on Sunday 12th of June 2022.

6.3 At the time of writing no public representations have been received.

6.4 The site is within Dalton Ward and is adjacent to the boundary with Newsome Ward. Councillors for these wards were notified of the proposal. At the time of writing no comments have been received.

7.0 **CONSULTATION RESPONSES**

7.1 Consultations have been undertaken, however at the time of writing the vast majority of responses have not been received. The following is a list of groups consulted, for informative purposes. The consultation responses received will be detailed in any subsequent committee report.

Statutory

- K.C. Highways
- K.C. Lead Local Flood Authority
- The Canal and Rivers Trust
- The Coal Authority
- The Environment Agency
- Yorkshire Water

Non-statutory

- Huddersfield Civic Society
- Civil Aviation Authority (Tall Structures)
- Historic England
- K.C. C+D
- K.C. Crime Prevention
- K.C. Ecology
- K.C. EV Health
- K.C. Landscape
- K.C. Policy
- K.C. Town Centre team
- K.C. Trees
- Leeds / Bradford Airport

8.0 SUMMARY

8.1 Members are asked to note the contents of this position statement in preparation of viewing the applicant's presentation. Any post presentation questions, for planning officers and / or the applicant, are welcomed.

8.2 The following questions are asked to initiate members' considerations:

- 1. Do members have any comments or questions in regards to the building's intended use, such as role and function.**
- 2. Do members have any comments or questions in regards to the building's design, including its height, massing, materials, and appearance?**
- 3. Do members have any comments or questions in regards to landscaping and the external works to the site.**
- 4. Do members have any comments or questions in regards to the development's access arrangement and connectivity to the town centre or main University campus, such as pedestrian movements?**

Background Papers

Application and history files

Available at:

[Public speaking at committee link](#)

Certificate of Ownership

Not applicable at Reserved Matters stage.