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

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Wednesday 6 July 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 14 July 2022**.

(A coach will depart the Town Hall, at 9.30am 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
PA 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 - 6

To approve the Minutes of the meeting of the Committee held on 25 May 2022 and 9 June 2022.

3: Declaration of Interests and Lobbying

7 - 8

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

4: Admission of the Public

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

5: Public Question Time

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 No: 2021/92086

Erection of 277 residential dwellings and associated infrastructure and access (amended scheme) at land at Bradley Villa Farm, Huddersfield.

(Estimated time of arrival at site – 9.50am)

Ward affected: Ashbrow

Contact: Victor Grayson, Planning Services

8: Site Visit - Application No: 2021/93644

Erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW with ancillary infrastructure and landscaping and biodiversity enhancements at Low Farm, Wakefield Road, Flockton.

(Estimated time of arrival at site – 10.40am)

Ward affected: Kirkburton

Contact: Nick Hirst, Planning Services

9: Site Visit - Application No: 2021/92206

Erection of 137 homes with open space, landscaping and associated infrastructure at land off Woodhead Road, Brockholes, Holmfirth.

(Estimated time of arrival at site – 11.20am)

Ward affected: Holme Valley North

Contact: Richard Gilbert, Planning Services

10: Planning Applications

9 - 10

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

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 11 July 2022.

To pre-register, please email governance.planning@kirklees.gov.uk or phone Andrea Woodside on 01484 221000 (Extension 74993).

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: 2021/92086

11 - 74

Erection of 277 residential dwellings and associated infrastructure and access (amended scheme) at land at Bradley Villa Farm, Huddersfield.

Ward affected: Ashbrow

Contact: Victor Grayson, Planning Services

12: Planning Application - Application No: 2021/92206

75 - 122

Erection of 137 homes with open space, landscaping and associated infrastructure at land off Woodhead Road, Brockholes, Holmfirth.

Ward affected: Holme Valley North

Contact: Richard Gilbert, Planning Services

- 13: Planning Application - Application No: 2022/91138** 123 - 144
- Demolition of existing training centre and occupational health buildings, erection of new headquarters including indoor training centre, extension of existing building to form new fire station, extension of car parking and associated landscaping and drainage at Oakroyd Hall, West Yorkshire Fire and Rescue Service Headquarters, Bradford Road, Birkenshaw.
- Ward affected: Birstall and Birkenshaw
- Contact: Richard Gilbert, Planning Services
-
- 14: Planning Application - Application No: 2021/93644** 145 - 188
- Erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW with ancillary infrastructure and landscaping and biodiversity enhancements at Low Farm, Wakefield Road, Flockton.
- Ward affected: Kirkburton
- Contact: Nick Hirst, Planning Services
-
- 15: Planning Application - Application No: 2021/94060** 189 - 206
- Variation of Condition 32 on previous permission 2016/92298 - Outline Application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) at former North Bierley Waste Water Treatment Works, Oakenshaw.
- Ward affected: Cleckheaton
- Contact: Nick Hirst, Planning Services
-
- 16: Planning Application - Application No: 2021/93539** 207 - 216
- Demolition of existing building and erection of detached dwelling at 628 Halifax Road, Hightown, Liversedge.
- Ward affected: Liversedge and Gomersal
-

Contact: Sarah Longbottom, Planning Services

17: Planning Application - Application No: 2021/93911

217 -
228

Erection of 7 single garages and extension to access track at land off Perseverance Street, Cowlersley, Huddersfield.

Ward affected: Golcar

Contact: Tom Hunt, Planning Services

Planning Update

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

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Contact Officer: 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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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 9th June 2022

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

Apologies: Councillor Bill Armer

1 Membership of the Committee

Apologies were received from Councillor Bill Armer.

2 Minutes of the Previous Meetings

The minutes of the meetings held on 24th March and 25th May 2022 were agreed as a correct record.

3 Declaration of Interests and Lobbying

Councillor Davies advised that he had been lobbied in relation to Application 2021/92003.

4 Admission of the Public

All items on the agenda were considered in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Site Visit: Application 2022/91456

Site visit deferred.

8 Site Visit: Application 2021/92003

Site visit undertaken.

9 Review of Planning Appeal Decisions

The report was noted.

10 Planning Application - Application No: 2021/92003

The Committee considered Application 2021/92003 in respect of the erection of 61 age-restricted apartments, ancillary accommodation and associated external works (within a Conservation Area) at Prickleden Mills, Woodhead Road, Holmfirth.

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

RESOLVED –

That the application be refused 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

Strategic Planning Committee - 9 June 2022

policies LP4, LP11, LP20, LP24, LP27, LP28, LP47 and LP63 of the Kirklees Local Plan, and guidance in the National Planning Policy Framework.

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

For: Councillors Davies, Hall, Pattison, Pinnock and Sokhal (5 votes)

Abstain: Councillor Thompson

11 **Planning Application - Application No: 2022/90078**

The Committee considered Application 2022/90078 relating to the erection of an agricultural building and demolition of existing building at Upper Blacup Farm, Upper Blacup, Halifax Road, Hightown, Liversedge.

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

RESOLVED -

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

1. Development to commence within 3 years.
2. Development 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.

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

For: Councillors Davies, Hall, Pattison, Pinnock, Sokhal and Thompson (6 votes)

12 **Planning Application - Application No: 2002/91065**

The Committee considered a report in respect of Application 2022/91065 relating to the erection of an agricultural building at Mug Mill Farm, Mug Mill Lane, Thornhill, Dewsbury.

RESOLVED-

That, in accordance with Section 101(1) of the Local Government Act 1972, the Council's development control functions be devolved to Wakefield Council in respect of Application 2022/91065.

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

For: Councillors Davies, Hall, Pattison, Pinnock, Sokhal and Thompson (6 votes)

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

The Committee was presented with a Position Statement in respect of Application 2022/91456; a reserved matters application pursuant to outline permission 2021/91544 for the erection of a 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 at Southgate/Leeds Road, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee heard a presentation from Tim Thornton (Deputy Vice-Chancellor, Huddersfield University) and Robert Hopkins (Architect).

The Committee noted the contents of the report and presentation and made comments on the proposals.

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

LOBBYING

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

Lobbying

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

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

PLANNING POLICY

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

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

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

REPRESENTATIONS

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

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

EQUALITY ISSUES

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

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

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

HUMAN RIGHTS

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

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

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

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

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

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

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

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

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

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 14-Jul-2022

Subject: Planning Application 2021/92086 Erection of 277 residential dwellings and associated infrastructure and access (amended scheme) land at, Bradley Villa Farm, Bradley Road, Bradley, Huddersfield, HD2 2JX

APPLICANT

Redrow Homes Yorkshire

DATE VALID

25-May-2021

TARGET DATE

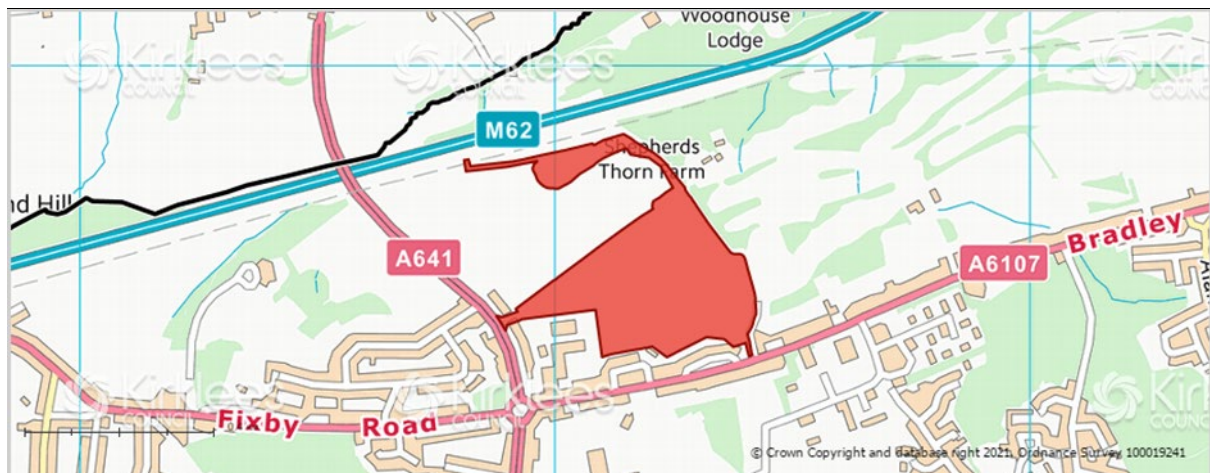
24-Aug-2021

EXTENSION EXPIRY DATE

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Ashbrow

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

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

- 1) Affordable housing – 55 affordable dwellings (30 affordable/social rent, 14 First Homes and 11 other intermediate) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £558,138 to address shortfalls in specific open space typologies.
- 3) On-site open space inspection fee – £250.
- 4) Education and child care – Contributions of: i) £91,956 towards early years and childcare provision; ii) £1,414,708 towards a new two form entry primary school; and iii) £5,319 towards secondary provision.
- 5) Off-site highway works – Contributions of: i) £820,474 towards the Cooper Bridge highway improvement scheme; and ii) contribution towards future capacity improvements at the Bradley Bar roundabout.
- 6) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including: i) a £141,685.50 contribution towards sustainable travel measures; ii) implementation of a Travel Plan; iii) £15,000 towards Travel Plan monitoring; and iv) a £92,000 contribution towards new bus stops and bus stop improvements.
- 7) Air quality mitigation – Damage cost contribution of £30,757.
- 8) Biodiversity – Contribution of £230,690 towards off-site measures to achieve biodiversity net gain.
- 9) Odour – Cessation of egg production at adjacent farm.
- 10) Masterplanning – No ransom scenario to be created at junction of spine road and Shepherds Thorn Lane.
- 11) Sports and recreation re-provision – Contribution of £575,786 towards re-provision of existing facilities within HS11 site.
- 12) Management and maintenance – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, of infrastructure (including surface water drainage until formally adopted by the statutory undertaker) and of street trees (if planted on land not adopted). Establishment of / participation in a drainage working group (with regular meetings) to oversee implementation of a HS11-wide drainage masterplan.

All contributions are to be index-linked.

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

1.0 INTRODUCTION

- 1.1 This application for full planning permission is presented to Strategic Planning Committee as the proposal is a residential development of more than 60 units.
- 1.2 A pre-application enquiry (ref: 2020/20411) was submitted in relation to the proposal. A pre-application report relating to that proposal was prepared for the Strategic Planning Committee's meeting of 28/04/2021 but was not considered at that meeting.
- 1.3 At application stage, a Position Statement was considered by the Strategic Planning Committee at its meeting of 29/07/2021.

2.0 SITE AND SURROUNDINGS

- 2.1 The Bradley Villa Farm application site comprises approximately a fifth of the wider allocated site (HS11), at the west end of the allocation. The application site also includes 1.57 hectares of land within the green belt to the north of the allocated site. The application site is currently in agricultural use, and generally slopes downhill from southwest to east and northeast, while the part of the site within the green belt slopes downhill northwards towards the M62. Vehicular access is available from Bradford Road (the A641). Shepherds Thorn Lane forms the site's eastern boundary. To the south are the residential properties of Torcote Crescent and Bradley Road (the A6107). To the north are fields in agricultural use, within the green belt. The existing buildings of Bradley Villa Farm are not included in the application site. The application site includes the highest part of the allocated site (approximately 165m AOD, close to Bradford Road). Tree Preservation Order 17/98/t8 protects a Hawthorn tree within the application site. Site allocation HS11 notes that the western part of the allocated site includes an archaeological site.
- 2.2 The wider allocated site (HS11) has a 68.34 hectare gross site area, and a 62.84 net site area (excluding ponds and a buffer area to the north of the site from the developable area), and occupies much of the land between Bradley Road and the M62 to the north, including the 18-hole municipal golf course and driving range at Bradley Park. The majority of the allocated site (including the golf course and driving range) is council-owned. The eastern part of the allocated site has more varied topography, including Park Hill and undulations at the golf course. The lowest parts of the allocated site are at the junction of Bradley Road and Tithe House Way (approximately 110m AOD) and the northern tip of the allocated site (approximately 100m AOD). Vehicular access points currently exist at Shepherds Thorn Lane, Lamb Cote Road and Tithe House Way. Public Rights of Way enter and/or run through parts of the allocated site – these include HUD/3/10, HUD/3/20, HUD/3/30 and HUD/4/10. There are residential properties adjacent to the allocated site to the south and east. Land to the north is in the green belt. An area of land to the east of the allocated site is designated as urban green space in the Local Plan.
- 2.3 In relation to minerals, all of the allocated site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. In relation to the area's coal mining legacy, parts of the allocated site are within the Development High Risk Area as defined by the Coal Authority, while other parts are within the Low Risk Area. The east end of the allocated site includes part of a former landfill site, and a 250m buffer zone

extends into the allocated site. A 250m buffer zone of another landfill site also includes the northern tip of the allocated site. Landfill gas affects land to the north of the allocated site, and a landfill gas buffer covers the northern and eastern parts of the allocated site. Overhead power lines cross the golf course.

- 2.4 There are no designated heritage assets within the allocated site, however the Grade II listed barn at Shepherds Thorn Farm (Historic England ref: 1290881) is just outside, and parts of the allocated site are within the setting of that designated heritage asset. The allocated site is not within or close to a conservation area. Non-designated heritage assets also exist in the area, including a historic milestone outside 684 Bradford Road.
- 2.5 The Wildlife Habitat Network covers parts of the allocated site, and areas outside it, including the ancient woodlands at Bradley Wood to the north and Screamer Wood and Dyson Wood to the south. Local Wildlife Sites exist immediately outside the allocated site, to the north and east. The majority of the allocated site is within a Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands for most of the site, Built-up Areas for a small part of the west end of the site, and Valley Slopes along the site's northeastern boundary). Bats are known to be present in the area.
- 2.6 The allocated site is not located within an Air Quality Management Area (AQMA), however it is relatively close to AQMA 1 (Bradley Road / Leeds Road junction), where elevated levels of Nitrogen Dioxide have been measured.
- 2.7 The allocated site is located within Flood Zone 1 and is therefore generally at low risk of flooding. Part of the allocated site (at Tithe House Way) is at risk of surface water flooding, as is an area at the northern edge of the golf course. To the east of Shepherds Thorn Farm, a watercourse runs north-eastwards (via a pond), joining Deep Dike, Bradley Park Dike and, eventually, the River Calder. Another watercourse runs eastwards from a pond adjacent to the golf course club house. Other unmapped watercourses may exist within and close to the allocated site. Yorkshire Water sewers exist beneath Bradford Road, Bradley Road and Tithe House Way.
- 2.8 Regarding the social and other infrastructure currently provided and available in Bradley, the area has a small number of pubs, churches, eating establishments and other facilities. A petrol station and shop exist at the junction of Bradley Road and Tithe House Way. There are also schools, nurseries, playspaces and open spaces. Regarding public transport, the main roads are served by the X63 and other bus services along Bradford Road and the 328 bus service that terminates at Alandale Road. The nearest railway stations are at Brighouse and Deighton. Cycle lanes have been marked out on the carriageway of Bradley Road, and this route forms part of the existing Core Walking and Cycling Network. An expansion of the network is proposed under the Local Plan via Shepherds Thorn Lane.
- 2.9 Parts of the allocated site are visible from the M62, and from Calderdale borough. As defined in the Castle Hill Settings Study, a significant ridgeline runs roughly east-west across the allocated site.

3.0 PROPOSALS

- 3.1 A residential development comprising 277 dwellings, with associated access, open space and landscaping, is proposed.

- 3.2 The proposed site layout includes a vehicular access provided from Bradford Road, with a spine road extending east-west across the site to its eastern boundary (where the site meets Shepherds Thorn Lane). Along the length of this spine road, further estate roads are proposed, lined with detached, semi-detached and terraced housing. A central area of open space is proposed, as is a smaller open space further west along the spine road.
- 3.3 Of the 277 units proposed, 133 (48%) would be detached. 10 (4%) would have one bedroom, 78 (28%) would have two bedrooms, 66 (24%) would have three bedrooms, and 123 (44%) would have four bedrooms.
- 3.4 55 affordable housing units are proposed, representing a 20% provision. These would be provided as 7x 1-bedroom apartments and maisonettes, 24x 2-bedroom apartments and houses, 22x 3-bedroom houses and 2x 4-bedroom houses. In terms of tenure, 30x affordable/social rent, 14x First Homes and 11x other intermediate units are proposed.
- 3.5 The majority of dwellings would have two storeys. The Lincoln house type would additionally have a storey in its roof space, and the two proposed Charterhouse apartment blocks would have three storeys. 17 house types are proposed, as are variations of those house types. Four maisonettes are proposed. Roofs would be hipped or pitched, and some dwellings would have front feature gables and bay windows. The proposed materials include brown brick, two colours of red brick, "chalk-coloured" render, timber cladding, and red and grey concrete roof tiles.
- 3.6 Outside the HS11 site allocation, the applicant proposes drainage infrastructure, including a pumping station, attenuation tank and basin, and an access lane. Reshaping of the land, level changes and a retaining wall are proposed in association with this provision.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

- 4.1 Various applications relating to land immediately outside the application site have been considered by the council, including application ref: 2010/92771 relating to an agricultural building close to the site's Bradford Road entrance, and application ref: 2017/90749 relating to a detached garage with annexe accommodation above associated with 688 Bradford Road.
- 4.2 On 04/09/2020 planning permission was granted for the erection of 105 dwellings with associated highways works and landscaping at part of the HS11 allocated site (ref: 2018/93965) at Tithe House Way.
- 4.3 On 30/10/2020 the council issued an Environmental Impact Assessment (EIA) Scoping Opinion in response to a request relating to a residential development of circa 1,460 dwellings and other works at the HS11 site.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

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

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

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

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

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

- Full planning permission required.
- Development at this site welcomed in principle.
- List of required planning application documents (including EIA Environmental Statement relating to entire HS11 site) provided.
- Site is allocated for residential development.
- Measures to address sustainability and climate change would be required.
- Masterplanning approach required. Concern that site layout had been prepared before site and contextual analysis had been completed, and before any masterplanning work had been carried out.
- List of considerations (relevant to masterplanning) provided.
- Masterplanning workshop slides provided some reassurance that the pre-applicant team are aware of some of the allocated site's constraints and opportunities.
- Developable areas should not be fixed until further assessment is done.
- Advice provided regarding masterplan format.
- Concerns regarding proposed site layout, including regarding relationship with the rest of HS11, whether topography and other aspects of the site have been properly considered, and lack of engagement with Shepherds Thorn Lane.
- Perimeter block approach and two-storey dwellings are appropriate.
- Harm would be caused to setting of Grade II listed barn at Shepherds Thorn Farm.
- Significant infrastructure required to support development of HS11 site.
- 20% affordable housing, compliance with the Nationally Described Space Standard, a mix of one-, two-, three- and four-bedroom units, and dementia-friendly design required.

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

5.5 The current application was submitted on 18/05/2021. During the life of the application, and following commencement of the council's first public consultation on the application, the following information has been submitted and amendments have been made:

- Number of dwellings increased from 270 to 277.
- Application site red line boundary enlarged to north of farm.
- Revised layout (including fewer cul-de-sacs, revised pedestrian routes, 3m wide cycle/footway now proposed on both sides of the spine road, revised entrance from Shepherds Thorn Lane, planted buffers along northern edge of site and north corner adjacent to lane, and revised spine road alignment).
- Two apartment blocks now proposed at east end of spine road.
- Revisions to dwelling types and sizes.
- Revisions to unit size mix (including affordable unit size mix).
- Utility Report submitted.
- Housing Mix Report submitted.
- Addendum Bat Report submitted.
- Transport Assessment Addendum submitted.
- Corrections made to titles of (and references within) Flood Risk Assessment and ES Chapter 15.
- Drawings of proposed drainage interventions (north of the development) submitted.
- House type drawings submitted.
- Energy and Sustainability Statement revised.
- Geoenvironmental investigation reports submitted.
- Applicant agreed that an Archaeological Evaluation (provided by the West Yorkshire Archaeological Advisory Service) be included in the application submission.
- Emergency access moved from southeast corner of site to junction of spine road and Shepherds Thorn Lane.
- Detailed drawings of site entrances, Bradley Bar roundabout and Bradford Road works submitted.

5.6 Meetings were held with the applicant team on 12/07/2021, 02/08/2021, 14/02/2022, 16/02/2022, 22/02/2022 and 12/05/2022.

6.0 PLANNING POLICY

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

Kirklees Local Plan (2019):

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

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

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

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

6.5 Relevant Local Plan policies are:

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

- LP38 – Minerals safeguarding
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space
- LP65 – Housing allocations

Supplementary Planning Guidance / Documents and other documents:

6.6 Relevant guidance and documents are:

- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees First Homes Position Statement (2021)
- Viability Guidance Note (2020)
- Providing for Education Needs Generated by New Housing (2012)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Highway Design Guide SPD (2019)
- Public Rights of Way Improvement Plan (2010)
- Waste Management Design Guide for New Developments (2020, updated 2021)
- Green Street Principles (2017)
- Castle Hill Settings Study (2016)
- Planning Applications Climate Change Guidance (2021)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021) Viability Guidance Note (2020)
- Planning Applications Climate Change Guidance (2021)

Climate change

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

6.8 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate

change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

National Planning Policy and Guidance:

6.9 The National Planning Policy Framework (2021) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposals. Relevant paragraphs/chapters are:

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

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

6.11 Relevant national guidance and documents:

- National Design Guide (2019)
- National Model Design Code (2021)
- Technical housing standards – nationally described space standard (2015, updated 2016)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)
- Design Guidelines for Development Near Pylons and High Voltage Overhead Lines (2019)
- Securing developer contributions for education (2019)

7.0 PUBLIC/LOCAL RESPONSE

7.1 In February and March 2021 the applicant team carried out local pre-application consultation. This took the form of a leaflet drop to c2,500 properties, and an online consultation. The applicant's Statement of Community Involvement summarises the 78 responses received.

- 7.2 At application stage, the application was advertised as a major development, as Environmental Impact Assessment development accompanied by an Environmental Statement, and as development affecting a public right of way and the setting of a listed building.
- 7.3 The application was advertised via five site notices posted on 07/06/2021, a press notice on 18/06/2021, and letters delivered to addresses close to the application site. This was in line with the council's adopted Statement of Community Involvement. The end date for publicity was 08/07/2021.
- 7.4 34 representations were received in response to the council's consultation. These were posted online, and included representations from the Huddersfield Civic Society, the Kirklees Cycling Campaign and the British Horse Society. The following is a summary of the comments made:
- Loss of green belt land.
 - Brownfield land should be developed instead.
 - Loss of agricultural land. Query if farmland is suitable for development. Farm would become landlocked.
 - Not enough green space is being preserved.
 - Objection to lack of a masterplan.
 - Proposed pumping station is outside site allocation.
 - Safety concerns regarding proposed Bradford Road site entrance.
 - Increased traffic on Bradford Road, Bradley Road, and junctions. Traffic already diverts from the M62. Congestion already occurs at start and end of school day.
 - Cumulative highway impacts.
 - Access shouldn't be allowed onto Shepherds Thorn Lane – this would become a rat run, endangering walkers and cyclists.
 - Spine road through HS11 site would become a rat run, as drivers avoid roundabout and traffic lights on Bradley Road.
 - Objection to access to pumping station from Shepherds Thorn Lane.
 - Risk of new residents parking on Shepherds Thorn Lane.
 - Construction access should only be allowed from Bradford Road, and not from Shepherds Thorn Lane.
 - Concern regarding emergency access proposed from Shepherds Thorn Lane.
 - Proposal is highly car-based.
 - Shepherds Thorn Lane should be closed to vehicular traffic (except for access).
 - Shepherds Thorn Lane should be upgraded to a multi-user bridleway with an improved surface. Parapets should be added to M62 bridge.
 - North-south and east-west cycle routes required.
 - Direct access points to cycle routes required, instead of cul-de-sacs.
 - Proposal fails to address active travel requirements.
 - Uniform 20mph speed limit needed throughout development.
 - Lack of pedestrian safety measures for crossing Bradley Road.
 - Lack of local infrastructure. Council services already cannot cope.
 - Schools are already at capacity.
 - Proposal does not include the required two form entry primary school.
 - No additional medical or dental provision proposed. Hospitals already have long waiting lists.

- Lack of information regarding utility connections. No substations are shown.
- Lack of playspace.
- Loss of recreational opportunities.
- Increased flood risk. Corner of site at Shepherds Thorn Lane already floods.
- Bore holes and archaeological dig have caused run-off.
- Vegetation removal would increase run-off.
- Increased air pollution.
- Loss of natural light.
- Light pollution.
- Overlooking and loss of privacy.
- Loss of views.
- Littering would occur.
- Nuisance would occur.
- Proposal fails to address climate change. Proposals are at odds with council's plan to tackle the climate emergency.
- Opportunities for solar gain and photovoltaic electricity generation not taken into account.
- Odours from pumping station.
- Increased noise.
- New dwellings would be affected by noise from M62.
- Amenity impacts during construction.
- No assessment made of health impact.
- Harm to heritage assets.
- Typical, repetitive designs proposed. Standard Redrow house types proposed. No attempt to reflect local features or materials. Design out of keeping with surroundings. Confused appearance due to many house types. Proposed houses offer no local distinctiveness or quality.
- Proposed green areas should be relocated close to Shepherds Thorn Lane.
- Erosion of green belt between Huddersfield and Brighouse.
- Impact on wildlife, including bats.
- Net loss to biodiversity.
- Adverse impact on function of the site as a green corridor.
- Impacts on hedgerows.
- Loss of trees.
- Security risk to adjacent properties.
- Lack of benefit to local community.
- No demand for this amount of housing.
- Human rights would be infringed upon.
- Impact on stability of adjacent properties.
- Inaccuracies in application documents. Information is missing or out-of-date.
- Application documents are numerous, not in order, and unclear.
- Lack of consultation. No feedback provided following earlier consultation. Site notice on Shepherds Thorn Lane is difficult to see.

7.5 In light of the amendments made to the proposals during the life of the current application (including to the application site red line boundary), a second round of public consultation was carried out by the council. The application was again advertised as a major development, as Environmental Impact Assessment development accompanied by an Environmental Statement, and as

development affecting a public right of way and the setting of a listed building. Six site notices were posted on 12/03/2022, a press notice was published on 25/03/2022, letters were delivered to addresses close to the application site, and parties who had previously commented on the application were emailed. This was in line with the council's adopted Statement of Community Involvement. The end date for publicity was 14/04/2022.

7.6 A further 24 representations were received in response to the council's reconsultation. These were posted online. The following is a summary of the additional comments made:

- Lack of details of materials.
- No placemaking or enhancement of Ashbrow.
- Objection to increase number of units.
- Replacement of Bradley Road bungalows with large houses is already limiting options for downsizing.
- Affordable housing would not be prioritised. Likely prices would not be affordable.
- Lack of boundaries between existing and proposed gardens.
- Lack of privacy for new residents.
- Local lack of playspace.
- Developments were previously thought possible given proposals to improve Cooper Bridge and M62 access, however those improvements are no longer proposed.
- Danger to walkers and cyclists using Shepherds Thorn Lane.
- Query need for cycle route through site.
- Risk of site entrance (southeast corner of site) being opened up for vehicular traffic.
- Obstruction of access on Shepherds Thorn Lane.
- Visitor parking would attract more traffic to site.
- Toucan crossing welcomed.
- Clay-based soils would inhibit drainage.
- Increased pollution.
- Spacing away from farm needed, to address odour concerns.
- Residents would be penalised by biodiversity net loss while another location gains.
- Ecological surveys carried out outside optimum period.
- No guarantee that future residents would maintain biodiversity measures and trees.
- Risk of damage caused by roots of new trees.
- Proposals are not supported by consultees.
- Query if Section 106 agreement has been completed.
- Query amendment to application site red line boundary.
- Objection to piecemeal submissions by applicant.

7.7 Following the applicant's submission of drawing 19154/GA/06 rev A on 21/06/2022, reconsultation letters were sent to the occupants of 11 properties on Bradford Road. The letters specifically referred to that drawing, and the indicative proposals for the footway and grass verges on the east side of Bradford Road. The end date for this reconsultation is 11/07/2022.

7.8 Responses to these comments are set out later in this report, where necessary.

8.0 CONSULTATION RESPONSES

8.1 Statutory:

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

8.3 Environment Agency – No objection.

8.4 Historic England – No comment.

8.5 Lead Local Flood Authority – [Initial comments]: – Further research and information required regarding flood routing, and a site management plan. Advise against using crate storage. No objection to detention basin, but this should be utilised for SUDS treatment. [Further comments]: Previous comments apply. Flood routing has not been taken into account, therefore the proposed layout fails to avoid risk. Roads and public open space should be used for flood routing, but residential curtilage should not be. SUDS water treatment has not been proposed. Yorkshire Water would not require a separate tank and overflow basin for adoption purposes. Response required regarding slip trenching.

8.6 National Highways (formerly Highways England) – No objection.

8.7 Natural England – No objection.

8.8 Non-statutory:

8.9 KC Conservation and Design – [Pre-amendment comments]: Objection. Premature proposal, given the requirement to frame the development within a masterplan covering the wider HS11 site. Proposal potentially compromises aspects of the wider HS11 development. Application does not include design codes. Submitted layout only includes suburban-style housing (with a heavy emphasis on vehicle parking) and no clear indication of how to accommodate or connect to the required community services or how the scheme would contribute to a viable green infrastructure, recreational or wildlife corridors. The premature and isolated nature of the scheme means that it does not currently meet the design requirements of the Local Plan allocation HS11, Local Plan policies LP5 and LP24 or NPPF paragraph 127. Proposed housing layout is effectively a large cul-de-sac. Inadequate local amenity provision. Adverse impact on heritage assets – this would be less than substantial, so must be assessed against public benefits in accordance with NPPF paragraph 196 and Local Plan policy LP35. Adverse impact on Shepherds Thorn Lane. Requirement for tree-lined streets appears to be addressed. Proposed design does not address biodiversity net gain requirement. Frontage parking should be reconsidered. Transformative and adverse landscape impact.

8.10 KC Ecology – Proposed development would result in a net loss to habitats. Net gain required.

8.11 KC Education – [Pre-amendment comments]: £655,581 contribution required towards primary and secondary provision, based on 2023/24 pupil projections.

- 8.12 KC Environmental Health – Applicant’s methodology and approach to air quality accepted. In the absence of low emission mitigation measures of sufficient value, a Section 106 agreement will need to secure an air quality damage cost contribution. Odour assessment found odour impacts of concern, and has only surveyed site in winter. Electric vehicle charging proposals acceptable (condition recommended). Construction Environmental Management Plan required. Site contamination conditions recommended in light of information missing from submission. Regarding noise, as some dwellings would not achieve acceptable internal noise levels with windows open on warmer days, details of alternative ventilation are required. Details of acoustic fence required.
- 8.13 KC Highways Development Management – Traffic impacts of proposed 277 units, and proposed development’s contribution towards total traffic of HS11 allocated site, need mitigation. £820,474 required towards Cooper Bridge highway improvement scheme. Contribution (amount tbc) required towards future capacity improvements at Bradley Bar roundabout. Designs of Bradford Road and Shepherds Thorn Lane (Bradley Road) entrances broadly acceptable, subject to relocation of Toucan crossing, and road safety audits required for both entrances and for internal layout. Spine road design and future bus stop locations acceptable. Contributions required towards new bus stops and upgrading existing bus stops as per West Yorkshire Combined Authority. £141,685.50 contribution required towards Sustainable Travel Fund (based on 277 units x £511.50 bus-only MCard cost).
- 8.14 KC Highways Structures – Conditions recommended, should structures adjacent to the highway be proposed.
- 8.15 KC Landscape – Off-site contribution of £558,138 to address shortfalls in specific open space typologies required. Should some of the amenity space be carefully designed to incorporate playable space/play features and/or incorporate a community orchard/growing area, pocket park etc, other typologies could be also taken into account which would reduce the required off-site contribution.
- 8.16 KC Public Health – Advice provided regarding green spaces, travel, opportunities for activity and other matters relevant to public health.
- 8.17 KC Public Rights of Way – [Pre-amendment comments]: Bridleway link (not a footpath) requested at north end of site. Off-site improvements should be made to local access, including to Shepherds Thorn Lane and bridleway north of the M62. Details of cycle way requested. Details of emergency access to Shepherds Thorn Lane requested. Access from open space to Shepherds Thorn Lane should be provided.
- 8.18 KC Strategic Housing – 20% affordable housing provision required. On-site provision is preferred. In the Huddersfield North area there is a significant need for affordable 3- and 3+-bedroom homes, as well as 1- and 2-bedroom affordable homes. Given the number of 4-bedroom units proposed, the development should contribute to the need for affordable 3+-bedroom homes. Affordable units should be distributed evenly throughout the development, and indistinguishable from market housing. 55%/45% tenure split required.
- 8.19 KC Strategic Waste – There are no closed, historical or operational landfill sites within 250m of application site.

- 8.20 KC Trees – Loss of protected Hawthorn acceptable, subject to mitigation. Proposed layout need to be amended to avoid impact on trees along Shepherds Thorn Lane. Loss of trees for drainage acceptable. Tree Protection Plan and Arboricultural Method Statement required.
- 8.21 KC Waste Strategy – [Pre-amendment comments]: Concerns regarding access to bins, bin storage and manoeuvring space for refuse vehicles.
- 8.22 National Grid – No objection.
- 8.23 Sport England – No comment.
- 8.24 West Yorkshire Archaeological Advisory Service – Further intrusive site investigation is required in light of recent bronze age finds. This can be conditioned.
- 8.25 West Yorkshire Combined Authority – Contributions required: £46,000 towards spine road bus stops, £46,000 towards existing bus stops, Sustainable Travel Fund contribution required.
- 8.26 West Yorkshire Police Designing Out Crime Officer – [Pre-amendment comments]: Objection to proposed level of access to rear gardens, inadequate fencing and lighting.
- 8.27 Yorkshire Water – No objection, subject to conditions.
- 8.28 Yorkshire Wildlife Trust – An overall net loss of biodiversity has been predicted, but the mechanism for delivering 10% net gain has not been confirmed. Further clarity required regarding the approach to delivering biodiversity net gain.

9.0 SUMMARY OF MAIN ISSUES

- Environmental Impact Assessment
- Land use and principle of development
- Masterplanning
- Quantum and density
- Sustainability and climate change
- Green belt impact
- Urban design matters
- Heritage assets
- Landscape impacts
- Infrastructure requirements and delivery
- Residential quality and amenity
- Affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Environmental and public health
- Site contamination and stability
- Ecological considerations
- Trees and hedgerows
- Open space, sports and recreation
- Planning obligations and financial viability
- Phasing and delivery

10.0 MAIN ISSUES – ASSESSMENT

Environmental Impact Assessment (EIA)

- 10.1 The cumulative environmental impacts of development at both parts of site HS11 (Bradley Villa Farm and the council-owned land) need to be considered, and the applicant was therefore advised (at pre-application stage) to submit an Environmental Statement (ES) that related to all parts of HS11 in support of a planning application that only related to the Bradley Villa Farm site.
- 10.2 On 30/10/2020 the council issued an EIA Scoping Opinion (ref: 2020/20413).
- 10.3 The applicant has duly submitted an ES with the current application. This ES refers to all of the allocated site (HS11), and a development of c1,460 units (with additional capacity for a further 498 dwellings post plan period), a spine road, a 2-form entry primary school, public open space, a new local centre, and a nine-hole golf course with a driving range, clubhouse and two 3G pitches. The matters considered in the ES are:
- Chapter 5 – Socio-Economics and Community (including Health Impact Assessment)
 - Chapter 6 – Highways
 - Chapter 7 – Landscape and Visual Impact
 - Chapter 8 – Ecology
 - Chapter 9 – Trees
 - Chapter 10 – Archaeology
 - Chapter 11 – Heritage
 - Chapter 12 – Air Quality and Odour
 - Chapter 13 – Noise and Vibration
 - Chapter 14 – Ground Conditions
 - Chapter 15 – Flood Risk and Drainage
 - Chapter 16 – Lighting
 - Chapter 17 – Cumulative Effects
- 10.4 Other matters (such as wind and microclimate, electrical interference, solar glare and daylight, sunlight and overshadowing) are not referred to in the ES.
- 10.5 The ES is cross-referenced to other application documents, where necessary.
- 10.6 Cumulative impacts of the proposed development and development at other sites are considered by the applicant in the ES. At pre-application stage officers advised the applicant to consider:
- The 105 units already granted planning permission at the HS11 allocated site at Tithe House Way under application ref: 2018/93965.
 - Sites referred to in Calderdale Council's previous advice, including potential development at the proposed LP1451 allocated site (Brighouse Garden Suburb).
 - HS12 – Land north and west of Gernhill Avenue, Fixby. Housing allocation (indicative capacity: 377 units). Planning permission granted for 252 units under application ref: 2018/92055.

- ES1 – Land at Bradley Business Park (Aflex Hose site), Dyson Wood Way, Bradley. Employment allocation (indicative capacity: 15,155sqm floorspace). Planning permission granted for 19,202sqm B1(a), B1(b), B2 and B8 floorspace under application ref: 2018/91432.
- HS13 – Land to the east of Netheroyd Hill Road, Cowcliffe. Housing allocation (indicative capacity: 68 units).
- HS14 – Land north of Ashbrow Road, Brackenhall. Housing allocation (indicative capacity: 162 units). Planning permission granted for 161 units under application ref: 2019/92940.
- ES9 – Former Cooper Bridge Waste Water Treatment Works, Leeds Road. Employment allocation (indicative capacity: 14,910sqm floorspace).
- MXS6 – Land at Slipper Lane and Leeds Road, Mirfield. Mixed use allocation (indicative capacities: 166 residential units and 17,234sqm employment floorspace). Various permissions granted for residential and employment development.

10.7 Officers' assessment of the applicant's ES is set out in this report.

Land use and principle of development

10.8 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Chapter 5 of the NPPF notes the Government's objective of significantly boosting the supply of homes. Applications for residential development should be considered in the context of the presumption in favour of sustainable development.

10.9 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.

10.10 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.

10.11 A residential development of 277 dwellings at a site allocated for residential development would make a significant contribution towards meeting identified needs. This attracts significant weight in the balance of material planning considerations relevant to the current application.

10.12 Full weight can be given to site allocation HS11, which allocates the majority of the application site for residential development. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis of available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land and reliance on windfall sites was also demonstrated to be necessary in order to meet development needs. Regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector concluded that, subject to the proposed site allocations H1747 and H351 being combined into a single allocation (as

they have, in the form of current site allocation HS11) and subject to other modifications (also accepted and implemented by the council), there were no fundamental constraints that would prevent development coming forward at the site, there were exceptional circumstances to justify the release of the site from the green belt, and the site allocation was soundly based.

- 10.13 The Bradley Villa Farm site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 1c of policy LP38 is relevant, and allows for approval of residential development here, as there is an overriding need (in this case, housing needs, having regard to Local Plan delivery targets) for it.
- 10.14 Given the above assessment, the principle of residential development at the Bradley Villa Farm site is considered acceptable, subject to the further discussion of land use matters later in this report.

Masterplanning

- 10.15 Due to the size of the Bradley Villa Farm site (and of site HS11), the scale of the proposed development, the wide range of relevant planning considerations, the need for significant supporting infrastructure, the requirements of site allocation HS11 and Local Plan policy LP5, and the proposed allocation of sites within Calderdale borough, a masterplanning approach is necessary. Careful masterplanning can ensure efficient use of land, high quality placemaking and properly co-ordinated development, appropriate location of facilities and infrastructure, prevention of development sterilising adjacent land, appropriate phasing to limit amenity and highway impacts, and fair apportionment of obligations among the respective developers.

Masterplanning work to date

- 10.16 The masterplanning work already done in 2017 (for the purpose of informing discussions at the Local Plan Examination in Public) must be noted – that 2017 masterplan had merit (and was approved by Cabinet), however it was considered appropriate to revisit this earlier work in light of current aspirations and other considerations, and to look again at the site's constraints and opportunities, consulting with residents, Members, officers, consultee bodies and other stakeholders.
- 10.17 As detailed in the previous Position Statement relating to this application (considered by the Strategic Planning Committee at its meeting of 29/07/2021), the applicant's initial approach to this site raised significant concerns, as no masterplan, or evidence of masterplanning work, was submitted with the applicant's initial request for pre-application advice in 2020. In response to these concerns, the applicant team carried out masterplanning work at pre-application stage, and has submitted an indicative HS11-wide masterplan at application stage. During the life of the application, amendments were made to the proposals for the Bradley Villa Farm site, to ensure they would interface well with any future development on the council-owned land to the east.

- 10.18 The preference would have been for both HS11 landowners to work together, revisit the council's 2017 masterplan, and devise proposals based on an updated masterplan that ensured co-ordinated, complimentary development was brought forward, with neither development prejudicing the other. It is accepted, however, that the applicant team is more advanced in progressing their site than the council (as landowner) is – this isn't an unusual scenario, and it is one the council (as local planning authority) has had to deal with at other sites. With housing delivery targets in mind, a degree of flexibility can be allowed, and therefore officers previously advised that the applicant team could proceed with a standalone application that only related to the Bradley Villa Farm part of the wider HS11 site, provided that adequate masterplanning work was carried out. Similar flexibility was applied at the Tithe House Way part of HS11, although that development isn't entirely comparable with what the applicant team propose at the Bradley Villa Farm site.
- 10.19 To assist the applicant team, on 26/11/2020 officers set out points that should be considered when carrying out the necessary masterplanning work, as follows:
- All constraints and considerations set out in site allocation HS11 to be addressed.
 - Compliance with Local Plan policy LP5 to be demonstrated.
 - Reference to be made to draft Housebuilder Design Guide SPD.
 - Masterplan to correspond with ongoing Calderdale/Kirklees work (Brighouse and Bradley Garden Community Masterplan Framework).
 - A full assessment of all the infrastructure requirements of HS11 needs to inform any masterplan.
 - Flexibility required in the event that development is phased, or only part(s) of the allocated site are developed.
 - No ransom strips to be designed into any land. Where applicable, adoptable highway should be shown up to site boundaries where they abut other developable parcels. Provisions for future and construction access may need to be included in Section 106 agreements.
 - Masterplan to reflect latest proposals for the Cooper Bridge link road scheme [now referred to by officers as the Cooper Bridge highway improvement scheme]. Flexibility required until proposals become fixed.
 - Other vehicular access points as per 2017 masterplan.
 - North-south movement (for pedestrians and cyclists) along Shepherds Thorn Lane is a key consideration. The Local Plan includes an expansion of the Core Walking and Cycling Network along this route, and significant opportunities for improved connection with the Brighouse Garden Suburb site (to the north) and education and employment opportunities (to the south) exist.
 - Walking-to-school routes to be planned for.
 - Public rights of way to be retained along their recorded alignments.
 - Proposals to work with existing topography, and not radically reshape it.
 - Site's coal mining legacy may affect layout.
 - Watercourses to be regarded as fixed. Layout flexibility required in the event that culverted watercourses are found.
 - Reference to be made to the desk top work and site assessment carried out during Local Plan preparation (in particular, the report by RES Environmental, ref: 543KLE\H1747-H351 rev P1).
 - Flood routing to inform layout.

- TPOs, woodlands, hedgerows and protected habitats to be regarded as fixed.
- 10% biodiversity net gain required, and to inform layout. See draft Biodiversity Net Gain Technical Advice Note.
- Wildlife corridors and linkages to be designed into any layout.
- On-site space to be provided in accordance with Local Plan policy LP63 and draft Open Space SPD. 2017 support for a significant, central open space (or “green lung”) to be noted. A network of connected, multi-functional open spaces expected.
- Co-ordination of facilities across various development sites should be considered, to help avoid duplication, and to result in a more comprehensive and varied sports and recreation offer.
- Relevant initiatives (White Rose Forest, Green Street principles etc) to inform layout.
- Wider landscape impacts to inform layout. Visibility of site from Calderdale, M62 and Castle Hill to be considered. Note that Castle Hill Settings Study identifies a significant ridgeline running roughly east-west across the allocated site.
- Location of nine-hole golf course, driving range, clubhouse and two full-sized 3G pitches (as illustrated in 2017 masterplan) to be regarded as fixed for the time being.
- Placemaking to inform layout and all other design decisions. Reference to be made to Local Plan policy LP24 (among others), National Design Guide, Building for Life and other guidance. It is essential that early thought be given to placemaking, to avoid the creation of a monotonous, anonymous, characterless, illegible anytown development that misses opportunities to create an integrated, distinctive, vibrant, safer, legible, well-connected, convivial and attractive place to live and visit. Standard house types of volume housebuilders may not be appropriate. Character areas and design coding may be appropriate. If HS11 is developed in phases/parcels by two or more parties, evidence of piecemeal development should not be apparent across the site.
- Dementia-friendly design required.
- Significance of Grade II listed Shepherds Thorn Farm to inform layout. Setting must not be unacceptably harmed. Rural approach to this designated heritage asset to be maintained.
- Environmental health considerations (air quality, noise and vibration, lighting, odour and site contamination) to inform layout.
- Wider council objectives (including in relation to economic resilience, tackling inequality, improving health and wellbeing, and the climate change emergency declaration) to be addressed in any masterplan.
- All three aspects of sustainable development (social, economic and environmental) to inform masterplan. Exemplary development expected in relation to energy use and other aspects of sustainability.
- Maintenance responsibilities for open space, drainage, private drives and other spaces outside private curtilages etc should be considered.
- Apportionment of Section 106 obligations (calculated on the basis of the entire development) will be necessary.
- Housing to comply with relevant policies and best practice regarding affordable housing, pepper-potting, indistinguishable tenure, unit size mix, and accessibility. Specialist accommodation, bungalows and self-build to be allowed for. Compliance with Nationally Described Space Standards required.

- Residential density to comply with Local Plan policy LP7. Variations in density across the site can assist with placemaking and legibility.
- Meaningful response to community aspirations for HS11 required.

10.20 The applicant's application-stage indicative HS11-wide masterplan (865A-01A) and the accompanying Design and Access Statement suggest how the wider site may be developed, and how the applicant's proposals for the Bradley Villa Farm site would fit within that wider development. Of note, the applicant's indicative masterplan shows:

- East-west spine road – This would connect Bradford Road to Tithe House Way, along a similar alignment to that shown in the council's 2017 masterplan.
- Three vehicular access points – Bradford Road, Tithe House Way and Lamb Cote Road. No vehicular access is shown from Shepherds Thorn Lane.
- Vegetation largely retained – The suggested developable areas appear to work around existing tree and biodiversity constraints.
- Public Rights of Way – Retained along their current alignments.
- New routes – Throughout the HS11 site, for pedestrians and cyclists, including east-west routes across Shepherds Thorn Lane.
- Character areas – Four areas are suggested by the applicant:
 - Garden Village (Arts and Crafts) – Covering the Bradley Villa Farm site and some land to the east.
 - West Hamlet (traditional) – Near to the Grade II listed barn.
 - East Hamlet (contemporary) – The northernmost residential development area.
 - Urban Village (contemporary) – Covering the area between Lamb Cote Road and Tithe House Way (to the rear of 206 to 332 Bradley Road) and including the suggested local centre and primary school.
- Local centre – Indicatively shown off Lamb Cote Road, to the rear of 328 to 332 Bradley Road.
- Primary school – Indicatively shown to the north of the local centre.
- Reprovided golf/sports facilities – Shown in the northeast part of the site.
- New woodland areas – Suggested along the north boundary of HS11.
- Overhead power lines – Significant distances would be maintained between new development and overhead power lines and their pylons.

10.21 The above aspects of the indicative masterplan are largely considered appropriate, and reflect an adequate understanding of the HS11 site, its constraints and its context.

Developable areas

10.22 Regarding developable areas, the applicant has appropriately suggested that these should largely work around existing tree and biodiversity constraints. It is also noted that the applicant has suggested that most of the developable areas should be located well away from the north boundary of HS11, and that new areas of woodland planting would be appropriate along this boundary. For the Bradley Villa Farm part of HS11, development is proposed close to the north boundary of HS11, however the impact of this would be softened by the planting added to the proposals during the life of the current application (this matter is considered in detail later in this report). Historic England and KC

Conservation and Design have not raised an objection to the indicative developable areas in relation to the Castle Hill Settings Study (and the significant east-west ridgeline identified therein). Calderdale Council have not objected to the application on landscape and visual impact grounds. Comments from the Lead Local Flood Authority do not suggest that any of the indicative developable areas are incapable of accommodating residential development due to flood routing concerns. Similarly, information relating to ground conditions has not ruled out any of the indicative developable areas. Other constraints and considerations (including the need to meet playspace needs within appropriate walking and stand-off distances, impacts of development upon the setting of (and the rural approach to) Shepherds Thorn Farm, the need to achieve biodiversity net gains and the provision and distribution of open space) may necessitate future refinement of the indicative developable areas, but do not suggest the applicant's general approach is problematic.

- 10.23 During the life of the application, and in light of site investigation carried out in response to comments from KC Environmental Health, the applicant established that odours from the egg production facility at Bradley Villa Farm would impact upon significant parts of the application site, and would reduce the developable area of HS11. The applicant found that these impacts could not be mitigated with appropriate screening or other physical measures. The applicant has therefore negotiated with the adjacent farmer, who has agreed to cease egg production activity. This cessation would need to be secured and made permanent via a Section 106 obligation – this would essentially be a unilateral element within the required agreement, placing no obligation on the council. The relevant wording would need to ensure that no egg production (or other odorous activity or process, be it agricultural or not) would be introduced or resume at any point in the future. A related recommended condition would ensure that no new dwellings in the odour-affected parts of the application site could be occupied prior to the adjacent egg production activity permanently ceasing.
- 10.24 Also related to developable areas, the applicant's HS11-wide approach to quantum and density is largely considered acceptable. In particular, the applicant's proposal to focus a significant quantum of development at the Bradley Villa Farm site (as part of a masterplanned approach to HS11) is supported. Site allocation HS11 does not specify quanta of development to be accommodated within each part of the allocated site. Given the constraints elsewhere within the HS11 allocated site, if the expected c1,958 units are to be accommodated, it may be the case that unacceptably high densities would need to be proposed within the council-owned land unless the less-constrained Bradley Villa Farm site is allowed to shoulder a proportionately greater quantum of development.

Land use

- 10.25 Regarding land use and the locations of non-residential uses shown in the applicant's indicative masterplan, it is noted that site allocation HS11 does not specify where the primary school and local centre should be located. The council's 2017 masterplan suggested that these uses should be located towards the centre of the site. Similarly, although the consultants Cushman and Wakefield – in their initial cross-boundary masterplanning work for Kirklees and Calderdale – suggested that the local centre (or rather, a "community hub") should be located at the far west end of HS11 (within the

Bradley Villa Farm site), more recent masterplanning work carried out by Cushman and Wakefield (on behalf of the council as landowner) has again suggested that non-residential uses should be located towards the centre of the allocated site. A similar approach to land use has been adopted by the applicant in documents submitted with the current application. This is considered acceptable, given that the school would largely (but not exclusively) serve the new residents of the HS11 site (and should, therefore, be provided in an accessible and reasonably central location), and given that a new school should preferably be delivered on council-owned land. The northeast part of HS11 is considered to be the appropriate location for reprovided golf/sports facilities.

Future development

- 10.26 The future development of the larger (council-owned) part of allocated site HS11 would be dependent upon the proposed spine road being extended eastwards from the Bradley Villa Farm site. This means that, within the Bradley Villa Farm site, the adoptable highway of the spine road must meet the carriageway of Shepherds Thorn Lane. To avoid a ransom scenario being created, no land between the carriageways of the spine road and Shepherds Thorn Lane should be left unadopted, and detailed drawings (to be secured by recommended condition) and planning obligations would be required to confirm this.
- 10.27 During the life of the application, the alignment of the proposed spine road has been amended, so its future eastwards trajectory would avoid an existing pond within the golf course. This will help ensure valuable habitats would not need to be lost as part of a future development of the council-owned part of HS11.
- 10.28 It is noted that site allocation HS11 also includes the farmyard and buildings (including the farm shop) of Bradley Villa Farm. This land (approximately 2 hectares in size, and capable of accommodating major development) is not included in the current application's red line boundary, as the owner has decided not to release it for development at this time. It would remain allocated for residential development should the current application be approved. The current proposals would not sterilise this land – vehicular access to a future residential development on this land could be taken from the proposed spine road (as well as from Bradley Road), and no aspect of the current proposals would create a new context preventing or limiting such a development in the future.

Section 106 obligations

- 10.29 As noted above, masterplanning is relevant to Section 106 contributions and other obligations. Provisions intended to enable development of the wider HS11 site (and to mitigate the impacts of that development) should be fairly apportioned among the developers of parcels of land within the allocated site. No single developer should be unfairly burdened with mitigating the impacts of all development across HS11, or with a disproportionate share of that mitigation. This is especially relevant where developers are at different stages in bringing forward their schemes, or where mitigation is only required when a certain quantum of development is completed.

- 10.30 At the Bradley Villa Farm site, while the proposed 277 units may not cause significant impacts (requiring mitigation) in relation to certain planning matters, they would certainly contribute towards the impacts caused by development of the wider HS11 site. In light of the council's masterplanning approach, it is recommended that the Section 106 Heads of Terms include contributions and obligations that are not only required in relation to mitigation of the impacts of 277 units, but that are also required for development enablement and cumulative (HS11-wide) mitigation reasons.
- 10.31 Of note in relation to masterplanning, the recommended Section 106 Heads of Terms include:
- Education and child care – Contribution of £91,956 towards early years and childcare provision and a contribution of £1,414,708 towards a new two form entry primary school;
 - Off-site highway works – Contribution of £820,474 towards the Cooper Bridge highway improvement scheme and a contribution towards future capacity improvements at the Bradley Bar roundabout.
 - Sustainable transport – A £46,000 contribution towards new bus stops on the spine road.
 - Odour – Cessation of egg production at adjacent farm.
 - Masterplanning – No ransom scenario to be created at junction of spine road and Shepherds Thorn Lane.
 - Sports and recreation reprovision – Contribution of £575,786 towards reprovision of existing facilities within HS11 site.
 - Management and maintenance – Establishment of / participation in a drainage working group (with regular meetings) to oversee implementation of a HS11-wide drainage masterplan.
- 10.32 In addition, recommended conditions relevant to masterplanning include those regarding electricity supply and future junction works at Bradford Road.

Masterplanning conclusion

- 10.33 Given the above assessment, it is considered that the masterplanning work carried out by the applicant is sufficient for the purposes of informing an assessment of the current application.
- 10.34 Of note, should planning permission be granted for the proposed development, the applicant's masterplan would not be included in the approved drawings and documents listed in the council's decision letter, as the masterplan is indicative and is intended to illustrate (and inform an assessment of) how the wider site may be developed and how the applicant's proposals for the Bradley Villa Farm site would fit within a wider development. The council's approval of the current application would not bind the council (as adjacent landowner) to the layout and other parameters illustrated in the applicant's indicative masterplan.
- 10.35 The recommended conditions and Section 106 Heads of Terms would ensure the proposed development would sufficiently and fairly contribute towards the enabling of development elsewhere within the HS11 allocated site, and towards mitigation of the impacts of HS11-wide development.

Quantum and density

- 10.36 As noted above, site allocation HS11 sets out an indicative housing capacity of 1,460, with potential for a further 498 dwellings beyond the plan period.
- 10.37 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. Under-use of scarce, allocated development land could potentially contribute towards development pressure elsewhere, at less appropriate sites, including at sites where sustainable development is harder to achieve.
- 10.38 Any proposal at the Bradley Villa Farm site would be expected to make a significant contribution towards the quanta set out in site allocation HS11, however it is again noted that the site allocation does not specify how many dwellings should be provided in each part of HS11.
- 10.39 With 277 units proposed in 12.4 hectares, a density of 22.3 dwellings per hectare would be achieved by the proposed development. However, that 12.4 hectare figure includes green belt land where residential development would not be considered appropriate. Excluding that part of the application site, a site area of approximately 9.85 hectares is arrived at. With 277 units proposed in those 9.85 hectares, a density of 28.1 dwellings per hectare would be achieved. This falls short of the 35 dwellings per hectare figure set out in Local Plan policy LP7 and which already takes into account likely on-site open space needs.
- 10.40 Page 44 of the submitted Design and Access Statement suggests a residential density of 33 dwellings per hectare would be achieved, however this was based on the previously-proposed 270-unit scheme and an area figure of 8.23 hectares (excluding open space). More recently, on 10/11/2021, the applicant team suggested that the buffer planting areas and spine road verges added to the proposals during the life of the application could be excluded from density calculations, resulting in a site area figure of 9.24 hectares which – with 277 units now proposed – would result in a density of 30 units per hectare.
- 10.41 Of note, the above site area figures do not include the land added on 11/03/2022 (amended site location plan BVF-16-02-02 rev A) to the immediate north of the existing farm, however this amendment did not add developable land to the application site.

- 10.42 Of the 277 units proposed, 133 (48%) would be detached. 123 (44%) would have four bedrooms, 66 (24%) would have three bedrooms, 78 (28%) would have two bedrooms and 10 (4%) would have one bedroom. This compares with:
- This applicant's earlier 270-unit proposal for this site, where 171 (63%) detached dwellings were proposed, 136 units (50%) would have had four bedrooms, and 89 (33%) would have had three bedrooms.
 - Merchant Fields, Cleckheaton (ref: 2021/92801) 291-unit scheme, 206 (71%) are to be detached, 150 (52%) are to have four bedrooms, and a density of 33 dwellings per hectare is to be achieved. Approved.
 - Owl Lane, Chidswell (ref: 2019/92787). 260-unit scheme, 100 dwellings (38%) are to be detached, 44 (17%) are to have four bedrooms, and a density of 33 dwellings per hectare is to be achieved. Approved.
 - Land east and west of Netherton Moor Road, Netherton (ref: 2019/93550). 250-unit scheme, 114 (46%) are to be detached, 53 (21%) are to have four bedrooms, and a density of 30 dwellings per hectare is to be achieved. Approved.
- 10.43 The preponderance of larger and detached units in the applicant's earlier 270-unit proposal contributed to the proposed development's density shortfall. Amendments made during the life of the application have gone some way towards addressing this concern, and in light of these amendments (and, to an extent, the relevant requirements that have reduced the site's developable area) it is recommended that the quantum and density now proposed be accepted. This conclusion is further supported by the proportions of detached and larger dwellings previously accepted by the council at other sites, as detailed above.
- 10.44 Crescendos and other variations of density can enhance and aid legibility, wayfinding, character and neighbourhood distinctiveness. The previous Position Statement relating to this application noted that the applicant's approach to typologies (which located detached dwellings along the spine road and open spaces, with more dense terraced housing confined to the secondary streets) could have assisted in these respects, however it was also noted that the entire length of the spine road would have been lined with detached dwellings (except for one pair of semi-detached dwellings), with regular spacing and with no apparent thought to density variations that could add interest and legibility. These concerns were raised with the applicant team, and some amendments to density distribution have been made during the life of the application. The street block of 20 units at the west end of the application site would have a lower density which – together with the proposed materials here – would help that part of the proposed development reflect the character, spacing and typologies that already exist on Bradford Road. The proposed location of the two apartment blocks at the junction of the spine road and Shepherds Thorn Lane would help mark this nodal point.

Sustainability and climate change

- 10.45 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions. At pre-application stage, the applicant was advised to respond positively to the

net zero carbon emission targets referred to earlier in this report. At application stage, an assessment is necessary to ascertain whether the proposed development would achieve net gains in respect of all three of the NPPF's sustainable development objectives.

- 10.46 The application site is considered to be a sustainable location for residential development, as it is on the edge of an existing, established settlement that is served by public transport and other (albeit limited) facilities. As noted above, the X63 Huddersfield-Bradford bus serves Bradford Road and cycle lanes have been marked out on the carriageway of Bradley Road. The surrounding area has a farm shop, a secondary school, a pub, sports facilities and employment opportunities, such that at least some 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.
- 10.47 Since the submission of the current application, the council approved a Planning Applications Climate Change Guidance document which advises applicants to submit a Climate Change Statement with all applications. Effectively, the applicant had already done this – an Energy and Sustainability Statement was submitted with the current application, and the applicant has referred to sustainability and climate change in other submission documents. This is welcomed.
- 10.48 Two further versions of the applicant's Energy and Sustainability Statement were submitted during the life of the application. In the most recent version (rev 3, received 05/05/2022), the applicant notes that a range of sustainability measures have "been given consideration" including in relation to reduction of construction and household waste, reducing water consumption, occupant wellbeing and sustainable transport.
- 10.49 With reference to Part L of the Building Regulations, the applicant's Energy and Sustainability Statement asserts that by following the applicant's proposed energy efficiency approach, the proposed development's predicted carbon dioxide emissions would be reduced by 3.77% over Part L requirements. The statement goes on to estimate that the proposed specification would result in a 13.91% improvement in Fabric Energy Efficiency over a Building Regulations compliant development.
- 10.50 It is unclear whether the above assertions (set out in a document dated 08/04/2022 and received 05/05/2022) relate to the version of Part L that became applicable on 15/06/2022, or the less onerous version that previously applied. However, this is a moot point given that the proposed development will in any case need to be built in accordance with the higher Part L standards that now apply.
- 10.51 Given the range of uses proposed at (and surrounding) the allocated site, at pre-application stage (and in accordance with Local Plan policy LP26) officers advised that there may be scope for the creation of a district heat or energy network for which provision (including leaving space for the future provision of an energy centre and pipework beneath footways) should be made at application stage. Local Plan paragraph 12.11 refers to the heat mapping work already carried out for the Leeds City Region – the applicant was advised to refer to this work.

- 10.52 At application stage, paragraph 5.65 of the submitted Planning Policy Statement suggested that this matter was addressed in the “Sustainability Statement”, however the first submitted version of the Energy and Sustainability Statement did not address the matter, and no district or neighbourhood heat or energy network was proposed.
- 10.53 In the latest version (rev 3) of the applicant’s Energy and Sustainability Statement, it is stated that the proposed development is not in an area where a connection to an existing district heating network is currently possible. It further notes that combined heat and power (CHP) plant (which could serve such a network) is most economical at large scale, where combined heat loads from numerous buildings (preferably with differing uses) provide a consistent baseload heat demand which can then be connected to a single heat source. It adds that the proposed energy-efficient dwellings would have a relatively low space heating and hot water requirement, and that the year-round base heat demand required to make CHP feasible would not be met by the summer hot water load of the proposed development.
- 10.54 While these assertions apparently disregard the future heat demands of the wider HS11 development and the possibility of a heat network connected to non-residential (education and employment) uses to the south, it is accepted that the higher Part L standards now applicable will reduce the potential energy savings that could have been achieved through district heating. It is also noted that many of the non-residential buildings to the south are relatively new, and are therefore unlikely to require replacement of their heating systems in the near future. Given these considerations, and the likely cost and complication involved in establishing a new district heat network (and related CHP plant or other source(s) of energy), it is considered disproportionate to require further effort or information from the applicant in relation to Local Plan policy LP26.
- 10.55 Measures would be necessary to encourage the use of sustainable modes of transport, and to minimise the need to use motorised private transport. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Further consideration of these matters is set out later in this report, however it is noted that the proposed development includes:
- Shared cycle/footways along the development’s spine road, a cycle/footway connection to Bradley Road (at Shepherd’s Thorn Lane), other connections to Shepherd’s Thorn Lane (where an expansion of the existing Core Walking and Cycling Network is proposed) and routes for pedestrians and cyclists throughout the proposed development;
 - A new Toucan crossing (for pedestrians and cyclists) to Bradford Road;
 - Provision for future routing of bus services along the spine road;
 - Cycle storage;
 - Electric vehicle charging points;
 - A residential Travel Plan (to encourage the use of sustainable modes of transport) and related £15,000 monitoring fee;
 - A Sustainable Travel Fund contribution of £141,685.50;
 - A contribution of £46,000 towards the future provision of bus stops on the spine road; and
 - A contribution of £46,000 towards improvements to existing bus stops on Bradford Road.

- 10.56 Drainage and flood risk minimisation measures would need to account for climate change. This is addressed later in this report.
- 10.57 In relation to residential development, social sustainability largely concerns the creation of places that people will want to live in and remain living in, and that are convivial and create opportunities for interaction and community-building. Places offering low standards of residential amenity and quality are often inhabited by short-term and transient populations who do not put down roots – such places are less likely to foster a sense of community, civic pride and ownership. Design, residential amenity and quality, open space, community facilities and other relevant matters are considered later in this report.
- 10.58 In relation to residential development, economic sustainability can concern employment and training opportunities during the construction phase. The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant thresholds (housing developments which would deliver 60 dwellings or more), officers will be approaching the applicant team to discuss an appropriate Employment and Skills Agreement, to include provision of training and apprenticeship programmes. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. Given the scale of development proposed, there may also be opportunities to work in partnership with local colleges to provide on-site training facilities during the construction phase.
- 10.59 Following completion of construction, opportunities for local employment are relevant to the consideration of the proposed development's economic sustainability. Of note, the application site is close to the Pennine Business Park and the Bradley Business Park (where at least one existing employer is known to be expanding, and where new speculative employment premises are under construction). In addition, the frequent X63 bus serving Bradford Road provides access to employment opportunities in Huddersfield, Bradford and locations en route.
- 10.60 In light of the assessment set out above and later in this report, it is considered that the proposal can be regarded as sustainable development.

Green belt impacts

- 10.61 Part of the application site is outside the HS11 boundary, and is in the green belt. Here (and close to the M62), the applicant proposes drainage infrastructure. The application site's red line boundary has been drawn to include this land.
- 10.62 Paragraph 145 of the NPPF states that, once green belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access, or to retain and enhance landscapes, visual amenity and biodiversity.
- 10.63 Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the green belt.

- 10.64 Paragraph 150 of the NPPF states that certain forms of development are not inappropriate in the green belt provided they preserve its openness and do not conflict with the purposes of including land within it. The paragraph specifies what types of development can be considered in this way, and the prescriptive list includes mineral extraction, engineering operations and material changes in the use of land.
- 10.65 Much of the above restrictions on green belt development are reiterated in paragraphs 19.2 and 19.7 of the Local Plan.
- 10.66 The drainage infrastructure proposed within the green belt includes an attenuation tank and basin, and an access lane. Reshaping of the land, level changes and a retaining wall are proposed in association with this provision. Drawing 4607-16-06-902 rev C was appended to the applicant's Flood Risk and Drainage Assessment (version 1.5) and suggested significant engineering works in relation to these works. Hachures and existing contours suggest steep banking would be created. A "drainage easement" was annotated around and above the proposed infrastructure. A foul water pumping station is proposed at the north corner of the residential development. At a meeting held on 12/07/2021 the applicant team advised that this would be an above-ground structure, but in a subsequent meeting on 02/08/2021 advised that the pumping station would be below ground, with only bollards at the surface.
- 10.67 Further information and drawings were provided by the applicant during the life of the application. This included sections confirming that excavation and mounding works would vary – new levels would be up to 4m lower and up to 2m higher (approximately) than existing levels. The applicant has estimated that 15,000 cubic metres of material would be excavated, of which some would be re-used on site (to create bunds around the basin and for other works), while an estimated total of 9,500 cubic metres of material would be removed from the site. Regarding surface treatments, the applicant confirmed that the "access track" annotated around the basin would not need to be hard surfaced. A form of boundary treatment would, however, be necessary to keep livestock away from the drainage infrastructure.
- 10.68 Enough detail has now been provided to inform an assessment of the development's impact upon the openness of the green belt. The proposed drainage infrastructure can be regarded as development falling under paragraph 150 of the NPPF. The proposals would not involve new buildings in the green belt, and this part of the development would not have an urbanising effect. The reshaping of part of this hillside would not erode the openness of the green belt, nor would the creation of a below-ground tank (which would be covered with grass) or attenuation basin at the surface (whether dry or filled with water). Similarly, the proposed access lane, its retaining wall and boundary treatments would not erode openness if sensitively designed, landscaped and implemented in accordance with details to be submitted pursuant to a recommended condition. The proposals would not conflict with the purposes of including this land within the green belt.
- 10.69 Regarding the proposed below-ground foul water pumping station, a condition is recommended, requiring the submission of details of surface treatments, the proposed bollards, and any boundary treatment, to ensure this aspect of the development similarly does not adversely affect the openness of the green belt.

Urban design matters

- 10.70 Local Plan policies LP2, LP5, LP7, LP24 and LP35 are of particular relevance to this application in relation to design, as is the text of site allocation HS11 and the council's Housebuilders Design Guide SPD. Chapters 11, 12 and 16 of the NPPF and the National Design Guide are also relevant. In relation to the Grade II listed barn at Shepherds Thorn Farm, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant.
- 10.71 The Bradley Villa Farm site is currently undeveloped, agricultural land bordering the green belt to the north, and residential and agricultural development to the south. The wider HS11 site has a similar setting.
- 10.72 In some respects the Bradley Villa Farm site is relatively unconstrained, as it has no significant main road frontage, there are no above-ground designated heritage assets within the site (and there are few immediately adjacent), and although there are identifiable patterns in existing adjacent residential development, the surrounding area does not exhibit a strictly uniform character. To an extent, this context gives the applicant some freedom to design a scheme that has a distinctive character of its own, whilst being respectful of the site's context.
- 10.73 The site does, however, have landscape sensitivities due to its topography, the fact that much of the site is visible from the north and east (and from public rights of way), and the site's location next to green belt land to the north. The site also forms part of the setting of the Grade II listed barn at Shepherds Thorn Farm, and a significant ridgeline (of relevance to the setting of Castle Hill) runs roughly east-west across the allocated site.

Site context

- 10.74 The existing residential development that surrounds the application site is mostly 20th-century suburban development, with buildings of two storeys, almost all detached or semi-detached. A small number of buildings are bungalows or have roof-level accommodation. Some terraces exist further to the east and south. Pitched and hipped roofs are typical. Many buildings have front feature gables. Other features of note include:
- Mock Tudor features (e.g. at 587 Bradford Road, 24 and 26 Fixby Road, and at several properties on Dorchester Road).
 - Front bay windows and other projections.
 - Dormer windows.
 - Round porthole windows (less common, but exist at e.g. at 583 Bradford Road, 333 Bradley Road and 73 Fixby Road).
 - Integral garages.
 - Detached garages within private curtilages.
- 10.75 In terms of materials, the following exists locally:
- Natural local stone (e.g. at the older buildings of Bradley Villa Farm, and 684 to 690 Bradford Road).
 - Red brick (e.g. at 413 to 417 Bradley Road, and several buildings further to the east along Bradley Road).
 - Brown brick (e.g. at 333, 335 and 399 Bradley Road).

- Red and grey roof tiles.
- Render (e.g. at 7 and 9 Fixby Road and 414 to 418 Bradley Road).
- Waney edge timber cladding in parts of gables (e.g. at 2 Cumberland Avenue, and 62 and 64 Lightridge Road).

Bradford Road entrance

- 10.76 In streetscape terms, the existing dwellings at 684-686 and 688-690 Bradford Road provide an appropriate gateway to the Bradley Villa Farm site. These two pairs of similarly-designed dwellings are spaced well apart, possibly suggesting a previous intention to develop land to the east (although the application site was not released from the green belt until the Local Plan was adopted in 2019). This spacing (and the application site's context) has been affected by the recent construction of a detached garage with annexe accommodation above associated with 688 Bradford Road (following approval of application ref: 2017/90749), however providing the application site's main entrance in this location is still considered appropriate in streetscape terms.
- 10.77 Amendments made during the life of the application have addressed earlier concerns regarding the entrance experience from Bradford Road (and, specifically, people entering the site and being greeted with a large agricultural shed, electricity substation, three detached dwellings and a small open space). The applicant has relocated the proposed electricity substation, and added a shared cycle/footway to the south side of the spine road, as well as additional hedge planting to partly screen the agricultural shed (made possible by the amended application site red line boundary, which made space available for planting). Materials proposed in this part of the development have also been revised.

Shepherds Thorn Lane

- 10.78 The applicant's earlier proposals were considered to be an inadequate response to this important north-south route. Shepherds Thorn Lane would have been lined with side garden fences and cul-de-sacs, and insufficient pedestrian and cyclist connections were proposed. A northwards view into the site from the site's southeast corner (and Bradley Road) would have been blocked by new dwellings. Concerns were also raised regarding the proposed layout's impacts on trees, and the rural edge character of the lane.
- 10.79 In the current, amended proposals, adequate buffer planting is proposed along much of the site's frontage to Shepherds Thorn Lane. Beyond this planting, several new dwellings would face east, providing a degree of engagement with the lane and natural surveillance where possible. The proposed development's main open space would now have a better, connective relationship with Shepherds Thorn Lane. The retained and additional planting addresses the earlier concerns of KC Trees, and would help maintain the rural edge character of the lane (which, in turn, would help maintain the setting of the Grade II listed building further to the north).

10.80 Four connections are proposed with Shepherds Thorn Lane, as follows (from south to north):

- Southeast corner of the site – Accessible to pedestrians and cyclists. The long view into the site (and its highest part, which may be of archaeological interest and an attractive viewpoint) would be maintained and celebrated.
- Spine road – Accessible to pedestrians and cyclists, and potentially accessible to horseriders. Temporary (collapsible) bollards would enable emergency access. Future continuation of spine road eastwards as and when other parts of HS11 are developed.
- Open space – Accessible to pedestrians and cyclists. Creates potential for a continued, attractive east-west route (in an open space setting) through the HS11 site.
- North corner of the site – Accessible to pedestrians.

10.81 Given the above, the proposed layout and proposals for Shepherds Thorn Lane would ensure a good degree of neighbourhood connectivity is provided, both in the future (as and when other parts of HS11 are developed) and in the interim.

Internal layout

10.82 The internal layout of the proposed development has changed significantly during the life of the application. The applicant has responded positively to the comments of Members and officers regarding design, highways and other concerns. The key amendments of note are:

- Revisions associated with increase in number of dwellings from 270 to 277.
- Revisions to house types and sizes – See commentary later in this report.
- Two apartment blocks are now proposed at east end of spine road – These 3-storey blocks are appropriately proposed at a key nodal point (the spine road / Shepherds Thorn Lane junction).
- Fewer cul-de-sacs – Cul-de-sacs are less dementia-friendly, and require refuse collection vehicles to reverse, which raises safety concerns. The applicant has connected some of the previously-proposed cul-de-sacs, creating loops which would reduce the need for reversing, and which would improve neighbourhood permeability.
- Revised routes through the site for pedestrians and cyclists – These are now more logical, legible, safer and attractive, and would form parts of key east-west routes across the HS11 site.
- Spine road design – Revised alignment (to ensure its future eastward trajectory would avoid an existing pond), space for street trees added, and 3m wide cycle/footways are now proposed on both sides of the spine road.
- Car parking – Where possible, car parking has been redesigned, relocated and broken up, to ensure the street scene would not be dominated by hard surfaces and parked vehicles. Continuous rows of six parking spaces are proposed in some locations, however.
- Refuse storage and collection – Storage flags and collection/presentation points are now proposed in acceptable locations. These should help ensure bins are not left on footways or other inappropriate locations.

- 10.83 The proposed location, size, shape and lining of the development's main open space is now considered acceptable. This space would be well overlooked, would include the site's highest point, and would accommodate a key east-west route accessible to pedestrians and cyclists. As it would meet Shepherds Thorn Lane, there is potential for it to be extended eastwards, creating an attractive, continuous space that would also serve as a valuable wildlife corridor.
- 10.84 With the above amendments (and subject to details submitted pursuant to the recommended conditions), the proposed layout is now considered acceptable.

House types

- 10.85 Concern had been expressed regarding the applicant's proposal to use standard house types at the Bradley Villa Farm site. These concerns are understandable, as there is a risk that standard designs (used by volume housebuilders in very different locations) may result in a development failing to sufficiently reflect its context.
- 10.86 The applicant's Design and Access Statement, however, provides explanation regarding various design matters, including – usefully – a review of the typologies, elevational treatments and materials that surround the application site. This commentary, and officers' observations regarding the site's context, existing typologies, design features and materials (as summarised above) has informed officers' assessment and conclusion that the proposed house types are appropriate for this particular site. The designs proposed by the applicant would reflect the 20th-century suburban character of the site's context, including its heights (mostly two storeys), roof forms (pitched and hipped) and significant proportions of detached and semi-detached dwellings. Design features such as front gables and bay windows would reflect those commonly found around the application site. Certain other design features (such as the waney edge timber cladding proposed to gables of the Warwick house type and detached garages, the timber framing to parts of the Chester house type, and features with Arts and Crafts influence) also exist locally.
- 10.87 Officers also queried the applicant's proposed typology distribution, as it was unclear why larger detached dwellings would have lined the proposed open spaces, while terraced dwellings would have been largely confined to the secondary streets. In response, the applicant introduced more pairs of semi-detached dwellings, and a terrace of four dwellings, to locations surrounding the main open space.
- 10.88 The applicant's proposed distribution of house types was queried, as a less uniform distribution could have helped create distinctiveness and variations of character within the development, as well as assisting wayfinding. This matter hasn't been fully addressed by the applicant (of note, almost every street block would include a Marlow unit and a Cambridge unit, for example), however it is accepted that concentrating a house type in a specific area could result in monotonous street scenes. It is also noted that the applicant proposes to use materials in a way that would help achieve distinctiveness across the site. Regarding wayfinding, it is noted that Shaftesbury units would only occupy corner locations.

Materials

- 10.89 The proposed materials include brown brick, two colours of red brick, “chalk-coloured” render, waney edge timber cladding, and red and grey concrete roof tiles.
- 10.90 Subject to details and samples being submitted pursuant to a recommended condition, this materials palette is considered appropriate for this site and its context. The brown brick added during the life of the application (and proposed only at the west end of the application site) would complement the natural stone of the large dwellings of Bradford Road in the same way brown brick has worked well with other stone buildings in the area. The proposed red bricks and roof tiles would reflect the materials of several existing properties on Bradley Road. Although render is normally considered to be an inferior material, it is recommended that its limited use be accepted, given the site’s context.
- 10.91 In response to concerns raised by ward Members, the applicant has confirmed that more extensive use of brown brick could be possible. This would be considered further at conditions stage.

Landscaping

- 10.92 The applicant’s latest Landscape Strategy Plan (drawing 865A-02D), which has been updated to show the amended layout described above, is generally considered acceptable. The proposals include a good degree of clarity regarding what spaces would be public and private, and any currently-ambiguous spaces can be appropriately defined with planting implemented in accordance with landscaping details to be submitted pursuant to a recommended condition.
- 10.93 The applicant’s Landscape Strategy Plan and Design and Access Statement define landscape areas across the site – these are named “Inner Streets”, “Village Green” and “Rural Edge”. The definition of areas of different character within the development is welcomed in principle, although it is noted that these definitions largely relate to landscaping, and not to other matters (of note, the same house types are proposed in each of the three areas).
- 10.94 In amendments made during the life of the application, space was added to accommodate additional street trees (in accordance with Green Streets principles and paragraph 131 of the NPPF), buffer planting was added along Shepherds Thorn Lane and the northern edge of the application site. Planting along Shepherds Thorn Lane is proposed to include heavy standard trees and native evergreens such as holly, to assist with screening and maintaining the rural character of the lane.
- 10.95 Species listed on the applicant’s Landscape Strategy Plan are considered appropriate. Native species are mostly proposed, as are species known to be attractive to pollinators. Some of the listed species, however, would need to be deleted from the proposed planting schedule, due to concerns regarding them becoming potentially invasive (this includes *Alchemilla mollis* and *Hedera colchica*). It is recommended that this deletion, and the submission of full details of hard and soft landscaping, be secured by condition.

Other design matters

- 10.96 At pre-application stage positives were identified by officers in relation to the largely acceptable east-west spine road alignment (subject to detail), the proposed areas with perimeter block layouts, and the appropriate building heights (although some bungalows could have been proposed and accepted).
- 10.97 Regarding crime prevention, the perimeter block approach proposed across most of the development would generally provide good levels of natural surveillance of the public realm, and clear distinctions between spaces that are public and private. Parking spaces would be overlooked by their users from their homes. Pedestrian access through the proposed 4-dwelling terraces can be secured with gates. Subject to landscaping and boundary treatment details (to be secured via a recommended condition), no parts of the proposed development would be particularly vulnerable to flytipping and other anti-social behaviour. Conditions regarding security measures (including measures relating to the perimeters of the apartment blocks and their parking areas) and lighting are recommended.
- 10.98 Details of boundary treatments have been submitted by the applicant (on drawing BVF-16-02-05 rev C, and other drawings). 1.8m high treatments with brick piers and timber panels are proposed in locations adjacent to the public realm. 1.8m high timber fences and 0.75m high post and rail fences are proposed between plots. 0.9m high railings are proposed around the development's open spaces. The design and locations of boundary treatments and landscaping would need careful consideration at conditions stage (should planning permission be granted), to ensure no significant loss of amenity occurs to neighbouring residents. Appropriate security and natural surveillance should also be facilitated by the design of any boundary treatment, as should the movement of hedgehogs. Tall boundary treatments (such as 1.8m or higher timber fencing) should not be proposed adjacent to areas of public realm. For landscape and visual impact reasons, tall acoustic fencing would not be considered acceptable along the site's north (green belt) boundary.

Urban design – summary

- 10.99 In summary regarding urban design matters, the proposals would result in a sufficiently connected, convivial, inclusive and attractive environment offering opportunities for active lifestyles, movement using sustainable modes of transport, social interaction and integration. Earlier concerns regarding the creation of anonymous, monotonous, insular, isolated suburban development have been sufficiently addressed. Subject to consideration of details at conditions stage, appropriate building designs, materials, landscaping, boundary treatments have been proposed.

Heritage assets

- 10.100 There are few designated heritage assets close to the Bradley Villa Farm site, however impacts must be assessed nonetheless. The applicant team provided an initial Heritage Impact Assessment (HIA) at pre-application stage, and at application stage ES chapter 11 additionally addresses heritage impacts. With regard to the Grade II listed barn at Shepherds Thorn Farm, officers agreed (with the applicant's assessment) that the creation of the M62 and golf course has affected the heritage asset's relationship with its surroundings, however

officers also agreed that the agricultural fields on the west side of Shepherds Thorn Lane make a positive contribution to the setting of the farmstead, as they provide one of the few remaining links to a past rural landscape. Some of these fields would be developed under the current proposals for the Bradley Villa Farm site.

- 10.101 Given the requirements of paragraph 199 of the NPPF, Local Plan policy LP35 and site allocation HS11 (which requires the rural approach to this designated heritage asset to be maintained), officers requested amendments to ensure impacts upon the setting of the listed building are minimised. Of note, this rural approach is more noticeable along the northern stretch of the application site's frontage to Shepherds Thorn Lane (beyond a kink in the lane, and where the dwellings of Bradley Road are not readily visible). In response, the applicant pulled the developable area back from the northernmost corner of the Bradley Villa Farm site, and proposed buffer planting long the lane. This planted strip would be approximately 10m wide, and behind it the east-facing elevations of units 75 to 80 would be spaced a further 12m away. With heavy standard trees included in this planting (to be secured by a recommended condition), these measures are considered to be adequate to ensure the character and appearance of the rural approach to the designated heritage asset is not significantly harmed.
- 10.102 As defined in the Castle Hill Settings Study, a significant ridgeline runs roughly east-west across the allocated site. A further comment was sought from Historic England, as it was not clear whether their initial advice took into account the relationship between the application site and Castle Hill. Historic England subsequently considered this relationship, and (in further comments dated 09/08/2021) confirmed that they had no comment to make on the application. KC Conservation and Design similarly raised no concerns regarding the proposed development's relationship with Castle Hill.
- 10.103 At pre-application stage, in light of the site's potential archaeological interest, on 16/12/2020 the West Yorkshire Archaeological Advisory Service (WYAAS) provided the applicant team with a specification for a pre-determination archaeological evaluation (by trial trenching). Site investigation was subsequently carried out, and bronze age material was found at the highest part of the site. In light of this, at application stage WYAAS have advised that further intrusive site investigation is needed. It is recommended that this be conditioned. During the life of the application, the applicant agreed that an Archaeological Evaluation (provided by the West Yorkshire Archaeological Advisory Service) is to be included in the application submission.

Landscape impacts

- 10.104 Regarding the wider impacts of the proposed development (and of an HS11-wide development), at pre-application stage, officers provided advice regarding the viewpoints that needed to be assessed.
- 10.105 A Landscape and Visual Impact Assessment (LVIA) has been submitted as chapter 7 of the applicant's ES. A detailed response to this (and its appendices) was provided by officers on 25/08/2021. This noted that the correct viewpoints had been illustrated and assessed by the applicant. It was accepted that development of the Bradley Villa Farm site would inevitably be transformative, and that the development could not be hidden in all views, nor could all of its landscape and visual impacts be mitigated. Officers disagreed,

however, with the level of sensitivity assigned by the applicant team to certain viewpoints, and disagreed with the applicant team's description of impacts upon certain viewpoints. It was also noted that the LVIA did not include an assessment of the (potentially visually significant, although details were lacking at the time) drainage infrastructure works proposed adjacent to the M62. Officers advised the applicant that screening and mitigative planting (intended to soften landscape and visual impacts) would need to be provided outside private garden curtilages, and should be the responsibility of a residents' management company – reliance on planting within garden curtilages to achieve mitigation at the edge of the developable area could not be accepted.

- 10.106 On 08/10/2021 the applicant team provided a response to the above concerns. This response confirmed that further assessments of views would be carried out once drawings of the amended proposals and of the drainage infrastructure works had been made available to the relevant consultant. However, no further assessment of views has been submitted.
- 10.107 Notwithstanding the above, it is considered that the amendments made during the life of the application have sufficiently addressed the earlier concerns. Drawings (including sections) of the proposed drainage infrastructure works have been submitted, screening greenery (outside private garden curtilages) has been added along the north edge of the application site, as have heavy standard trees and other planting along Shepherds Thorn Lane. No objection on landscape and visual impact grounds was submitted by Calderdale Council, and it is again noted that the proposed development's relationship with Castle Hill is considered acceptable. No obtrusive acoustic screening is shown along the north edge of the application site.

Infrastructure requirements and delivery

- 10.108 Development of the HS11 site would require significant infrastructure to render the site ready to take development, to support development during its operational phase, and to mitigate its impacts. Infrastructure-related works and provisions would, or may, include site investigation, stabilisation and remediation (including in relation to the site's coal mining legacy), formation of development platforms, provision of new roads and junctions, signalisation works, new cycle routes, new footways and footpaths (and diversions and improvements to existing footpaths), the required two form entry primary school, playspaces, sports and recreation facilities, other social infrastructure, allotments, landscaped areas, ecological enhancement, other green infrastructure, public realm works, surface water drainage, utilities (water, sewerage, electricity, gas, and telecommunications including fibre broadband), electricity substations, decentralised energy (energy centre and distribution network), work related to the retained pylons, noise and air quality mitigation. Temporary, between-phase infrastructure may also be required, as may off-site infrastructure works.
- 10.109 Officers have emphasised how crucial it is that these infrastructure requirements are identified at an early stage. When considering the current application, it must be ascertained what is required, when these works and provisions are required (phased delivery of some works may be appropriate), their costs, and who would be responsible for their delivery. As part of an appropriate masterplanned approach to the wider HS11 site, it is necessary to ensure the costs of infrastructure delivery are fairly shared among the site's owners or developers.

- 10.110 The council (as landowner) commissioned WSP to assess the infrastructure needs of the HS11 site, and a list of infrastructure topics (that WSP had been commissioned to cover) was shared with the Bradley Villa Farm applicant team. Further work has subsequently been carried out for the council (as landowner) by the consultants Cushman and Wakefield. Although much of this work is still in progress, some of its initial headline findings have been shared with the applicant, to inform discussions regarding the infrastructure needs of the site.
- 10.111 Where relevant, it is recommended that the Bradley Villa Farm development should contribute a proportion of the cost of infrastructure works based on the 277 units proposed and the 1,958-unit indicative capacity of the HS11 allocated site. This is a proportion of approximately 14%.
- 10.112 Off-site highway mitigation is among the most significant infrastructure requirements relevant to the HS11 site. This matter is considered in detail later in this report, however it is noted here that the Bradley Villa Farm development would be required to contribute £820,474 towards the Cooper Bridge highway improvement scheme (representing approximately 14% of the £5.8m funding shortfall of that scheme, which works out at £2,962 per dwelling for HS11's site capacity of 1,958 homes), and a contribution towards capacity improvements at the Bradley Bar roundabout. Also of note, although the new junction proposed at Bradford Road has not been over-specified or designed to accommodate the traffic of 1,958 homes, the applicant has agreed to seek adoption of land adjacent to the new junction (and within the application site), which would simplify processes if further junction works are required as and when the larger part of the HS11 site is developed.
- 10.113 Regarding electricity, connection of the HS11 site to the national grid is likely to be costly. The applicant has been asked to clarify what provisions have been made for the proposed 277 units, and whether additional capacity may be available within that new connection for the large part of the HS11 site. In the absence of that information, for masterplanning reasons a condition is recommended regarding electricity connection.
- 10.114 Significant social infrastructure would be needed to support residential development at the HS11 site. This matter is of relevance to the social sustainability of the proposed development. Of note, the text of site allocation HS11 refers to early years and childcare provision, the provision of a new two form entry school on the site, and secondary school provision.
- 10.115 Regarding early years and childcare provision, KC Education have advised that a £650,000 cost should be applied (HS11-wide), based on the cost of adding a nursery building to a school. The applicant's share of this cost would be £91,956.
- 10.116 Regarding the provision of a new two form entry primary school, as noted earlier in this report it is considered appropriate for this to be located on the council-owned part of the HS11, and not on the Bradley Villa Farm site. The applicant would therefore not be required to reserve or provide land for the future construction of this school. With reference to recent experience of newbuild primary school provision in the borough, KC Education have advised that a cost of £10m is appropriate, of which the applicant's share would be £1,414,708.

- 10.117 Calculated with reference to 2023/24 pupil forecasts, a contribution of £5,319 towards secondary provision would be required. This has decreased from the £35,460 previously advised by KC Education due to the inclusion of 1-bedroom units in the proposed development.
- 10.118 Given that many of the required contributions would be put towards schemes that may only become necessary when development of the rest of HS11 is brought forward, it is recommended that the required Section 106 agreement should allow the council to retain moneys for longer periods than is normally secured. Of note, the Department for Education's "Securing developer contributions for education" guidance recommends (at paragraph 6) that planning obligations should allow enough time (often 10 years, or no time limit) for developer contributions to be spent. Some of the highways-related contributions sought from the current applicant would be put towards schemes that may be implemented beyond the Local Plan period, and should therefore be secured for an appropriate length of time.
- 10.119 It is noted that local medical 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.

Residential quality and amenity

- 10.120 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.
- 10.121 Separation distances between the proposed dwellings and existing adjacent properties would generally be adequate to ensure no unacceptable loss of natural light, privacy or outlook would occur. The applicant's proposed levels strategy (drawing 4607-16-06-903 rev B, received 28/03/2022) does not suggest significant differences in levels between units 143 to 180 and existing dwellings to the south at Torcote Crescent and Bradley Road, and impacts on the privacy of these existing dwellings (which had been raised as a concern by some residents) is therefore not considered to be significant. Although some mutual overlooking would be introduced by the proposed development (whereas existing residents currently look out onto agricultural fields), the proposed relationship is not considered to be unusual or problematic.
- 10.122 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the number and locations of new vehicular, cycle and pedestrian entrances that new residents would use to access the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses in relation to noise.

- 10.123 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites (including sites in Calderdale) be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP.
- 10.124 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.125 All units (including the proposed apartments and maisonettes) would be dual aspect. This is welcomed, as dual aspect enables natural ventilation, and has amenity and outlook benefits.
- 10.126 All units would have adequate privacy, outlook and access to natural light.
- 10.127 Dwellings would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents. The applicant's drawings show a single shared outdoor garden space for each pair of the four proposed maisonettes, which is considered acceptable given the small numbers of this typology.
- 10.128 Adequate distances would be provided within the proposed development between new dwellings.
- 10.129 The sizes of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.
- 10.130 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.
- 10.131 A revised accommodation schedule (updated in light of amendments made to house types and the proposed unit size mix) was submitted on 01/07/2022. This confirmed that all units would be NDSS-compliant, except:
- 12x Bakewell units (all private 3-bedroom semi-detached houses, 78.5sqm in size, falling 5.5sqm short of the 84sqm minimum set out in the NDSS).

- 2x Tweed units (both social/affordable 4-bedroom semi-detached houses, 96.5sqm in size, falling 0.5sqm short of the 97sqm minimum set out in the NDSS).
- 10.132 Given the minor shortfalls and the small number of dwellings affected, as well as the status of NDSS in Kirklees, it is not recommended that planning permission be refused due to the sizes of these 14 dwellings. The applicant has, however, been encouraged to explore options for increasing their size to achieve NDSS compliance.
- 10.133 As noted earlier in this report, during the life of the application the applicant made amendments to the proposed unit size mix which have reduced the earlier preponderance of larger and detached dwellings. In the current proposals, 133 (48%) dwellings would be detached. 123 (44%) would have four bedrooms, 66 (24%) would have three bedrooms, 78 (28%) would have two bedrooms and 10 (4%) would have one bedroom. It is considered that these amendments are acceptable, and that enough has been done to ensure the proposed development would meet a range of housing needs.
- 10.134 Other than in the case of the proposed upper-floor apartments and maisonettes, all new units would have ground floor WCs, making those units at least visitable by people with certain disabilities. The inclusion of ground floor apartments in the scheme creates at least some opportunities for people with certain disabilities and older family members to move into the development, as does the inclusion of studies/bedrooms and convertible habitable rooms at ground floor level in some of the larger units.
- 10.135 Regarding the wider site allocation, at pre-application stage officers advised the applicant that parts of the HS11 site may be appropriate locations for specialist residential accommodation (such as homes for retirement or sheltered living and/or an Extra Care facility), and that potential locations for bungalows and for self-build development (as referred to at Local Plan paragraph 8.32) should also be explored in the applicant team's masterplanning work. Having considered that matter further, officers now recommend that any specialist residential accommodation would be better located close to the facilities of the local centre that may be brought forward on the council-owned part of HS11. Such a location would enable easier access to those facilities, as well as opportunities for inter-generational interaction which is known to be of benefit to health and wellbeing.

Affordable housing

- 10.136 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. At pre-application stage the applicant team were advised that a policy-compliant 20% affordable housing provision would be required, as would a 55% social or affordable rent / 45% intermediate tenure split.
- 10.137 First Homes, launched by the Government in 2021, are a specific kind of discounted market sale housing (and a form of affordable housing) which:
- must be discounted by a minimum of 30% against the market value;
 - are sold to a person or persons meeting the First Homes eligibility criteria;

- on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and
- after the discount has been applied, the first sale must be at a price no higher than £250,000.

10.138 First Homes are the Government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. In response to this Government initiative, in December 2021 the council published a First Homes Position Statement, explaining how this tenure will be secured in Kirklees. Of particular note, the 25% requirement for First Homes will be expected to form part of the normally-required 45% intermediate element of a development's affordable housing provision.

10.139 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.

10.140 20% of 277 dwellings is 55.4, therefore the 55 affordable units proposed by the applicant meets the headline requirement of Local Plan policy LP11. The applicant also proposes an acceptable tenure split that complies with the council's Interim Affordable Housing Policy (2020) and First Homes Position Statement (2021): 30 affordable/social rent, 14 First Homes and 11 other intermediate units are proposed. These would be provided as 7x 1-bedroom apartments and maisonettes, 24x 2-bedroom apartments and houses, 22x 3-bedroom houses and 2x 4-bedroom houses. The proposed tenure / unit size mix is as follows:

- affordable/social rent
 - 3x 1-bedroom Charterhouse apartments
 - 4x 1-bedroom maisonettes
 - 6x 2-bedroom Charterhouse apartments
 - 6x 2-bedroom Tavy houses
 - 2x 3-bedroom Tavy 3 houses
 - 7x 3-bedroom Dart houses
 - 2x 4-bedroom Tweed houses
- First Homes
 - 2x 2-bedroom Tavy houses
 - 4x 2-bedroom Ledbury houses
 - 8x 3-bedroom Dart houses
- other intermediate
 - 6x 2-bedroom Ledbury houses
 - 5x 3-bedroom Dart houses

10.141 Of note, the proposed development includes 4-bedroom affordable units, which are required to address a known need in the Huddersfield North area. This provision is welcomed.

10.142 The applicant has addressed previous concerns that the development's affordable units may have been visually distinguishable from the private units, and arguably would have had inferior amenity. In the current proposals, two apartment blocks are proposed (one private, one affordable), four affordable dwellings would face the proposed open space, and nine affordable dwellings would line the northern edge of the site, overlooking the green belt. Both the affordable and private elements would include Ledbury units. The same materials palette would be used across all tenures. The locations and distribution of the affordable dwellings (as detailed on drawing BVF-16-02-08 received on 23/06/2022) are now considered acceptable.

Highway and transportation issues

10.143 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.

10.144 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.

10.145 Existing highway conditions must be noted. A site entrance already exists at Bradford Road, where the development's main vehicular access is proposed. A gated access (for agricultural use) to the Bradley Villa Farm site exists on Shepherds Thorn Lane. Bradley Road (the A6107) is a part 30mph, part 40mph highway with cycle lane markings, and part of the Core Walking and Cycling Network runs along this road and along Bradford Road (the A641), where a 40mph restriction also applies. The main roads nearest to the allocated site are served by the X63 (frequent), 349, 363 and X49 (less frequent) bus services along Bradford Road and the 328 bus service that terminates at Alandale Road.

10.146 The council's proposals for local highway improvements should also be noted. The council's preferred option for the Cooper Bridge improvement scheme recently went to public consultation (between 07/06/2021 and 18/07/2021). This preferred option now involves no link road from the A644, and improvements are instead proposed to the Cooper Bridge and Bradley junctions. The Outline Business Case (OBC) for the scheme was submitted to the West Yorkshire Combined Authority at the end of 2021 and has now been approved. The scheme's Full Business Case and further design development is now being progressed.

10.147 Site allocation HS11 notes that additional mitigation on the wider highway network will be required in connection with development at the allocated site, and that there is potential for significant impacts upon the Strategic Road Network.

Bradford Road access

10.148 The proposals for the Bradley Villa Farm site include only one vehicular access point off Bradford Road, however the development would also be accessible from the east should development come forward at the rest of the HS11 site. The proposed site access priority junction arrangements include a right-turn lane for inbound traffic, and a left-only exit on to Bradford Road, with no right-turns possible out of the application site (residents would have to turn left and go around the roundabout to head north on Bradford Road). A Toucan crossing (for pedestrians and cyclists) is proposed within the vicinity of the access. A road safety audit and designer's response regarding this junction have been submitted by the applicant – these are being assessed by officers, however it has already been noted (by KC Highways Development Management) that the location of the Toucan crossing would need to be revised, to ensure adequate visibility is provided.

10.149 As noted above, although the new junction proposed at Bradford Rd has not been over-specified or designed to accommodate the traffic of 1,958 homes, the applicant has agreed to seek adoption of land adjacent to the new junction (and within the application site), which would simplify processes if further junction works are required as and when the larger part of the HS11 site is developed.

10.150 Submission of details and provision of a new junction at Bradford Road would be secured via a recommended condition (and related Section 278 process), rather than via a Section 106 agreement.

10.151 The applicant has submitted a drawing indicatively showing the route of a shared cycle/footway on the east side of Bradford Road between the site entrance and the Bradley Bar roundabout. These works could be implemented as part of future improvement works to the roundabout. While full details of these works have not been submitted (and, as noted above, residents of 11 affected properties have been consulted specifically on these proposals), it is noted that they would have benefits and drawbacks: one the one hand roadside greenery would be lost (the shared cycle/footway would reduce or replace the existing grass verges, although no street trees would need to be felled), while on the other hand the greenery along this 140m stretch (approximately) is already narrow and is broken up by private drives, and the shared cycle/footway would improve access to and through the application site (via sustainable modes of transport) and to/from the existing cycle lanes on Bradley Road and Fixby Road.

Bradley Road / Shepherds Thorn Lane access

10.152 At the eastern edge of the application site, Shepherds Thorn Lane is already of some importance as a north-south route for pedestrians and cyclists (and provides opportunities for enhancement and integration with a development at the Bradley Villa Farm site, for aesthetic and sustainable/active travel reasons), however it is not a suitable location for a key vehicular access point to the HS11 site.

- 10.153 At the southeast corner of the application site, close to Bradley Road, a new 3m wide entrance for pedestrians and cyclists is proposed. This would be adjacent to 398 Bradley Road and the vehicular entrance to that property. This proposed site entrance has been redesigned to ensure adequate manoeuvring space would be maintained for adjacent residents. Concern has been expressed by existing residents regarding the possibility of this new site entrance being opened up in the future for use by vehicular traffic, however a two-way carriageway usable by vehicles would need to be at least 5.5m wide with 2m wide footways on each side, and the applicant is proposing a private drive (serving units 178 to 182) in this corner of the site, meaning adoptable highway (wide enough for vehicular traffic) would not extend to Shepherds Thorn Lane here.
- 10.154 Residents have also expressed concern regarding the potential misuse of this site entrance by motorbike riders. Measures such as physical barriers and/or signage may be required to discourage and prevent such misuse, and the need for these would be considered at detailed design stage.
- 10.155 A road safety audit and designer's response regarding this proposed site entrance have been submitted by the applicant, and are being assessed by officers.

Other connections

- 10.156 Of note regarding the other three proposed connections to Shepherds Thorn Lane:
- Spine road – Accessible to pedestrians and cyclists, and potentially accessible to horseriders. Temporary (collapsible) bollards would enable emergency access, and a temporary turning head is proposed within the application site. The future continuation of the spine road eastwards would be possible, as and when other parts of HS11 are developed. A condition is recommended, requiring details of how the spine road's carriageway, verges and shared cycle/footways (and their materials and levels) would relate to the carriageway of Shepherds Thorn Lane, along with details of any necessary feathering in, any signage, and the collapsible bollards. Concerns have been expressed by residents and Cllr Homewood regarding the possibility of future misuse of Shepherds Thorn Lane as a short-cut, however this junction (when opened up, should development be brought forward on the council-owned part of the HS11 site) would be less attractive to drivers than the Bradford Road and Tithe House Way site entrances, and a Traffic Regulation Order, signage and monitoring could be implemented to address any such risk, if necessary.
 - Open space – Accessible to pedestrians and cyclists. The proposed alignment creates potential for a continued, attractive east-west route (in an open space setting) through the HS11 site. Details of this connection would be provided pursuant to the recommended condition regarding landscaping.
 - North corner of the site – Accessible to pedestrians. KC Highways Development Management and KC Public Rights of Way asked for this connection to be widened to provide access for cyclists as well as pedestrians, however the applicant argued that this would reduce space for screening greenery along the north edge of the application site. This is accepted, given the importance of this screening, and given the other connections proposed to Shepherds Thorn Lane.

10.157 Given the above, the proposed layout and proposals for Shepherds Thorn Lane would ensure a good degree of neighbourhood connectivity is provided, both in the future (as and when other parts of HS11 are developed) and in the interim.

Trip generation

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

Junction impacts

10.159 At pre-application stage the applicant team was advised which junctions to assess in the TA, as follows:

- Bradley Bar Roundabout
- Bradley Road/Leeds Road/Colne Bridge Road
- Cooper Bridge Road/Wakefield Road/Leeds Road

10.160 Having regard to the applicant's trip generation information, it has been determined that the Bradley Bar roundabout suffers from capacity issues at peak times, which would be exacerbated by additional development traffic from the Bradley Villa Farm site. Given this impact, it is considered necessary to secure a contribution towards capacity improvements at that junction. In consultation with KC Highways Development Management, the applicant team has designed a signalisation scheme, which includes improved pedestrian and cycle facilities and would help to regulate the flow of traffic at the junction. The cost of this scheme is currently being calculated.

10.161 Of note, the applicant's Bradley Bar roundabout scheme has been designed with the traffic of 1,958 homes in mind. The need for interim mitigation of the impacts of the currently-proposed 277 units is being assessed. Any such mitigation would relate to capacity rather than safety, as funding is already in place for safety improvements at this junction.

10.162 Regarding the Bradley Road/Leeds Road/Colne Bridge Road and Cooper Bridge Road/Wakefield Road/Leeds Road junctions, and the Cooper Bridge highway improvement scheme, at pre-application stage the applicant team were advised to test "with" and "without" scenarios, to provide a robust assessment that accounted for the possibility of delivery of that scheme being delayed or amended. The applicant duly provided these assessments, albeit with reference to earlier iterations of the schemes that included a link road connecting the allocated site to the A644. The applicant's Transport Assessment included a materiality assessment that identified that the proposed 277-unit development would only increase traffic by up to 1.7% at the junction during either peak period, which in isolation would not necessitate junction improvements.

- 10.163 Having regard to the requirements of site allocation HS11, to ensure later developments (elsewhere within HS11, and at other sites) are not unfairly required to mitigate all the cumulative highway impacts to which a development at Bradley Villa Farm would contribute, any planning permission granted for major residential development at the Bradley Villa Farm site would be required to contribute to future capacity improvements (including the Cooper Bridge improvement scheme), regardless of whether the 277 proposed dwellings would – when considered in isolation – trigger a need for improvements. The Bradley Villa Farm development would be required to contribute £820,474 towards the Cooper Bridge highway improvement scheme (representing approximately 14% of the £5.8m funding shortfall of that scheme, which works out at £2,962 per dwelling for HS11's site capacity of 1,958 homes).
- 10.164 Regarding other junctions, the applicant's Transport Assessment states that there would be modest increases in congestion and delay at several junctions within the study area as a result of the completed development. At junctions located further away from the site the proposed development's traffic impact would be reduced and diluted as the traffic disperses through the network. As such it is considered that the magnitude of the effect of development traffic overall across the highway network would be minor adverse.
- 10.165 Given the proposed development's potential impacts upon the Strategic Road Network, the pre-applicant team were advised to engage in early dialogue with Highways England (now National Highways). At application stage, National Highways issued a recommendation that planning permission should not be granted, however this was subsequently withdrawn in light of the applicant's further submissions regarding junctions 24 and 25 of the M62 which found that the traffic of the proposed 277-unit development can be satisfactorily accommodated.

Spine road

- 10.166 Officers advised the applicant to design the development's spine road as a residential connector street (Type A) as per the Kirklees Highway Design Guide SPD, with a cross section of a 3m shared cycle/footway; a 2m verge; a 6.75m carriageway; a 2m verge; and a 3m shared cycle/footway. This would reflect the design of the section of spine road already approved under application ref: 2018/93965, with a 6.75m wide carriageway. A 30mph speed limit would apply to the spine road.
- 10.167 The applicant initially proposed a spine road with no shared cycle/footway on the south side of the carriageway, and no cycle or footway whatsoever was shown along part of the south side of the spine road close to Bradford Road. This was considered unacceptable, given the importance of this thoroughfare to the wider HS11 site, and given the need to encourage and enable the use of sustainable modes of transport. The proposals also lacked street trees in places, contrary to paragraph 131 of the NPPF.
- 10.168 The applicant amended the spine road proposals (including by adding land to the application site red line boundary), and the details of the spine road are now considered acceptable. The spine road has been designed to be capable of accommodating new or diverted bus services. Details of crossing points have also been provided. Access points onto/from the spine road for farm traffic along the retained access directly behind 686 and 688 Bradford Road have been shown.

10.169 To help enable future connection to, and development of, the larger part of allocated site HS11, the spine road must be provided as adoptable highway up to the eastern edge of the application site boundary, where it meets Shepherds Thorn Lane, so that it may be continued eastwards as and when the council-owned land is developed. This has duly been illustrated in the applicant's proposed highway adoption layout. In addition, it is recommended that the necessary Section 106 agreement includes a provision preventing a ransom scenario from being exploited, so that extension of the spine road into the council-owned part of HS11 is not obstructed.

Internal layout

10.170 Beyond the proposed spine road, an appropriate road hierarchy for the proposed development has been clearly described and illustrated in the submitted Design and Access Statement. Amendments have also been made to improve the development's internal layout. During the life of the application, the number of cul-de-sacs has been reduced, refuse vehicle tracking plans have been submitted, and amendments relating to forward visibility have been made. It is recommended that a road safety audit relating to the development's internal layout be secured by condition.

10.171 Regarding refuse storage and collection, storage flags and collection/presentation points are now proposed in acceptable locations. These should ensure bins are not left on footways or other inappropriate locations. For plots where collection/presentation space has not been illustrated, further details would need to be submitted pursuant to a recommended condition.

10.172 Detailed advice regarding Section 38 (highway design/adoption) matters has been forwarded to the applicant team.

Sustainable travel

10.173 Comprehensive and effective travel planning is required in connection with the proposed development, in compliance with Local Plan policies LP20 and LP51. A Travel Plan has been submitted with the application. This includes measures to encourage and enable the use of sustainable modes of transport by residents of the proposed development, and is welcomed. The Travel Plan includes details of monitoring and an action plan, and helps to meet the requirement (set out in pre-application advice) for a HS11-wide strategy for pedestrian and cyclist movement, required in light of the requirements of policy LP21 to encourage the use of sustainable modes of transport, policy LP23 regarding the Core Walking, Cycling and Riding Network, and policies LP20, LP24dii and LP47e which require improvements to neighbourhood connectivity and opportunities for walking and cycling.

10.174 Travel Plan implementation and monitoring fees would need to be secured via the necessary Section 106 agreement.

10.175 It is recommended that a Sustainable Travel Fund contribution of £141,685.50 be secured via the necessary Section 106 agreement. Although the calculation of this sum is based on 277 units multiplied by the £511.50 cost of a bus-only MCard, the contribution would be secured flexibly, so that it could be put towards a range of measures intended to encourage the used of sustainable modes of transport.

- 10.176 Officers are in contact with their equivalents at Calderdale Council, and are discussing potential projects that look beyond the boundaries of individual allocated sites, and that harness opportunities for wider sustainable and active travel, including to and from the centres of Huddersfield and Brighouse, the Brighouse Garden Suburb site, and employment, education and leisure destinations. A public consultation took place between July and August 2021 regarding a joint scheme between Calderdale Council and Kirklees Council to improve the pedestrian and cycle links along the A641 corridor and to help provide better connections for the communities along and between Bradford, Brighouse and Huddersfield. The proposals are now being progressed. These include improved connections to Huddersfield Town Centre, which are proposed to link to the Bradley Villa Farm site at Shepherds Thorn Lane.
- 10.177 The council's Core Walking and Cycling Network is intended to provide an integrated system of routes that provide opportunities for alternative sustainable means of travel through Kirklees, and provide efficient links to urban centres and sites allocated for development. The Local Plan identifies an intention to extend this network along Shepherds Thorn Lane. Although no relevant proposals for physical works have been drawn up by the council and no contribution to such a scheme is recommended, new soft landscaping (improving the setting of this key north-south route) and new connections for pedestrians and cyclists (improving the route's attraction and utility) are proposed as part of the Bradley Villa Farm development. These connections would link to the improvement scheme mentioned above.
- 10.178 Regarding public transport, the locations of future bus stops have been designed into the proposed spine road layout, and it is recommended that a contribution of £46,000 be secured for new bus shelters / real-time displays, to enable these to be installed at a later date. Improvements to the existing bus stops on Bradford Road would also be necessitated by the proposed development, and it is recommended that a further £46,000 be secured towards new bus shelters and real-time displays for the northbound and southbound stops.

Parking

- 10.179 Parking provision across the site must reflect anticipated need (balanced against aesthetic, street scene, safety and sustainability considerations), having regard to likely vehicle ownership and the council's adopted Highway Design Guide SPD.
- 10.180 The proposed parking provision across the site is considered acceptable. Sufficient spaces are proposed to reduce the risk of new residents parking on Shepherds Thorn Lane or in other inappropriate locations. During the life of the application, the applicant has added visitor parking spaces, and where possible unbroken rows of parking spaces have been amended for visual amenity reasons.

Construction-phase impacts

- 10.181 The submitted ES considers the environmental effects of the proposed development during both its construction and operational phases. KC Environmental Health have advised that a Construction (Environmental) Management Plan would be required. This would need to include provisions related to construction traffic.

Flood risk and drainage issues

- 10.182 In relation to flood risk and drainage, the requirements of chapter 14 of the NPPF, and Local Plan policies LP27, LP28 and LP29, must be addressed. Drainage and flood risk (including provisions for flood routing) should be a key influence on any masterplan for the HS11 site, and any layout proposed for the Bradley Villa Farm site.
- 10.183 The allocated site is located within Flood Zone 1 and is therefore generally at low risk of flooding. Part of the allocated site (at Tithe House Way) is at risk of surface water flooding, as is an area at the northern edge of the golf course. To the east of Shepherds Thorn Farm, a watercourse runs northeastwards (via a pond), joining Deep Dike, Bradley Park Dike and, eventually, the River Calder. Another watercourse runs eastwards from a pond adjacent to the golf course club house, and historic maps illustrate other watercourses, some of which were interrupted by the construction of the M62. Surface water flood risk is associated with these routes. Additionally, there are some isolated depressions which represent flood risk. Other unmapped watercourses and features may exist within and close to the allocated site. Yorkshire Water sewers exist beneath Bradford Road, Bradley Road and Tithe House Way.
- 10.184 The Bradley Villa Farm site is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment (FRA) and a full site-wide drainage strategy is required. These have been submitted, as has chapter 15 of the ES. The applicant has confirmed which versions of the Flood Risk Assessment are to be considered (three versions were submitted), and has submitted an updated ES chapter 15 during the life of the application.
- 10.185 At pre-application stage the applicant team were advised to refer to the desk top work and site assessment carried out during Local Plan preparation (in particular, the report by RES Environmental, ref: 543KLE\H1747-H351 rev P1), and to continue liaising with Highways England (now National Highways) regarding impacts on the M62's drainage. In their comments of 23/06/2021, National Highways did not raise objection on drainage or flood risk grounds.
- 10.186 The applicant proposes to drain the application site (by gravity) to the north, via a new attenuation tank and basin, which would then connect to Highways England's M62 drainage at a discharge rate of 22 litres per second.
- 10.187 Foul water would be pumped via a new pumping station (proposed at the north corner of the residential development) to existing Yorkshire Water sewers.
- 10.188 The Lead Local Flood Authority (LLFA) provided advice at pre-application stage. At application stage, the LLFA requested further research and information regarding flood routing, and a site management plan. No objection has been raised by the LLFA to the proposed attenuation or the proposed discharge rate.
- 10.189 In their most recent comments, the LLFA advised that their previous comments still applied, and made specific comments as follows:
- Flood routing has not been taken into account by the applicant, therefore the proposed layout fails to avoid risk. Roads and public open space should be used for flood routing, but residential curtilage should not be.

- The proposed basin should be utilised for SUDS treatment.
- Yorkshire Water would not require a separate tank and overflow basin for adoption purposes.
- Response required regarding slip trenching (required to ascertain whether a culverted watercourse exists beneath the site).

10.190 The applicant's consultant is due to discuss these matters directly with the LLFA, and the outcome of these discussions is awaited.

10.191 Given the need for a masterplanned, co-ordinated approach to drainage across the HS11 allocated site, it is recommended that the necessary Section 106 Heads of Terms include the establishment of or participation in a drainage working group (with regular meetings) to oversee the implementation of a HS11-wide drainage masterplan.

10.192 Residents have expressed concern regarding drainage and flood risk, and have referred to existing problems relating to wet ground in the southeast corner of the application site, which is alleged to have become worse following recent site investigation work. In response, it is noted that an effective site-wide drainage strategy provides an opportunity to address existing drainage problems. Regarding recent site investigation work, this should have simply involved digging trenches and refilling them with the dug-up material, and this should not have had any significant effect on drainage locally.

10.193 Yorkshire Water have not objected to the proposals.

10.194 A condition is recommended regarding temporary drainage during the construction phase.

Environmental and public health

10.195 A Health Impact Assessment has been submitted, while chapter 5 of the ES addresses socio-economics and community matters. These documents have been assessed with regard to chapter 8 of the NPPF, Local Plan policy LP47 and the council's Joint Health and Wellbeing Strategy.

10.196 Development at this site would be required to assist in promoting healthy, active and safer lifestyles in accordance with the above planning policies. This can be achieved in many ways – air quality mitigation and improvement, facilitation and encouragement of on-site and local outdoor activity, inclusive design, providing opportunities for inter-generational interaction, new and enhanced public footpath and cycle path connections, careful construction management (including dust control) and other measures can be proposed by the applicant team. Active travel is of particular relevance to the HS11 site, given the local opportunities available for walking and cycling, and the council's intentions to expand the Core Walking and Cycling Network along Shepherds Thorn Lane.

10.197 KC Public Health have provided comments, including in relation to active travel. No objection to the proposals has been raised by KC Public Health.

10.198 The allocated site is not located within an Air Quality Management Area (AQMA), however it is relatively close to AQMA 1 (Bradley Road / Leeds Road junction), where elevated levels of Nitrogen Dioxide have been measured. An AQMA has also been designated in Brighouse. Due to the size of the

development proposed at the Bradley Villa Farm site, and having regard to the West Yorkshire Low Emission Strategy planning guidance, air quality needs to be addressed at application stage. Accordingly, ES chapter 12 addresses air quality and odour, and has been reviewed by KC Environmental Health.

- 10.199 Regarding air quality, the applicant's methodology and approach is considered acceptable, and KC Environmental Health officers concur with the conclusion that the NO₂ and PM₁₀ concentrations would not exceed the national air quality objectives for those pollutants. The applicant's calculated air quality damage costs (£30,757 for the Bradley Villa Farm site and £243,991 for the HS11 allocation) are accepted, however the applicant's proposed mitigation includes measures that – as set out in the West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016) – cannot be counted against these costs. It is recommended that the damage cost contribution be secured via the required Section 106 agreement, for the council to spend on local air quality improvement.
- 10.200 A standalone Odour Assessment has also been submitted. The applicant's methodology is generally considered acceptable, however unpleasant agricultural odours were detected at ten locations, and the applicant's survey work was carried out at unrepresentative temperatures. Officers therefore could not conclude that the future risk of odour complaints would be low.
- 10.201 As noted earlier in this report, in attempting to address the above concerns, the applicant established that odours from the egg production facility at Bradley Villa Farm would impact upon significant parts of the application site, and would reduce the developable area of HS11. The applicant found that these impacts could not be mitigated with appropriate screening or other physical measures. The applicant has therefore negotiated with the adjacent farmer, who has agreed to cease egg production activity. This cessation would need to be secured and made permanent via a Section 106 obligation.
- 10.202 Electric vehicle charging and travel planning (which are relevant to air quality mitigation) are considered earlier in this report.
- 10.203 Regarding construction-phase air quality impacts, best practice mitigation should be implemented. Details of this mitigation would need to be submitted pursuant to a recommended condition securing a Construction (Environmental) Management Plan.
- 10.204 ES chapter 13 assesses the noise and vibration impact of the proposed development. KC Environmental Health have advised that, at some of the proposed dwellings, windows would need to be opened on hot days as trickle ventilation would not be adequate. This would expose residents to the site's elevated levels of road traffic noise. Mechanical ventilation is therefore likely to be needed. Conditions are therefore recommended regarding noise mitigation and the ventilation of habitable rooms.
- 10.205 For visual amenity and landscape impact reasons, the erection of acoustic barriers along the north edge of the application site is not recommended.
- 10.206 The Construction (Environmental) Management Plan mentioned above would also need to control hours of working, noise and vibration, dust and artificial lighting during construction.

Site contamination and stability

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

Ecological considerations

- 10.212 The Wildlife Habitat Network covers parts of the allocated site, and areas outside it, including the ancient woodlands at Bradley Wood to the north and Screamer Wood and Dyson Wood to the south. Local Wildlife Sites exist immediately outside the allocated site, to the north and east. The majority of the allocated site is within a Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands for most of the site, Built-up Areas for a small part of the west end of the site, and Valley Slopes along the site's northeastern boundary). Bats are known to be present in the area.
- 10.213 Site allocation HS11 states that, where an ecological assessment shows the presence of protected species, that area of the site will need to be safeguarded from development. Chapter 15 of the NPPF, Local Plan policy LP30, and the council's Biodiversity Net Gain Technical Advice Note are relevant. A 10% net biodiversity gain should be demonstrated in accordance with these policies. Net gain is measurable, and the degree of change in biodiversity value should be quantified using Natural England's Biodiversity Metric 3.0 (launched on 07/07/2021). In order to address the above, from the outset the proposed development should have been supported by landscaping information and a calculation of change in biodiversity value using this metric.

- 10.214 A biodiversity metric calculation was submitted by the applicant on 26/04/2022, along with a Biodiversity Impact Assessment. The applicant found that the application site had an existing value of 22.66 biodiversity habitat units and 1.87 hedgerow units. The applicant calculated that – given the proposed habitat enhancement and creation (and management for a minimum of 30 years) – the site’s post-development values would be 15.5 biodiversity habitat units (a total net unit change of -7.16 units, equating to a -31.6% net percentage loss) and 4.52 hedgerow units will be achieved (a total net unit change of +2.64 units, equating to a +141.16% net percentage gain).
- 10.215 Achieving biodiversity net gain within an application site is the preferred option. If this cannot be achieved within an application site (i.e., where it can be demonstrated that on-site compensation methods have been exhausted), applicants are required to secure off-site compensation. In those situations, as set out in the council’s Biodiversity Net Gain Technical Advice Note (paragraph 3.4.1 onwards), applicants will need to demonstrate that sufficient off-site habitat creation or enhancement has been secured to achieve a minimum 10% biodiversity net gain. Off-site compensation can be secured through one, or a combination, of the following:
- Management of land within the control of the developer;
 - Purchase of the required compensation value from a Habitat Bank;
 - Payment of a commuted sum to the Local Planning Authority; or
 - A combination of all or some of the above.
- 10.216 In accordance with the council’s Technical Advice Note, applicants are encouraged firstly to source and bring forward appropriate sites on which their biodiversity offsetting can occur. These should be reasonably close to the development site and have the potential to establish or enhance in-kind habitats to those due to be lost. If an applicant is unable to secure a site where adequate biodiversity offsetting can occur then a financial payment to the council, for use to enhance biodiversity on council-managed land, will be required.
- 10.217 In response to this guidance, the applicant stated that they have maximised on-site provision, and that they do not control any further land in the vicinity and that further provision would therefore not be deliverable.
- 10.218 It is accepted that on-site habitat provision has indeed been maximised in the applicant’s proposals, having regard to other demands for space within the site. The applicant’s response regarding off-site provision would not normally be considered adequate, however at the Bradley Villa Farm site it is noted that adjacent land is in relatively intensive agricultural use, is within private residential curtilages, or is council-owned. There are opportunities within that council-owned land for habitat creation, and if the applicant were to secure an agreement for off-site habitat creation with a nearby landowner, that nearby landowner is likely to be the council. It is therefore recommended that a financial contribution towards off-site provision can be accepted in this instance. Referring to the information submitted by the applicant on 26/04/2022, KC Ecology have advised that a financial contribution of £230,690 would be payable.
- 10.219 Regarding other ecological impacts of the proposed development, chapter 8 of the applicant’s ES is relevant.

- 10.220 Chapter 8 notes that a pond within the adjacent golf course to the east was selected as an “Ark” site to relocate white-clawed crayfish to, in an attempt to save the population that exists in Kirklees, following population collapse in Huddersfield Narrow Canal due to the presence of invasive signal crayfish. In 2011 a number of white-clawed crayfish were introduced to this pond as part of the conservation programme. Monitoring surveys carried out in 2014 found the population to have survived, and it is assumed that this protected species are still present in the pond today. The presence of other species (such as great crested newts) has not been ruled out at this pond. As noted earlier in this report, during the life of the application the applicant amended the alignment of the proposed spine road within the application site, so its future eastwards trajectory would not result in the loss of this pond.
- 10.221 Chapter 8 identifies three “important environmental features” at the application site: the adjacent woodland, bats and birds. The applicant has asserted, however, that the proposed mitigation and compensation measures (including bat and bird boxes, and flower-rich grass) would ensure no residual impacts would occur as a result of the development and no cumulative effects are expected when assessed against the proposed wider allocation development.
- 10.222 No other concerns have been raised by KC Ecology, and – subject to the biodiversity net gain contribution being secured, and conditions being applied in relation to ecological mitigation and landscaping – it is considered that the proposed development is acceptable in terms of its ecological impact.

Trees and hedgerows

- 10.223 Tree Preservation Order 17/98/t8 protects a Hawthorn tree at the west end of the allocated site. Other trees exist in several locations across HS11.
- 10.224 Local Plan policy LP33 is relevant. A Tree Survey, Arboricultural Impact Assessment and Method Statement were requested at pre-application stage. The applicant was advised that the required impact assessment should demonstrate the realistic root growth of trees and a realistic assessment of potential impacts (including in relation to shading) and should recommend mitigation measures where appropriate.
- 10.225 At application stage, a tree survey and Arboricultural Impact Assessment have been submitted. The applicant proposes the felling of the protected Hawthorn tree, which has not attracted an objection from KC Trees, subject to appropriate mitigation being secured. Regarding other trees identified for felling, KC Trees objected. Amendments to this part of the proposed development (along Shepherds Thorn Lane) were therefore requested, and the proposed development now includes retention of trees and additional tree planting (including the planting of heavy standard trees) along this north-south route. This aspect of the proposals is now considered acceptable, subject to full details of soft landscaping being submitted pursuant to a recommended condition. A condition securing a Tree Protection Plan and Arboricultural Method Statement is recommended.
- 10.226 A TPO-protected Birch tree at 686 Bradford Road would not be affected by the proposed development. Other protected trees along Bradford Road would not be affected by the future shared cycle/footway between the site entrance and Bradley Bar roundabout indicatively illustrated in a recent submission from the applicant.

- 10.227 The applicant has responded positively to earlier advice regarding Green Streets principles and paragraph 131 of the NPPF (which requires new streets to be tree-lined), with the addition of street trees during the life of the application (this has partly been enabled by the amended application site red line boundary, which made space available for both a shared cycle/footway and planting on the south side of the proposed spine road). Trees have also been added to Shepherds Thorn Lane and the site's northern boundary, which would be beneficial in terms of habitat connectivity and accords with the White Rose Forest initiative (which the council promotes and which is intended to greatly increase tree cover within the borough). This aspect of the proposed development would also help it reflect some of the wider context of HS11, where significant areas of land are covered by woodland, including ancient woodland.
- 10.228 At pre-application stage the applicant team were also advised to monitor progress regarding the then-anticipated England Tree Strategy. The Government subsequently published the England Trees Action Plan instead. This continues the emphasis of the NPPF on the provision of more trees in towns and cities.

Open space, sports and recreation

- 10.229 The applicant proposes a central area of open space, running approximately southwest-northeast between the proposed spine road and Shepherds Thorn Lane. This location is considered appropriate, as it would render the open space visible from the spine road, it would allow for a potential extension of the open space on the east side of Shepherds Thorn Lane, and it would include the highest part of the site. The applicant's open space plan provided on 25/04/2022 shows the development's open space as 4,951sqm of Natural and Semi-Natural Green Space and 7,751sqm of Amenity Greenspace (using the open space typologies set out in the council's Open Space SPD). Limited detail of the purpose(s) and management of these spaces has been provided.
- 10.230 Regarding play, the proposed 277 dwellings trigger a need for a Local Area for Play (LAP), a Local Equipped Area for Play (LEAP), and a contribution towards a Multi-Use Games Area (MUGA).
- 10.231 It is noted that – other than along Shepherds Thorn Lane – no open space is proposed to the south of the spine road, therefore children living within the southern part of the development would need to cross the spine road in order to access green space. However, an appropriate pedestrian crossing is proposed, and the spine road would be subject to a 30mph speed restriction.
- 10.232 The applicant's Landscape Strategy Plan (rev D) indicates that a play space would be provided within the development's main open space, and the submitted Design and Access Statement refers to the provision of 0.17 hectares of play areas (including a 400sqm LEAP), however no further details have been provided.
- 10.233 A condition is recommended, requiring details of the purpose, landscaping and equipment of the proposed on-site open space. Details of the treatment of paths and potential desire lines across open spaces would need to be provided. The required details would also need to demonstrate how any on-site playspace provision would be multifunctional, and would promote

children's independence in their own neighbourhood. Playspaces should be located and designed in accordance with Fields in Trust guidance. It is recommended that the required Section 106 agreement include provisions for a management company to take responsibility for the management of the on-site open space.

- 10.234 Notwithstanding the proposed on-site provision, the applicant's proposals would still necessitate a financial contribution towards off-site open space. The contribution has been calculated in accordance with Local Plan policy LP63, and the methodology set out in the adopted Open Space SPD, taking into account deficiencies in the Ashbrow ward. A contribution of £558,138 is required, and it is recommended that this be secured in the necessary Section 106 agreement.
- 10.235 Development of the wider HS11 site would necessitate relocation and re-provision of existing golfing and other sports facilities in accordance with the wording of the site allocation. It is understood that costs of around £4.07m would be incurred in relation to this relocation and re-provision. It is considered that this re-provision would be best located at the northeast part of the HS11 site (on council-owned land), and this matter is therefore not considered to be a key land use or layout constraint at the Bradley Villa Farm site. Nevertheless, development on part of the HS11 site should be required to contribute towards the cost of re-provision, and the Bradley Villa Farm development's share of this would be £575,786.

Planning obligations and financial viability

- 10.236 A development of this scale (and development of the wider HS11 site) would have significant impacts requiring mitigation. The following planning obligations securing mitigation (and the benefits of the proposed development, where relevant to the balance of planning considerations) would need to be included in a Section 106 agreement:

- 1) Affordable housing – 55 affordable dwellings (30 affordable/social rent, 14 First Homes and 11 other intermediate) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £558,138 to address shortfalls in specific open space typologies.
- 3) On-site open space inspection fee – £250.
- 4) Education and child care – Contributions of: i) £91,956 towards early years and childcare provision; ii) £1,414,708 towards a new two form entry primary school; and iii) £5,319 towards secondary provision.
- 5) Off-site highway works – Contributions of: i) £820,474 towards the Cooper Bridge highway improvement scheme; and ii) contribution towards future capacity improvements at the Bradley Bar roundabout.
- 6) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including: i) a £141,685.50 contribution towards sustainable travel measures; ii) implementation of a Travel Plan; iii) £15,000 towards Travel Plan monitoring; and iv) a £92,000 contribution towards new bus stops and bus stop improvements.
- 7) Air quality mitigation – Damage cost contribution of £30,757.
- 8) Biodiversity – Contribution of £230,690 towards off-site measures to achieve biodiversity net gain.
- 9) Odour – Cessation of egg production at adjacent farm.
- 10) Masterplanning – No ransom scenario to be created at junction of spine road and Shepherds Thorn Lane.

11) Sports and recreation reprovion – Contribution of £575,786 towards reprovion of existing facilities within HS11 site.

12) Management and maintenance – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, of infrastructure (including surface water drainage until formally adopted by the statutory undertaker) and of street trees (if planted on land not adopted). Establishment of / participation in a drainage working group (with regular meetings) to oversee implementation of a HS11-wide drainage masterplan.

10.237 All contributions are to be index-linked.

10.238 The applicant initially submitted a draft list of Heads of Terms which do not include all of the above items, however the applicant has more recently advised that the Heads of Terms are agreed.

10.239 The above obligations are significant, and together with the costs associated with on-site infrastructure, drainage and addressing the site's topography and coal mining legacy, would need to be taken into account by the applicant team. At pre-application stage the applicant team were advised that the council will not accept arguments that these costs were unanticipated (and that affordable housing or other necessary mitigation is not viable) where there is evidence that a developer has overpaid for a site, having not given sufficient consideration to development costs. The Bradley Villa Farm site was promoted for allocation and development by the landowner, and such development at this site can reasonably be assumed to be viable at this stage. Therefore, and given what is known regarding the site's development costs, the council is unlikely to entertain a future argument that residential development at this site is unviable. Should any such argument be made in the future, the council can have regard to paragraph 58 of the NPPF, which states that the weight to be given to a viability assessment is a matter for the decision maker.

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

10.241 A condition removing permitted development rights from some of the proposed dwellings is recommended. This is considered necessary for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree. Permitted development extensions could also affect longer views of the site from public vantagepoints.

Phasing and delivery

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

11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS11, and the principle of residential development at this site is considered acceptable.
- 11.2 The applicant has satisfactorily addressed the concerns set out in the previous Position Statement in relation to masterplanning, layout, neighbourhood connectivity, landscape impacts, other aspects of design, unit size mix, biodiversity, sustainability, odour and other planning matters.
- 11.3 The site has constraints in the form of adjacent residential development (and the amenities of these properties), access, topography, drainage, ecological considerations, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or would be addressed at conditions stage.
- 11.4 Given the above assessment and having particular regard to the 277 homes (including 55 affordable homes) that would be delivered by the proposed development, approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.5 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS (summary list – full wording of conditions including any amendments / additions to be delegated to the Head of Strategic Investment)

- Three years to commence development.
- Development to be carried out in accordance with the approved plans and specifications.
- Submission of a Construction (Environmental) Management Plan, including details of engagement with local residents.
- Submission of a Construction Environmental Management Plan (biodiversity).
- Provision of site entrance and visibility splays prior to works commencing.
- Submission of details of temporary drainage.
- Submission of details of temporary waste collection.
- Archaeological investigation.
- Delivery of Bradford Road junction works and details of allowance for possible future junction works.
- Delivery of Bradley Bar roundabout works.
- Submission of details of spine road / Shepherds Thorn Lane junction.
- Submission of details relating to internal adoptable roads.

- Cycle parking provision to be provided within the site.
- Provision of Electric Vehicle charging points (one charging point per dwelling with dedicated parking).
- Restriction on occupation until odour source has ceased.
- Submission of details of electricity connection serving HS11 site.
- Provision of waste storage and collection.
- Submission of details of any highway retaining structures.
- Further site investigation related to coal mining legacy.
- Submission of a revised drainage strategy.
- Submission of flood routing details.
- Site to be developed by separate systems of drainage for foul and surface water on and off site.
- Submission of details of parking surface treatments.
- Submission of an Intrusive Site Investigation Report (Phase II Report).
- Submission of Remediation Strategy.
- Implementation of Remediation Strategy.
- Submission of Validation Report.
- Submission of a noise report specifying measures to be taken to protect future occupants of the development from noise, and details of ventilation.
- Submission of air quality assessment and details of mitigation measures.
- Submission of details of crime prevention measures.
- Submission of details of external materials (and site-wide review of materials).
- Submission of details of electricity substation(s).
- Submission of details of boundary treatments.
- Submission of details (including surface treatment, bollards and any boundary treatment) of foul water pumping station.
- Submission of details of external lighting.
- Submission of full landscaping scheme, including details of open space and playspace.
- Submission of a Biodiversity Enhancement Management Plan.
- Submission of a Tree Protection Plan and Arboricultural Method Statement.
- No removal of vegetation during bird nesting season.
- Removal of permitted development rights.
- Control of accretions to elevations fronting highways, open space and green belt.

Background Papers:

Application and history files.

[Link to application details](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92086)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92086>

Certificate of Ownership – Certificate B signed.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 14-Jul-2022

Subject: Planning Application 2021/92206 Erection of 137 homes with open space, landscaping and associated infrastructure Land Off, Woodhead Road, Brockholes, Holmfirth

APPLICANT

Miller Homes

DATE VALID

26-May-2021

TARGET DATE

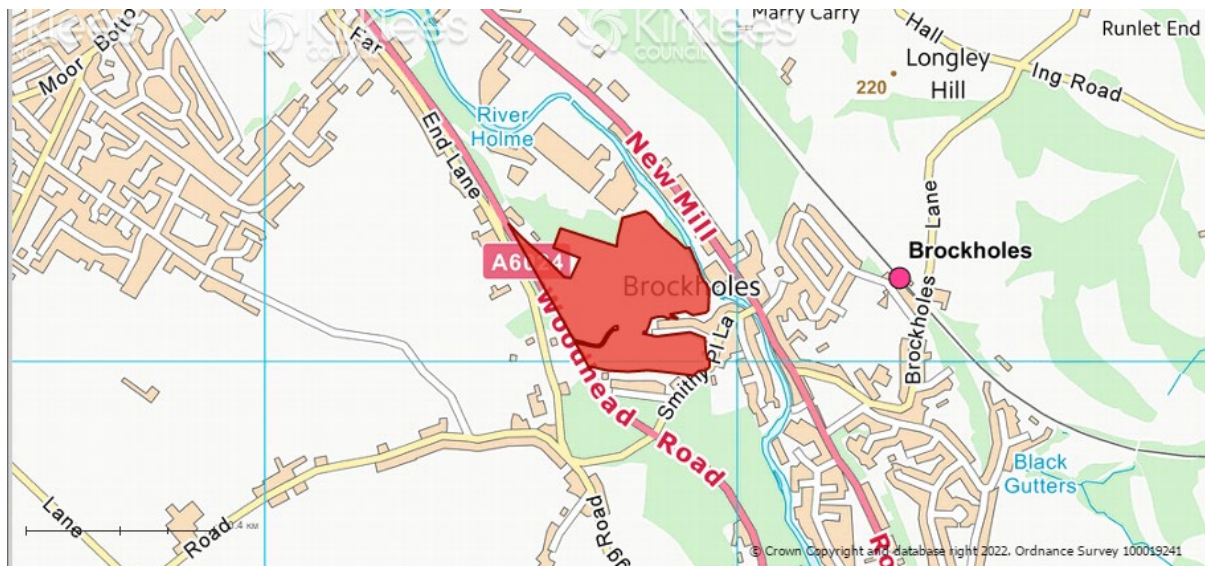
25-Aug-2021

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 Ward Affected: Holme Valley North

Ward Members Consulted: Yes

Public or Private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development subject to the conditions set out in the Officer Report and to secure a Section 106 agreement to cover the following matters:

- 1) Affordable housing – A 20% (19.7%) on-site contribution of 27 affordable homes with the following tenure split: 15 Affordable Rent, 5 Shared Ownership and 7 First Homes. [20% of 137 is 27.4, hence the delivery of 27 units due to being rounded down].
- 2) Education – A financial contribution of £546,137 made towards local schools.
- 3) Public Open Space – An off-site financial contribution of £94,288 to address shortfalls in specific open space typologies.
- 4) Biodiversity – A financial contribution of £471,500 towards off-site measures to achieve biodiversity net gain.
- 5) Sustainable Transport – Measures to encourage the use of sustainable modes of transport, including a £70,075.50 financial contribution towards a Sustainable Travel Fund as well as a further £10,000 towards Travel Plan monitoring.
- 6) Off-site Highway Works – An off-site financial contribution of £33,000 towards Bus Stop upgrades and Signage improvements on Smithy Place Lane as well as a further £15,000 to contribute towards Signalised Junction improvements in Honley.
- 7) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water and foul drainage infrastructure until formally adopted by the statutory undertaker).

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

1.0 INTRODUCTION:

- 1.1 The full planning application detailed in this report and submitted before Strategic Planning Committee is for a residential development of 137 dwellinghouses on land north and east of Woodhead Road between the villages of Brockholes and Honley.
- 1.2 As set out within the Local Planning Authority's Scheme of Delegation, the proposal is referred to Strategic Committee on the basis of its unit yield being in excess of 60 dwellinghouses.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is designated as housing allocation HS161 in the Kirklees Local Plan (KLP) and overlaps the River Holme Wooded Valley and Netherthong Rural Fringe designations in the Holme Valley Neighbourhood Development Plan (HVNDP). According to the KLP site policy, the site measures approximately 9.65 hectares in gross terms with a net developable area of 6.92 hectares.
- 2.2 The site is located off the A6024 'Woodhead Road' which forms its western boundary. To the north west, the site is bound by the employment allocation which includes the Phoenix Works and Hope Bank Works as well as three residential properties (outside the employment allocation) which include Hope Bank, Honeysuckle cottage and Ashlea. Further north and east, the site is bound by the River Holme which continues toward existing residential properties on Smithy Place Lane and Smithy Place, the latter of which extends into the site and connects it to Public Rights of Way, mentioned in further detail below. The site boundary then extends into the fields south of Smithy Place where it backs onto properties on Haggroyd Lane whose rear boundaries form the southern boundary of the proposed development site.
- 2.3 The composition of the site is largely neutral grassland that features a large variety of trees present across its centre and periphery that characterise its semi-rural setting. A significant number of the trees on and surrounding the site are subject to Tree Preservation Orders (TPO's), though it should be noted that none are located on the boundary with Woodhead Road.
- 2.4 Several Public Rights of Way (PROW) cross through the site, namely HOL/31/30, HOL/31/40 and HOL/31/60. These footpaths are located mainly across the southern and western parts of the site and provide links to Brockholes and Honley for local residents.
- 2.5 Topographically, the site slopes broadly 25m downhill from Woodhead Road at a height above sea level (ASL) of 135m to the bank of the River Holme at 110m ASL. The steepest part of the site is the bank running parallel with Woodhead Road which drops 10m in height toward the dwellings of Ashlea and Honeysuckle Cottage.

3.0 PROPOSAL:

- 3.1 Full application for the erection of 137 dwellings with open space, landscaping and associated infrastructure with vehicular access provided from Woodhead Road and outfall of surface water to the River Holme via a sustainable drainage system and a pumped solution for foul water to existing sewerage infrastructure at Smithy Place Lane.
- 3.2 The development is to be comprised of a mixture of detached and semi-detached properties, with one terraced property at plot 69, that are to be accessed via a new priority junction from Woodhead Road, positioned roughly centrally along the site frontage.

- 3.3 The house-types are wholly two-storey units of 2, 3, 4 and 5 bedroom house sizes varying from 70.69 square metres (sqm) up to 155.5sqm in internal floorspace. Of the 137 dwellinghouses proposed, 27 of those would be on-site affordable homes.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The site, or parts of the site, have been subject to the following planning applications:

2013/93373 Outline application for residential development – Conditional outline permission (all matters reserved) – Approved.

2016/92181 – Outline application for erection of residential development (116 dwellings) and formation of new access to Woodhead Road - Land off, Woodhead Road, Honley, Holmfirth – Refused – *Included this site and the site adjacent*

2017/92568 - Erection of 59 dwellings with associated works and formation of associated parking with vehicular access from Woodhead Road – Approved subject to Section 106 Agreement

2017/93326 - Outline application for erection of residential development (62 dwellings) and formation of new access to Woodhead Road - Land off, Woodhead Road, Honley, Holmfirth – Refused and appeal dismissed

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The following amendments to the scheme have been made in comparison to the original submission:

- Reduction in number of dwellinghouses from 146 to 137.
- An increase in the number of two-bedroom properties to provide 22 units.
- Updated Flood Risk Assessment, Drainage Strategy, Sections and Finished Floor Levels to meet Local Lead Flood Authority and Environment Agency requirements.
- Additional tree planting in front gardens and provision of orchard spaces.
- Increased distribution of the affordable housing units to prevent concentrations.
- Side parking for plots 29-32 to prevent dominance to parking which enabled trees at the rear of plots 26 to 49 to be brought into a managed area outside of curtilage to help protect the retention of these trees in the long term.
- Amendments to improve surfacing of public rights of way and newly created paths within the red line boundary.
- Introduction of two play areas, both being Local Areas of Play (LAP).
- Removal of covenanted area in south west part of the allocation from the red line boundary.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

6.2 The application site forms part of a housing allocation in the Local Plan. HS161 relates to a net area measuring 6.92 hectares with an indicative capacity for 124 dwellings. The following site constraints are identified:

- Additional mitigation on the wider highway network may be required
- Noise source near site - road traffic noise and noise from industrial uses
- Site is within the Wildlife Habitat Network
- Part of this site contains a Habitat of Principal Importance
- Crossley Mill weir adjoins this site and is a priority structure for improving fish passage
- Any development/works within 8m of the main river watercourse must have prior consent from the Environment Agency

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
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP11 – Housing mix and affordable housing
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP23 – Core walking and cycling network
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP31 – Strategic Green Infrastructure Network
LP32 – Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP35 – Historic Environment
LP47 – Healthy, active and safe lifestyles
LP48 – Community facilities and services
LP49 – Educational and health care needs
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land
LP63 – New open space

Supplementary Planning Guidance / Documents:

6.4 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and

- Wellbeing Plan (2018)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highway Design Guide SPD (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

Holme Valley Neighbourhood Plan

6.5 The Holme Valley Neighbourhood Development Plan was made at Full Council on 8 December 2021. The Plan was also made by the Peak District National Park Authority Planning Committee on 10 December as the Plan covers part of the Peak District National Park. For the Holme Valley Neighbourhood Area this means that the Holme Valley Neighbourhood Development Plan forms part of the development plan alongside the Kirklees Local Plan.

6.6 Relevant policies to this planning application include:

- *Policy 2* – Protecting & Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- *Policy 5* – Promoting High Quality Public Realm and Improvements to Gateways and Highways
- *Policy 6* – Building Homes for the Future
- *Policy 11* – Improving Transport, Accessibility and Local Infrastructure
- *Policy 13* – Protecting Wildlife and Securing Biodiversity Net Gain

Climate change

6.7 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.

National Planning Policy and Guidance:

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

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes

- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of materials.

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

6.10 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – national described space standard (2015, updated 2016)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by neighbour letter, newspaper advertisement and site notices. A total of 163 representations were received.

7.2 The initial publicity of the application was undertaken in June 2021 and a further round of publicity was undertaken one year later in June 2022. The following material planning considerations were raised by representors:

Highway, Transport and PROW Matters

- Scepticism of the effective of the off-site highway signage provision proposed on Smithy Place Lane.
- Lack of connection to Brockholes via New Mill Road.
- Proposed pedestrian integration to Brockholes via Smithy Place and Smithy Place Lane is unsafe (for all, including school children) due to lack of footway and nature of sight lines across Smithy Place Lane. This safety issue will be exacerbated by increased pedestrian use from the site.
- Criticism of proposed signage on Smithy Place Lane.
- Citation of multiple road accidents across local highways.
- Pedestrian routes to Honley require crossing Woodhead Road which is unsafe.
- The riverside should be re-designed to integrate with the riverside way.
- The development is not walkable to local centres and therefore car reliant.
- Local signalised junctions are over-capacity and cumulative development will generate negative capacity issues on these junctions and on the wider local highway network.
- Lack of footway on eastern side of Woodhead Road (prior to amendment of access layout).
- Scepticism in respect of acceptability of the access gradient into the site.
- The submitted Travel Plan contains inaccuracies.
- The speed limit of Woodhead Road makes vehicular egress from the site dangerous and users do not abide by the speed limit.
- Request for improved signage on and a reduced speed limit on both Smithy Place Lane (and Robinson Lane).

- General position amongst representors that Smithy Place is not considered a public right of way.
- Loss of footpath across the site.
- Use of Smithy Place (Robinson Lane) by cars from the site onto Smithy Place Lane which will exacerbate a dangerous bend.

Visual Amenity/Character Issues

- Poorly designed housing estate that does not take the opportunities of the surrounding landscape and built form to create a sympathetic development.
- The development is poorly integrated with the surrounding settlement.
- Criticisms of the lack of vernacular materials such as natural stone and slate within the housing type designs despite the requirement within the HVNDP (Clause 8, Policy 2) as well as scepticism as to the appearance of reconstituted stone.
- Lack of usable greenspace.
- Criticism of 'identikit' houses and requests for the proposal to be constructed with housing design that reflects the local vernacular, specifically terraced style dwellinghouses.
- Impact on historic 'Smithy Place' village
- Criticism of lack of through roads and over reliance on cul-de-sacs
- Loss of the greenspace will affect local resident's amenity.

Residential Amenity

- Overshadowing (The Coach House, Smithy Place)
- Loss of privacy (Wheatfield Cottage, 22 Smithy Place; The Coach House, Smithy Place) and properties across Haggroyd Lane.
- Overlooking, particularly those properties across the south east corner of the site.
- Adverse light impact caused by street lighting on Smithy Place
- Increased traffic noise for local residents
- Concern in respect of the managed areas at the rear of Haggroyd Lane and the potential for adverse dumping from new residents in this space.

Ecology and Trees

- Removal of trees along site frontage for visibility is unacceptable to nature as well as general criticism of tree removal across the site, including TPOs.
- Mature trees cannot be replaced.
- Impact upon the protected species present on the site.
- Negative impact on biodiversity through loss of grassland, wildflowers, trees and other habitats and the consequent impact on wildlife corridors and protected species.
- Impacts of development upon pollution levels in the River Holme.
- The site is a designated SSSI Impact Risk Zone
- Criticism of lack of on-site biodiversity net gain contrary to the Environment Bill.

Flood Risk and Drainage

- Representors highlight previous objections to the Flood Risk submissions by the Environment Agency and the potential for increased flood risk of the site given its proximity to the River Holme.
- Criticism of technical design of sustainable drainage
- Existing sewer infrastructure in Brockholes is over-capacity and the development will exacerbate this through its connection to Smithy Place.
- Drainage of existing fields is poor, possibility of Holme River bursting banks adjacent to the site and new housing will be subject to stability problems.

Other Matters

- Impact of additional traffic on pollution levels and impact on air quality
- Increased demands on local schools which are already oversubscribed
- Impact on medical services (GPs & dental practices)
- The education contribution should be directed to Brockholes Junior and Infant School and Honley High School.
- Housing mix lacks 2 bedroom units and criticism of reduction in the number of affordable units following reduction in the number of units on site.
- The development of the site is contrary to the Kirklees declaration of a climate emergency.
- Prior to agreement on the Education contribution, many representors highlight the applicant's unwillingness to fund the contribution.
- Proposal for improvements to Biodiversity Net Gain through implementation of sustainable drainage measures outlined by 'River Holme Connections'.
- Creation of urban sprawl through merging of Brockholes and Honley.
- The homes lack sustainable design features such as solar panels or rain-water harvesting and include the provision of gas boilers. The homes are not 'future-proof'.
- The site is located in a Green Belt area and is against Green Belt principles as the development will cause Honley and Brockholes to merge together.
- The housing mix in respect of size is not representative of local needs.
- The proposed development exceeds the site yield and therefore significantly overdevelops the site.
- Economic impact on local centre from reduction in number of walkers
- Criticism of developing a greenfield site when brownfield sites are available.

In Support

- Some representors acknowledge the need for more housing in the local area.

7.3 Following changes made to the application, as detailed at Section 5 of this report, a further round of publicity was undertaken. This involved letters to neighbours and interested parties. The publicity expired on 11th November 2019. Seven representations have been received which are summarised below.

7.3 Ward Councillor Greaves has provided the following responses on the 18th June 2021 and the 29th January 2022:

18th June 2021 Representation:

Objection - Whilst I welcome the applicant's willingness to talk to the community, I believe that this site should not be developed, and I urge the committee to reject this application - the gradient of the proposed access is inappropriate for this size of development and this location, it would present a significant and continuous risk to highways safety. Would you ensure that the petition submitted some years back that relates to any development at Smithy Place is raised with the committee.

Site Visit - I request that the committee have a site visit and that they travel from the access on Woodhead Road down to Smithy Place to Brockholes. In travelling along this route I would highlight the difference in ground levels from the site to the main road, that Smithy Place is the direct route to Brockholes and where the site footpath link runs to - and the lack of pavements, the very high volumes of traffic, the poor lines of sight and that it is a narrow winding road.

Issues and Concerns - The application site is an open, rural location that provides a haven for wildlife and a visual break between the built up urban settlements of Honley and Brockholes. The site is publicly accessible from both settlements, and the Holme Valley Riverside way footpath runs through the centre of it, whilst the Holme Valley Green Corridor runs along the river at the farther end of the site. The site lies outside of Brockholes yet it bears no real relationship to it, nor is it clear how the site can be fully integrated into the village. New Mill Road is a very busy road and access to the village will require site residents to cross this road. Whilst there is a pedestrian crossing on the main road the footways on Smithy Place are deficient at the point in which Robinson Lane meets Smithy Place, and the steps, surface and lighting on Robinson Lane mean that this foot route is not accessible to all. This was previously highlighted to Miller homes who as part of previous public engagement had agreed to fund this work but it is not covered in the current application. The proposal shows the access road to the site as being a massive structure. It is hard to think of a more unsuitable design - the visual impact will be tremendous and will detract from any retained open space and landscaping and it runs deep into the site. The incline on the access road is much greater than that of the approved application as it comes down to a ground level which is 3m below that in the approved plan - the proposal brings the footpath in at road level, whereas the approved plan inappropriately makes the footpath an underpass. Neither is right, the footpath needs to be at ground level, but as the proposed incline is not appropriate for a housing estate off a main road, a much longer meander is needed, or an alternative access is required. The footway alongside this access road is of such a gradient that it could not be used by manual mobility equipment, nor would people reliant on such aides be able to use the footpath over Robinson Lane and Smithy Place to exit the site. Development of this site would result in the loss of the last remaining strategic gap between Honley and Brockholes. The site provides a local centre for all forms of wildlife including protected species, and it plays an important role in enabling movement and onward colonisation between wildlife areas. Whilst I would prefer no development at this location, if the site is to be developed, a sensitive and sensible proposal needs to be brought forward - the

developers must work to create an application that properly relates to the site and to Brockholes, and it must address all of the issues raised by residents - this current proposal does not do this and I ask the committee to reject this application.

29th January 2022 Representation:

Key issues - protected species, setting, connection to Brockholes and s106 school contributions

(a) It would be helpful to know what surveys have been undertaken to establish the extent of protected species on the site and how they will continue to be protected.

(b) There are extensive areas of open space within the site, but how this will be used and maintained to benefit the whole community is vague, and what impact this will have on the popular walking path through the fields and on Robinson Lane is unclear.. The riverside POS set-off and path are welcome, but how is this accessed in a meaningful way by the wider community ? Will there be paved links and public rights of way at either side ? How will this be maintained and how will the conflict between immediate residents and riverside visitors be managed ? does this

(c) The site address is listed at Land of Woodhead Road Honley. It isn't. The whole of the site sits within the boundary of Brockholes and the site description should show this. Whilst the site is an extension of Brockholes, the layout and design of the development means that it effectively turns it back on the village, making it an isolated and disconnected development with no real identity, not as a new neighbourhood of Brockholes which is what it should be. The only direct access is down a part paved potholed track that enters Smithy Place via steep and tricky staircase, before joining the road where there is no footway, at a very narrow point on a road that is very busy during peak hours. How will people of limited mobility be able to get around ? How does this help to promote Active Travel and the sense of connection to place ? What proposals does the developer have to address these concerns ?

(d) I totally reject the argument put forward by the developer to try to avoid making s106 funding contributions to the local schools. This development will have a major impact on surrounding residents, on Brockholes as a village and on the demand for local services. Whilst making a profit, the developer also needs to contribute fully towards the fabric of the community that they are benefiting from. If the developer does not value Brockholes as a place, they ought to build their homes elsewhere.

- 7.4 The Holme Valley Parish Council have also been consulted as a statutory consultee on the application and have provided the following comments on the 1st July 2021, 8th February and 6th June 2022 respectively. The latest comment reiterates previous comments and is the only one presented below for the purpose of brevity:

6th June 2022 Representation:

Oppose because of:

- 1) Over-intensification of the site.
- 2) The development is too isolated. There is a lack of basic connectivity to the village centre at Brockholes. There is no safe cycling and pedestrian access to local amenities, services and schools, with no pavement. The highway is too dangerous at Smithy Place Lane. Developers should be prioritising identifying and developing a safe route to the local school.

3) The application continues to be weak on renewables and sustainability. The developer's "fabric first" approach is inadequate. A sustainability statement is needed with more engagement on green energy strategies. A development of this size should as a fundamental part of its infrastructure be planning for extensive, renewable energy generation across the site. The applicant is again prompted to reflect on the guidance from the Holme Valley Neighbourhood Development Plan which states that: "Promoting Renewable Energy 1. In that part of the neighbourhood area where Kirklees Council is the local planning authority, proposals for individual and community scale energy from hydro-electric, solar photovoltaic panels, biomass, anaerobic air digestion and ground source heating will be supported where they can be achieved without conflicting with the NDP policies to protect and enhance the landscape and built character of the Valley. 2. New developments should develop opportunities to deliver on site heat networks using renewable energy sources." Holme Valley Neighbourhood Development "Made" Plan, December 2021 p152 Policy 12: Promoting Sustainability. The Parish Council does welcome the increase in the number of affordable properties, and the increased engagement of the applicant/developer with some aspects of the Holme Valley Neighbourhood Development Plan.

8.0 CONSULTEE RESPONSES

8.1 Statutory

Environment Agency: No objections subject to conditions

Lead Local Flood Authority: No objections subject to conditions

KC Highways Development Management: No objections subject to conditions and Section 106 contributions

Yorkshire Water: No objections subject to conditions

8.2 Non-Statutory

British Horse Society: Request that HOL/31 is upgraded from a footpath to a bridleway.

KC Crime Prevention: Recommendations made regarding gate alignment, protected species off-set distance and lighting plan.

KC Ecology: No objections subject to conditions and advise that the development is required to contribute a figure of £471,500 in off-setting habitat loss. This financial sum is to be secured via a Section 106 agreement.

KC Education: Advise that the development is required to contribute a figure of £546,137 to local schools. This is to be secured via a Section 106 agreement. The allocation of this funding is to be limited to the Honley and Brockholes Geographical Area. The specific metric for determining the Geographical Area is to be conducted under the S106 negotiation.

KC Environmental Health: No objections subject to conditions

KC Landscape: No objection subject to conditions

KC PROW: No objections subject to conditions

KC Strategic Housing: No objections subject to securing 27 affordable units composed of 11 Affordable Rent, 9 Shared Ownership/Discount Market Housing and 7 First Homes. The house type mix is for 18 x 2 bed homes and 9 x 3 bed homes which Strategic Housing have accepted.

KC Trees: No objections subject to condition

West Yorkshire Archaeology Advisory Service: No objections subject to conditions

9.0 MAIN ISSUES

9.1 The appraisal of the application will review the following topics:

- Land Use and Principle of Development
- Transportation and Access Matters
- Layout, Scale, Visual Appearance and Landscaping Matters
- Housing, Residential Amenity and Public Health
- Biodiversity and Tree Matters
- Site Drainage and Flood Risk
- Heritage and Archaeological Matters
- Environmental Health, Site Contamination and Stability
- Climate Change
- Planning Obligations
- Representations
- Other Matters

10.0 ASSESSMENT

Land Use and Principle of Development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum and taking account of windfalls, committed housing figures and losses/demolitions.
- 10.3 The planning application site consists of Local Plan housing allocation HS161. Full weight can be given to this site allocation for housing development in accordance with Local Plan policy LP3 – Location of New Development. Allocation of this and other greenfield sites was based on a rigorous borough-wide assessment of housing and other need, as well as an analysis of available land and its suitability for housing, employment and other uses.

- 10.4 The Site Allocation Box in the Local Plan states that site HS161 has a capacity of 124 dwellings. The proposed development would contribute 137 dwellings, this is an uplift of 13 dwellings on the indicative capacity. The net site area of allocation HS161 is 6.92 hectares which would elicit, under the density of policy LP7 – Efficient and Effective Use of Land and Buildings, that the site would have a capacity of 243 dwellinghouses based upon a density of 35 dwellings per hectare. The Holme Valley Neighbourhood Development Plan (HVNDP) supporting clause 4.5.16 identifies that housing sites in the Holme Valley are more likely to generate densities in the region of 30 dwellings per hectare. This lower density would suggest an allocation yield of 208 dwellings.
- 10.5 The Kirklees Housing Supply Topic Paper (2017) states that:
- The indicative capacity has been determined based on the available information for each site. Where proposed Local Plan sites have received planning permission (at 1st April 2016), the number of approved dwellings has been used as the indicative site capacity. This represents a realistic assessment of the amount of housing the site is likely to deliver upon implementation of the permission. Some sites were subject to an undetermined planning application and in some cases site promoters provided masterplan information showing an indicative capacity. In these cases, the housing capacity from the planning application or masterplan was considered to determine whether it represented a realistic housing capacity for the site.*
- 10.6 As the indicative capacity of 124 units for HS161 is based upon the accepted methodology above, which has been found sound via the Local Plan's Examination in Public, the proposed figure of 137 dwellinghouses is accepted and welcomed as it would contribute significantly to the housing supply in the Local Area whilst achieving a higher and more sustainable density than anticipated in the Local Plan site allocation policy. The development therefore initially meets the requirements of Kirklees Local Plan Policies LP1 – Presumption in Favour of Sustainable Development, LP3 – Location of New Development and LP7 – Efficient and Effective Use of Land and Buildings.
- 10.7 On the basis of the above, the principle of residential development at this site is considered acceptable as it would contribute towards meeting the housing delivery target of the Local Plan. However, the identified site constraints and the development's impacts would need to be appropriately mitigated, along with the need for a high-quality development that responds to local character. These matters are considered later in this report.

Transportation and Access Matters

Existing Highway Conditions

- 10.8 The A6024 Woodhead Road forms part of the primary highway network providing a link between Huddersfield, Honley and Holmfirth and continues towards Manchester. In the vicinity of the development site, it is a single carriageway two-way road with a carriageway width of c.6.5m with a footway present on the western side. Footways are provided on both sides of the A6024 closer to Honley to the north.

- 10.9 The A6024 Woodhead Road is a bus route, with street lighting provided to main road standard and there are no controls on parking in the vicinity of the site. Along the site frontage it is subject to a 40mph speed limit (with repeater signage provided), which drops to 30mph c.500m north of the proposed site access.

Collision analysis

- 10.10 As requested by Highways Development Management (HDM), further collision analysis has been provided by the applicant in the updated Transport Assessment report dated March 2022, which includes a review of personal injury incidents that have occurred in the local area over the latest 5 year period. The study area includes Woodhead Road within the vicinity of the proposed site access (no incidents recorded), the junction of Woodhead Road / Hagg Wood Road / Smithy Place Lane (3 unrelated incidents recorded, including 1 incident related to a car exiting from Smithy Place Lane) and the junctions to the north of the site in Honley (4 incidents at the 3 associated junctions).
- 10.11 The Transport Assessment concludes from the accident study that 'It is not anticipated that the traffic associated with the proposed development would result in any significant safety implications on the adjacent highway network.' HDM are in general agreement with the study findings.
- 10.12 Due to local concerns regarding the use of Smithy Place Lane, HDM have also reviewed the collision record along this road, which confirms that there have been no personal injury incidents recorded in the latest 5 year period. Therefore, the additional 8 two-way peak hour trips (circa 1 vehicle in 8 minutes) that would be generated along this road are not considered to have a significant impact.
- 10.13 It is noted that at the Woodhead Road / Hagg Wood Road / Smithy Place Lane junction, the Councils Road Safety Team are aware of the accidents that have occurred; and are in the process of installing 2 No. Vehicle Actuated (VA) Crossroads signs on the Woodhead Road approaches to highlight the presence of the junction.

Vehicle Access

- 10.14 It should be noted that a section of the site that is the subject of this planning application has a previous outline planning consent for 59 no. residential dwellings (app. Ref. 2017/62/92568). As part of this approval, access to the site was proposed via a new ghost island priority junction taken from the A6024 Woodhead Road (c.100m north of its junction with Smithy Place), which was agreed in principle, subject to detailed design.
- 10.15 With respect to the current planning application, the same access arrangements that were previously accepted in principle are again proposed. However, additional improvements to the access arrangements have been incorporated as requested by HDM, with the arrangements shown on ATTP drawing 18001/P/003 Rev. E and include the following junction specification:
- 3.65 m wide through lane width passed pedestrian refuge islands and through the junction in both northbound and southbound directions;
 - 3m wide right turning lane width;

- Right turn lane and tapers in accordance with DMRB standards;
- Widening of the existing southbound advisory cycle lane to 1.5m;
- Extended double white centre lines to prevent overtaking within the vicinity of the site access;
- New 2m wide footway along site frontage, with additional widening to install southbound bus shelter;
- 2 No. pedestrian refuges islands (2m x 5m);
- 4.5m x 160m visibility splays (It is noted that these are in excess of the 2.4x120m visibility splays required based on the 70kph design speed);
- 10m junction radii and junction widening to accommodate refuse vehicle turning.

10.16 Updated junction capacity assessments have been undertaken for the site access, to confirm that it is adequate to accommodate development traffic, and a Road Safety Audit has been provided for the site access works that has not raised any significant safety issues. Therefore, the in-principle site access arrangements are acceptable and would be subject to a future Section 278 (off-site highway works) application /agreement with the Council, which would require the submission of details and the full (Stages 1-4) Road Safety Audit process to be applied. This would be secured by condition.

10.17 As the proposed site access would be the sole means of access to the site, the site access should be installed to an appropriate standard from the outset so that it can be used for construction access to the site. To ensure this takes place, phasing of the highway works should be agreed with the LPA. This is also secured by condition.

Internal site layout

10.18 The internal site layout includes an initial section of spine road that is designed in accordance with the Kirklees Highway Design Guide SPD to 'Local Residential Street (Type B)' standard, with 2m wide footways on both sides and a minimum 5.5m wide carriageway (with additional widening as necessary to accommodate refuse vehicle tracking), and which follows the same alignment approved in principle as part of the previous approval at the site (app. Ref. 2017/62/92568). Further into the site, the roads transition to a number of 'Shared Surface Streets (Type C), with 5.5m carriageways and 0.6m hard margins. The Type 2 roads generally have a maximum gradient of 1:15. However, there is a short section of 1:12 gradient along the initial section of access road, which transitions to 1:15 prior to the bend at plot 1. The maximum gradient permitted for a Type 2 road is 1:10 and therefore the access into the site, at 1:12 for a short section, is well within acceptable gradient parameters.

10.19 The Type 3 roads have maximum gradients of between 1:15-1:20. The site layout has been subject to detailed negotiation with the applicant, who have now incorporated the following design features into the site layout:

- Junction and forward visibility provided within adopted highway areas;
- Visitor parking laybys provided on both Type 2 and Type 3 streets;
- Turning heads that can accommodate the Councils Design Refuse Collection Vehicle;
- Bin presentation points for all dwellings.

- 10.20 The site layout is now considered to be acceptable in principle and would be subject to a future Section 38 (on-site highway works) application/agreement with the Council, which would require the submission of details as well as a full (Stages 1-4) Road Safety Audit process to be applied for. This is to be secured by condition.
- 10.21 It is noted that the Councils Waste Strategy Team have identified that if properties are to be occupied before the site construction is complete, provision must be made for temporary waste collection in consultation with them via detail of conditions application. This is to ensure that new residents can receive a collection service whilst construction work on the site is still live, as the Councils RCVs will not enter a construction site. By consequence, this matter is recommended to be secured by condition.

Parking

- 10.22 Off-street parking is provided for the majority of dwellings in full accordance with guidance contained in the Kirklees Highway Design SPD, with 2 spaces provided for 2-3 bedroom dwellings and 3+ spaces provided for 4-5 bedroom dwellings. However, 8 of the 2 bedroom dwellings are provided with 1.5 off-street spaces per dwelling (1 dedicated and 1 shared space). This compromise is determined to be acceptable by officers.
- 10.33 On-street parking is also available, which includes a number of dedicated parking laybys and additional carriageway widening to ensure that on-street parking does not block junctions and bends. HDM consider that the level of car parking now proposed is adequate to meet the needs of the development.
- 10.34 All dwellings are to be provided with an EV Charging point, as shown on drawing 05 Rev. G. This specific matter is to be secured by condition, as is the specification of solid-bound driveway surfacing. All dwellings include rear gardens with external access, which allows for secure cycle parking provision.

Pedestrian / cycle access and PROW

- 10.35 Smithy Place (also known as Robinson Lane) forms part of the PROW network (PROW HOL/31/30 at the southern end leading to Smithy Place Lane and PROW HOL/31/60 at the northern end leading to Woodhead Road).
- 10.36 As requested by HDM and the PROW Team, improvements to these PROW have been agreed with the applicant, which are to include an improved bitmac surface on the southern section leading from the site access road to Smithy Place Lane, to provide an enhanced active travel link towards Brockholes. To ensure that this PROW link is not used by motor vehicle traffic associated with the development, a new 'No Motor Vehicle – Except for Access' vehicular restrictions are also proposed along this section. The applicant has also agreed to upgrade the section of PROW to the north of the site access road that links to Woodhead Road with an improved crushed stone surface, as requested by the PROW Team.

- 10.37 In addition to the above works, the applicant has also agreed to provide improved surfacing for PROW HOL/31/40 that passes through the eastern part of the site, linking Smithy Place with Woodhead Road. This would include a new bitmac surface for the section between the site access road and the play area/trim trail and an improved crushed stone surface along the other lengths of the PROW that pass through the site, details of which are to be secured via condition.
- 10.38 The above PROW improvement works (and new TRO on Smithy Place) are shown on HWAY 002 Rev. E, and would be subject to a future Section 278 (off-site highway works) application/agreement with the Council, which would require the submission of details as well as a full (Stages 1-4) Road Safety Audit process to be applied, and secured by condition.
- 10.39 Local concerns have been raised regarding the safety of pedestrians and cyclist along Smithy Place Lane when travelling between the site and Brockholes, primarily due to the lack of footway provision. HDM have discussed this matter with the Councils Road Safety Team and it has been agreed that due to width constraints along the Smithy Place Lane owing to the presence of residential properties immediately adjacent to the highway, there isn't scope to provide a dedicated footway.
- 10.40 Following a walkover with Council Officers which sought to appraise different highway safety options for Smithy Place Lane, the applicant has agreed to provide enhanced pedestrian warning signage on yellow backing boards and additional 'SLOW' road marking to further highlight the presence of pedestrians in this shared surface road. In addition to this, improvements to the base of the steps that connect PROW HOL/31/30 to Smithy Place Lane are also proposed to provide an improved area for pedestrians to stop and wait before entering Smithy Place Lane, which includes levelling out the waiting area at the base of the steps and improving the adjacent kerb line (using the existing stone kerbs and cobbles).
- 10.41 The above works on Smithy Place Lane (and works to the steps) are shown on HWAY 001 Rev. B, and would be subject to a future Section 278 (off-site highway works) application/agreement with the Council, which would require the submission of details as well as a full (Stages 1-4) Road Safety Audit process to be applied. The aforementioned improvements are to be secured by condition.
- 10.42 It is appreciated that many representors have concerns for the welfare of pedestrians travelling from the site via Smithy Place Lane to access services in the settlement of Brockholes. Officers are cognisant of the issues highlighted and have sought to provide the most realistic and achievable improvements to Smithy Place Lane in the form of signing and lining to highlight the safety implications in this area. It is recognised that many individuals would not consider the measures sufficient to ensure the safety of pedestrians. However, Officers need to highlight the context by which the current set of improvements is made which restrict alternative safety improvements being implemented. Firstly, a large proportion of users travelling from or via the development to Brockholes via Smithy Place and Smithy Place Lane, would utilise the stairway connecting both. This stairwell is to be improved at the point where it connects to Smithy Place Lane, and this has been recommended by way of condition. The distance from the stairway to the nearest footway adjacent 4 Holmebank

Mews, the distance whereby pedestrians would walk on the shared use part of the highway, is 37m. This is considered a short distance that can be covered in a relatively short period of time which, by association, contextualises the level of risk experienced by pedestrians who would need to travel alongside vehicular traffic across this 37m stretch. Officers do not suggest that there is no risk to pedestrians in this area. However, such highway users are not required to share the available highway width with vehicles over a significant distance, and based on a review of accident records on Smithy Place Lane, where there have been no injury related accidents associated with pedestrians over the last 20 years, this demonstrates that any incident risk is low.

- 10.43 The options to install a footpath or restrict traffic to one-way only on Smithy Place Lane have both been explored and discounted. The former does not have a realistic prospect of being achieved as it would require the sale of third party land in order to install a footway and this is not considered a reasonable request of the applicant given that the use of the land required is formed of residential curtilage. Making a planning permission contingent on such a requirement is highly likely to be upheld at appeal as it is unlikely to be deliverable. The latter option of restricting traffic to a one-way flow is also not desirable from a highway management perspective as Smithy Place Lane is an important local connection between New Mill Road and Woodhead Road. The effect of such a restriction would be to divert traffic via Honley and Holmfirth, thereby increasing journey times and adding to traffic congestion. Such a measure is also considered to be disproportionate relative to the small gain in safety that it may potentially achieve.
- 10.44 Consequently, the safety improvement measures outlined on HWAY 001 Rev. B for Smithy Place Lane are determined to be proportionate, reasonable and pragmatic in highlighting safety implications to all highway users in this area of the network.
- 10.45 As the development involves works that would impact on the existing PROW network, it is understood that temporary PROW closures/diversions may be required. However, there is a need to retain public access between Smithy Place Lane and Woodhead Road throughout the construction process. Therefore, construction phasing must ensure that access is maintained at all times wherever practical (short term temporary closures may be required when undertaking works that directly effected the PROW's). Therefore, construction works should be phased to ensure that public access is maintained throughout the construction period, which should be secured by condition.

Public Transport Accessibility

- 10.46 The nearest bus stops to the site are located on both sides of the A6024 Woodhead Road, c.100m south of the proposed site access and immediately north of Robinson Lane, which are accessible via the new continuous footway links and pedestrian refuge islands. These stops are served by 2 buses per hour, providing access between Huddersfield and Hepworth (via Holmfirth).
- 10.47 There are also bus stops present on both sides on the A616 New Mill Road c.450m from the site, which provide a further 2+ buses per hour that provide access between Huddersfield and Holme/Upperthong/Holmfirth/Farnley Tyas.

- 10.48 As requested by HDM/WYCA, the applicant has agreed to provide improvements at the two nearest bus stops on Woodhead Road, which include a new shelter and realtime display at the southbound stop (Stop ID 27870) and new realtime display at the northbound stop (Stop ID 19149). Based on the latest costs provided by WYCA, a financial contribution of £33,000 (1 x shelters at £13,000 and 2 x £10,000 per RTI display) is to be provided and secured by S106 agreement.
- 10.49 The nearest railway station to the site is in Brockholes, which is located on Riding Fields circa 1.3km from the site. Honley Railway Station is located on Station Road circa 1.4km from the site. The applicant states that both are within a reasonable walking and cycling distance of the site and are on the Huddersfield to Sheffield Northern Line which has a service frequency of every 60 minutes throughout the day and in the evenings. HDM agrees that the proximity of local train stations is within walking distance from this site. However, due to local topography, it is considered that the station is only likely to be accessible to more able pedestrians and cyclists.

Travel Plan

- 10.50 A Travel Plan (Ref. P1401P - Rev. 6) dated May 2022 has been provided in support the development, which has been amended to address comments provided by HDM. The Travel Plan is now considered acceptable and is intended to be secured via an Section 106 agreement.
- 10.51 The Travel Plan commits to the provision of a Sustainable Travel Plan Fund, which would be used by the sites Travel Plan Coordinator to provide incentives to residents to travel using sustainable forms of transport. This is anticipated to include measures such as the provision of bus/rail tickets, cycle vouchers and other measures agreed with the LPA. The value of the Travel Plan Fund has been established based on the cost of the Residential MCard scheme (£511.50 per dwelling), which equates to a total Sustainable Travel Plan Fund of £70,075.50 and would be secured via S106 agreement.
- 10.52 Kirklees Council requires developers to contribute to the cost of implementing and monitoring Travel Plan progress, with an annual fee charge for the initial five year monitoring period, with two rates based on the size of the development. For this development, the lower rate that applies to 'Small Scale Major Development' (residential developments of between 50-199 units) is applicable, which is £2,000 per annum for the first five years from the development being brought into use. The above fee covers assistance with the development of the Travel Plan and assist the Travel Plan Coordinator in implementing, maintaining, and monitoring the approved Travel Plan. The total Travel Plan Monitoring Fee is £10,000 (5 x £2,000) and would be secured via S106 agreement.

Trip Generation, Distribution and Traffic Capacity Assessment

- 10.53 It is noted that due to the Covid-19 pandemic, HDM agreed at the pre-app stage that it was not appropriate to undertake new traffic counts and as such TEMPRO growth factors for the Kirklees 053 MSOA (in which the site is situated) have been applied to 2015 survey data in order to establish future base and design year assessments. This approach is still considered to be acceptable.

- 10.54 The trip rates that have been utilised (previously agreed by HDM of between 0.7-0.8 per dwelling) are acceptable and present a robust assessment of development traffic generation. Based on the provision of 137 dwellings, the development is forecast to generate 107 and 113 two-way vehicle trips during the AM and PM peak hours respectively. In the immediate vicinity of the site this equates to an increase in vehicular trips of approximately two vehicles per minute. It is noted that as part of the Travel Plan, a target has been set to reduce the level of peak hour vehicle trips by 10% over a 5 year period.
- 10.55 The weekday peak hour traffic distribution for the development has been based on method of travel to work data obtained from local census information (MSOA Kirklees 053). This approach is considered acceptable for junction capacity assessment purposes. The extents of the junctions assessed within the supporting Transport Assessment were agreed with HDM at the pre-app stage. Following review of the net increases in development traffic during weekday AM and PM peak periods set out within the Transport Assessment, it is identified that the only junctions where there would be a significant increase in peak hour traffic (e.g. over 30 two-way trips) would be the signalised junctions to the north of the site in Honley. These include up to a 5.5% increase (in AM peak) at the A6024 Woodhead Road/Station Road/Eastgate junction and up to a 3.2% increase at the A6024 Woodhead Road/ A616 New Mill Road junction, when considering the traffic impact from the 137 dwellings now proposed.
- 10.56 It is noted that as a development of 59 dwellings has previously been consented at the site, the net impact of this additional development traffic would be lower than when considering the site as a whole (e.g. the net increases cited above would result from the additional 78 dwellings now proposed).
- 10.57 The Transport Assessment includes detailed capacity modelling of the above junctions and concludes that 'with the addition of the development generated trips the impact on the capacity and queue lengths at the junctions on the study area are minimal and are not forecast to result in a significant detrimental impact upon the network.' HDM and the UTC Team have reviewed the submitted junction modelling, and whilst the modelling approach that has been used is not fully accepted, it is considered that the development would not have a severe impact on junction operation.
- 10.58 Notwithstanding the above, it is clear that at the two signalised junctions in Honley there are existing operational issues that occur, which would be further impacted by development traffic. As observed through on-site observations by both UTC and HDM officers, queuing occurs on both the Station Rd and Woodhead Rd North approaches, which extends to upstream junctions during both peak and nonpeak periods. These extended queues then create consequential issues at the upstream junctions, which would be exacerbated by additional traffic from the development.
- 10.59 Therefore, to mitigate the traffic impact of the development, a financial contribution of £15,000 has been sought towards signal optimisation works at the Honley junctions. This contribution would be pooled with a contribution already secured for signal optimisation works of £10,000, which has been secured from another development site in Honley (Application 2019/62/91730/W at Scotgate Road). These combined contributions would fund the installation of SCOOT / MOVA, kerbside detection or other signal optimisation works as devised by the UTC Team, which would improve the

operation of the junctions and help to mitigate the impact of additional traffic and queuing that would otherwise occur.

- 10.60 It is noted that the additional £15,000 contribution is proportionate to the contribution secured from the Scotgate (95 dwellings) development, has been agreed by the applicant, and would be secured by S106 agreement.

Construction Access Management

- 10.61 During construction of the development, construction access management practices should be implemented that address any potential impacts arising from the development and ensure that the site operates efficiently and safely, and minimises impact on existing highway users including users of the PROW that are effected by the development.

- 10.62 Therefore, a scheme identifying the construction access management practices must be agreed to address construction access arrangements, hours of operation, treatment of delivery vehicles (wheel washing requirements, sheeting etc), access routes to/from the site and parking arrangements, which is to be secured by condition. A separate condition should also be secured for carriageway, footway and PROW condition surveys (pre and post construction).

Conclusion

- 10.63 The evidence submitted in support of the application relating to transport matters has been robustly reviewed by KC HDC. Negotiations with the applicant have secured highway capacity optimisation and safety benefits (subject to an S106 agreement and the recommended conditions) above existing levels that would otherwise not be brought forward. The general impact of the development on highway safety and capacity is relatively low and where it does exacerbate issues it does so at a low to moderate level as explained in the assessment above. The development seeks to overcome these identified transport issues through both the Section 106 process and by way of appropriately worded conditions which Council officers consider makes the development acceptable. For these reasons, the proposal is recommended to members as being in line with Policies LP20, LP21, LP22, LP23 and LP31 of the Local Plan as well as Policies 6 and 11 of the HVNDP.

Layout, Scale, Visual Appearance and Landscaping Matters

- 10.64 Policy LP24 – Design of the Local Plan states that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Policy 2 of The HVNDP states the following:

The built character of the Holme Valley is described for each of the Landscape Character Areas (LCAs) in the Holme Valley Heritage and Character Assessment. The built character and form varies within and across each of the LCAs. The section on Character Management Principles sets out that 'In general, the design, form and pattern of new development should respond to the historic local vernacular within the parish, using local materials. Development should also respond appropriately to the immediate context, taking into account layout, scale, density and appearance (including materials) of neighbouring buildings. Specific consideration should be given to the conservation areas within the study area to ensure the conservation and protection of key heritage assets.'

10.65 The supporting Landscape & Visual Appraisal states the following:

There are only short and medium distance views of the proposed site. Short distance views are from the public footpaths that cross the site and the immediate roads and residential areas. Medium distance views are from Ridings Fields, but the proposed development will not change the character of the existing view...

The only medium distance view of the proposed site is from Ridings Fields. The views from here are characteristic of the area, with industrial units and residential development broken up by tree belts and areas of woodland. The proposed development would not change the character of the area. There are no long distance views of the proposed site....

The proposed development would infill an area of land that is already constrained by development and man made features. PA Welding Allsops Ltd. and other industrial buildings to the north. Existing housing and industrial units along New Mill Road, Holmebank Mews and Ridings Fields are located to the east. Smithy Place and Haggroyd Lane to the south and the Woodhead Road (A6024) to the west.

The sensitivity of the landscape has been assessed as good/medium. The site contains habitats of moderate distinctiveness and is an attractive area to walk through however, the area is in an existing landscape of pockets of developments and industrial units dotted throughout the landscape.

The sensitivity of the landscape has been assessed as Medium. Whilst the site is visually attractive, it also has the capacity to incorporate a development due to it's location and tree cover. The site is located at the bottom of a valley, which restricts long distance views and is surrounded by wooded areas and tree belts which help to block views and break up areas of development, giving the impression of a more rural and wooded landscape than the area actually is.

10.66 LPA Officers agree with the conclusions drawn within the submitted Landscape & Visual Appraisal and would add that the main views of the site would be experienced by users of Woodhead Road and Smithy Place. As Haggroyd Lane is well-screened from view, particularly from Woodhead Road, the appearance of the development would largely be viewed in isolation and therefore it is better able to set the terms of its own legibility and appearance than a development that would be more obviously contrasted with existing development.

10.67 The scheme was initially proposed with 146 units which, through negotiations with the Design and Conservation Group Leader, resulted in a reduction to 137 units to reduce the cramped nature of some plots. Similarly, further negotiations between the applicant and the Case Officer resulted in significant alterations to dwelling-types beside the River Holme which have since overcome the objections from KC Design and Conservation in respect of the scheme's layout being 'insular'. Consequently, dwellings now face out toward the river, despite the site's challenging levels. Those properties also overlook a newly installed riverside footpath that is intended to provide an attractive vista from which to experience the River Holme. Notably, the development also sympathetically allows central pockets of interest around isolated protected trees (i.e. T20, T77, T95 and T104). This is achieved through principle elevations facing onto these mature trees to provide communal pockets of open space that new residents can enjoy whilst adding to the visual appeal of the development.

- 10.68 LPA Officers appreciate concerns highlighted by residents in respect of the scheme being poorly designed and integrated with the surrounding landscape, but do not fully share these concerns. There are some opportunities on the site that could be more sensitively exploited, such as the spinal tree column formed by T30 through to T50, but such a layout alteration would incur a significant loss of units that would potentially result in the yield falling below the site policy requirement. Given the fact that the Council is subject to an Action Plan in respect of the Housing Delivery Test, the retention of units up to and above the indicative site policy is necessary to ensure that the Council meets the Housing Delivery Test going forward.
- 10.69 In respect of criticisms regarding a lack of integration of the development with the surrounding settlement, the scheme's design has evolved based upon the constraints of the site given its steep topography, the location of the River Holme and build pattern of the existing built environment. Indeed the connections toward Brockholes are restricted by the River Holme as well as the properties along Smithy Place Lane which offer little to no opportunity for providing a dedicated pedestrian access. The garage site on the northern side of the River Holme, accessed from New Mill Road, has been cited as an opportunity for providing a bridge over the river. Following further investigation by the applicant, the garage site is known to be subject to 7 different owners, is not currently available for development and would require significant loss of habitat (including mature trees) directly upon the river to enable such a connection. Consequently, the surfacing improvements proposed to Smithy Place and the signage improvements proposed to Smithy Place Lane are the most pragmatic and realistic connectivity improvements that can be made in respect of linking the development to Brockholes.
- 10.70 Connectivity to Honley is improved via formalisation (through hard surfacing) of the trodden, but unsurfaced, footpath that crosses from beside Plot 4 and Plot 11 highlighted on the Landscaping Masterplan and onward beyond the existing dwelling of Ashlea. This is the most direct pedestrian route from the development site towards Honley and cannot be further improved. An alternative route that begins earlier upon Woodhead Road from the main access would provide a safer crossing opportunity toward Honley through the inclusion of the 2no. pedestrian islands stated in the previous transportation section. Consequently, integration with the surrounding settlements has been fully explored and where possible, are subject to surfacing and/or safety improvements to promote their use.
- 10.71 Criticisms in respect of a reliance on cul-de-sac's is note by LPA Officers, however through road connections are limited on the site. Indeed Smithy Place and its access to Smithy Place Lane would not be able to safely accommodate a through connection for vehicles as detailed in the previous transportation section.
- 10.72 The surrounding area is highly varied in respect of the composition of existing dwellinghouse stock. The more isolated dwellings to the west and south of the site as well as those on Haggroyd Lane, Smithy Place and Smithy Place Lane are largely composed of independently designed detached dwellinghouses. A more modern townhouse style development is located on Holmebank Mews whilst New Mill Road is subject to a mixture of mid-20th Century semi-detached properties and earlier terraced housing. A further modern extension to Brockholes can be observed across Ridings Fields on the opposite side of the valley. Overall it is considered that the built form and scale of residential

development in the surrounding area is highly diverse with a predominant scale of two storeys in height barring some properties on Smithy Place Lane and Holmebank Mews which are three storeys in height. The entirety of the development proposed under this application is two storeys in height and consequently accords with the built form of the local area in respect of scale.

- 10.73 Given that the site has a range of semi-detached and detached dwellinghouses that match the surrounding composition of Brockholes, it is considered that the proposal is fairly reflective of the existing development pattern. Though house-types are reflective of those used outside the borough, this does not mean that they are not of a high quality appearance. Indeed LPA Officers would argue that the dwelling types proposed are of a higher quality appearance than a significant proportion of 20th Century development that can be viewed across Brockholes. Arguments in respect of terraced housing being more reflective of some older parts of Brockholes are noted, and it is not denied that the site could have alternatively been designed to include more of this style of dwellinghouse. That being said, the applicant has designed the scheme to meet market needs for modern living and though terraced housing is appropriate in dense urban areas, the site is in a semi-rural location which reflects the urban grain of the surrounding settlement – being that the surrounding area is also composed of detached and semi-detached units.
- 10.74 In respect of materials, the site is mostly within Landscape Character Area 4 – River Holme Settled Valley Floor. LCA 4 requires the preservation of stone walling, but does not require inclusion of natural stone elevations to buildings. The site is also partially within LCA 5 which requires consideration of local materials for repairs but also requires retention of dry stone walls. Clause 8 of Policy 2 within the HVNDP also states that local gritstone should be used where these are a prevailing material, however it also states that materials must be chosen to complement the design of the development and add to the quality or character of the surrounding area.
- 10.75 The site is proposed to be developed with re-constituted stone, not natural sandstone from a local source. A proportion of existing residential development surrounding the site does incorporate some form of sandstone in its elevations, however the entirety of Holmebank Mews has been developed without this and sets a precedent for the use of re-constituted stone in this instance. That being said, the contrast between natural stone and re-constituted stone under this proposal is anticipated to be significantly lower than that witnessed between the newer properties of Holmebank Mews and the older properties on Smithy Place Lane. This is because the dwellinghouses on these streets are subject to a low height to width street ratio that brings these two materials into closer contrast. Conversely, and as intimated in paragraph 10.66, this proposal is largely distinct from pre-existing development on Smithy Place and Haggroyd Lane. Indeed the dwellings proposed on the site mostly back onto and share boundaries or buffer zones with the existing dwellings on Smithy Place and Haggroyd Lane. As such, the re-constituted stone proposed under this development is considered to be more distinct from existing properties on Haggroyd Lane and Smithy Place because the contrast between the two materials would not be brought into as sharp relief as is the case on Smithy Place Lane.

- 10.76 The overall design approach to the dwellings is considered to be acceptable and the proposed facing materials of artificial stone and concrete tiles are acceptable subject to a condition requiring the approval of samples.
- 10.77 As detailed in the Stone Boundary Plan (10 – Rev C), the development retains the majority of existing dry stone walls across the site and, where some walls are lost, such as the wall between plots 115 and 116, these are replaced elsewhere, such as beside the turning head of plots 108 to 111. Overall the scheme meets the requirements of HVNDP LCAs 4 and 5 that the site is situated within.
- 10.78 In respect of usable Greenspace, the scheme is to provide two Local Areas of Play and further informal shared spaces around protected trees T20, T77, T95 and T104. The path beside the River also provides a looped route to promote use of a more natural area of open space. A large amenity grassland for informal use is also positioned across the northern part of the site where the drainage attenuation is located. There are some shortfalls in open space typologies which has resulted in an off-site financial sum of £94,288 to be secured via a Section 106 agreement. As the applicant has agreed to the financial contribution for off-site public open space improvements, and is also providing significant on-site improvements, LPA Officers consider that the scheme sufficiently meets on and off-site needs for open space.
- 10.79 Representors have cited how the loss of the fields to development will affect local residents amenity from a visual/communal perspective. LPA Officers appreciate these concerns, however the site was reviewed by an independent Planning Inspector who agreed to allocate the site for residential development under the Examination in Public of the Local Plan. The proposal improves and formalises pedestrian links on the core walk/cycle network and these routes will still be adjacent to open spaces. Though some loss of landscape character is inevitable with developing a site such as this, it has to be balanced with the wider benefit of providing homes, including affordable homes, to meet the needs of the local area and wider Borough.
- 10.80 To conclude, though there are some missed opportunities concerning the appearance/layout of the scheme, these are not at a level that would warrant or justify a refusal of the application based on harm to visual amenity or to the wider landscape. The applicant has responded to requests to improve the scheme, as highlighted above, which have resulted in a more attractive, green and connected development being brought forward that meets the requirements of LP24 – Design, LP32 – Landscape and LP63 – New Open Space of the KLP as well as Policies 1 and 2 of the HVNDP.

Housing, Residential Amenity and Public Health

Housing Mix

- 10.81 Kirklees Local Plan Policy LP11 – Housing Mix and Affordable Housing requires all proposals for housing to contribute to creating mixed and balanced communities in line with the latest evidence of housing need. 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 schemes of more than

10 dwellings or those of 0.4ha or greater in size, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure.

- 10.82 Paragraph 7.6 in the Kirklees Strategic Housing Market Assessment 2016 (SHMA) alludes to three key dwelling types particularly required across Kirklees, those being: 3 bedroom houses, 4+ bedroom houses and 1-2 bedroom houses. As set out in the table below, the development provides for all of these house sizes. Table 7.8 of the SHMA indicates that the net imbalance in annual housing requirements for 1/2 bedroom properties in the Rural West of Kirklees, of which Honley and Brockholes are a constituent part, is 207 units. The distribution of the house types on this proposed development is somewhat tailored towards the 4+ bed end of the spectrum. However, given that these units meet an identified need, is acceptable in respect of Policy LP11. The development is also bringing forward 30no. 2 bedroom units that equates to 14.5% of the annual need (207 units) in this part of Kirklees.
- 10.83 Policy 6 of the HVNDP requires the development of one bedroom properties alongside that of two bedroom properties. The SHMA aligns two bedroom properties alongside that of one bedroom properties in respect of 'need' and therefore, given that the development provides two bedroom properties within that defined need, the lack of one bedroom units does not warrant a refusal in this instance.

Affordable Housing

- 10.84 Taking into account the annual overall shortfall in affordable homes, the council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 homes, as is the case for this application. The proportion of affordable homes should be 20% of the total units on market housing sites.
- 10.85 The development is proposing 27 affordable dwellinghouses to be delivered on-site that equates to 19.7% of the site yield of 137 dwellinghouses. This is 0.3% below the 20% requirement stipulated under Policy LP11 but is justified on the basis that 20% of 137 [site yield] equates to 27.4 units which is rounded down to 27 houses as it is below the .5 required for rounding up. 40% of a unit cannot be delivered therefore a whole number is needed for the purposes of delivery. This is standard practice and provides broadly a 20% delivery of on-site units which is considered policy compliant. The 27no. affordable units are divided into 18no. 2 bedroom units and 9no. 3 bedroom units. This affordable housing mix meets the needs for affordable housing indicated in the SHMA in respect of dwelling sizes and has been accepted by KC Strategic Housing.
- 10.86 A point of contention in terms of the affordable housing offer from the applicant related to the tenure split to be delivered. KC Strategic Housing confirmed in their consultee responses that the tenure split should reflect a 45% Intermediate housing component (including a 25% overall component for First Homes) and a 55% component of Affordable Rented units. This would equate to 15no, Affordable Rented units, 7no. First Homes and 5no. Intermediate/shared ownership units.

- 10.87 Following on-going S106 negotiations the applicant has agreed to offer the policy-compliant mix of 15no. Affordable Rented units, 7no. First Homes and 5no. Intermediate/shared ownership units. This offer reflects a 55% Affordable Rent to 45% Intermediate tenure split. This is in line with local needs as evidenced in the SHMA 2016.
- 10.88 The number, size and tenure type of the affordable units would be secured via the Section 106 process, subject to the agreement of Strategic Committee with the recommendation of this report.
- 10.89 In respect of the layout of the affordable housing, subsequent amendments to the scheme have ensured that affordable units are ‘pepper-potted’ across the site in line with guidance. KC Strategic Housing have welcomed this improvement to the development which is reflected on the latest ‘Planning Layout’ plan.

Amenity of Proposed Dwellings

- 10.90 The sizes of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council’s other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.
- 10.91 Although the Government’s Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council’s Housebuilder Design Guide SPD. NDSS is the Government’s clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant

House Type	House Type Description	Number of units	Sqm (GIA)	NDSS Sqm (GIA)
<i>Open Market Sale</i>				
Overmont	Semi-detached, 2-bed, 2-stories	6	76.09	70
Kingston	Semi-detached, 3-bed, 2 stories	6	80.73	84
Eaton	Detached, 3-bed, 2 stories	17	94.38	84
Tiverton	Detached, 3-bed, 2-stories	8	90.30	84
Maplewood	Detached, 4-bed, 2 stories	15	117.89	97
Oakwood	Detached, 4-bed, 2-stories	10	128.95	97

Sherwood	Detached, 4-bed, 2-stories	13	130.06	97
Baywood	Detached, 4-bed, 2-stories	2	130.81	97
Cedarwood	Detached, 4-bed, 2-stories	14	134.52	97
Castleford	Detached, 5-bed, 2-stories	11	148.74	110
Thetford	Detached, 5-bed, 2-stories	8	155.51	110
Total Units		110		
<i>Affordable Homes</i>				
Rosamond	Semi-detached, 2-bed, 2-stories	16	70.69	70
Overmont	Semi-detached/terraced 2-bed, 2-stories	2	76.09	70
Harrison	Semi-detached, 3-bed, 2 stories	8	84.26	84
Kingston	Semi-detached, 3-bed, 2 stories	1	80.73	84
Total Units		27		
<i>Total Market Units Below NDSS</i>		6		
<i>Total Aff. Units Below NDSS</i>		1		
Total Below NDSS		7 (5.1%)		

10.92 As reflected above, 5.1% (approximately 1 in 20) of the site's residential units are proposed below the indicative standards of the NDSS and these are concentrated under the Kingston House Type. The units proposed that do not meet the NDSS are 3.17sqm below the applicable 84sqm requirement. LPA Officers consider that the shortfall of the Kingston house type below the best practice standard and overall, the proportionally few units proposed as a Kingston house type in the scheme, do not justify refusal of the application on space standard grounds in this instance. Given that the NDSS standards are best practice at Kirklees, are not cited in the KLP, and that 95% of on-site units exceed of far exceed the NDSS, a refusal of the scheme on the basis of NDSS would likely result in an upheld appeal under Section 78 of the Town and Country Planning Act.

10.93 All of the proposed dwelling houses have been reviewed and are found to benefit from adequate outlook, privacy and natural light. Adequate distances would, in most instances, be provided within the proposed development between the new dwellings. In the main, each dwelling house would have adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents as required by the Housebuilders SPD. It is acknowledged that the private gardens of some plots would be affected by boundary trees to be retained. However, it is considered that it would be up to the prospective buyer to decide whether or not the desired property garden meets their requirements and, in most cases, it is anticipated that the potential effects of shading are outweighed by privacy gains from canopy spread relative to adjacent windows.

Amenity of Existing Dwellings

- 10.94 This section of the report reviews matters pertaining to overshadowing (light loss), overlooking (privacy) and overbearance of existing dwellings surrounding the site.
- 10.95 Plot 127 has an elevation with no habitable windows facing 22 Wheatfield Cottage on Smithy Place and therefore the potential for loss of privacy is considered to be relatively low. The window serving the landing on the northern elevation of plot 127 is small and serves a circulation space, with views extending in excess of 16m from that elevation to Wheatfield Cottage opposite. The combination of the separation distance between the properties, the size of the window and the space it serves mean that the privacy of Wheatfield Cottage, and the dwellings immediately adjacent, would largely be preserved. There is no separation distance standard within the Housebuilders SPD for the elevational relationship identified above and therefore 16m is considered sufficient between the existing and proposed plots across Smithy Place.
- 10.96 Plot 136 and 137 have no habitable rooms facing the Coach House or Wheatfield House. Though the semi-detached units are positioned at a higher level than the existing properties, they are partially screened behind a tree on Smithy Place. The situational relationship between the proposed dwellings and that of the aforementioned existing properties is within acceptable and reasonable parameters.
- 10.97 15 Smithy Place Lane shares its western boundary with plots 123 through 127. LPA Officers have conducted a site visit to assess this property and can confirm that no habitable room windows are present on the western elevation of this property. The western elevation sits partially beside a retaining wall and acts as a side elevation. The distance between the rear elevations of plots 124 and 125 relative to No.15's western side elevation are, at a minimum, greater than 18.4m and therefore well above the 12m minimum requirement between rear elevations with habitable room windows and side elevations without habitable room windows. The southern part of No.15's curtilage is overlooked by Plots 123 and 124, however this is a shared space visible from Smithy Place Lane and a threat to amenity is not incurred. The occupants of No.15 expressed concern in respect of their southern bedroom window losing privacy from Plots 123 and 124, however further analysis by LPA Officers confirms that there is a perpendicular elevational relationship between the proposed and existing dwellings such that only oblique views might be gained from the raised level of plot 123 relative to the affected window serving No.15. Consequently, no direct privacy loss is anticipated for the existing dwelling from its relationship with plot 123
- 10.98 No.15's main private outdoor space is positioned beyond its northern rear elevation. The western boundary of No.15's rear curtilage is well screened from view from potential overlooking from Plots 125, 126 and 127 due to the presence of 5no. mature TPO'd trees. These trees overhang the boundary and provide screening to No. 15. The occupant of No.15 verbally conveyed their concern should any works be carried out to the trees which may affect their privacy. LPA Officers reassured the occupant that the trees are protected and that any works would require a separate Tree works application. The recommended Arboricultural Method Statement condition also requires the applicant to seek the consent of the landowner for works to trees that overhang but are not within the red line boundary of the site. A landscape buffer will also protect these trees.

- 10.99 Plots 111 through to 122 have a significant offset in excess of the minimum 21m relative to the dwellings on Haggroyd Lane and privacy loss to these existing dwellings is further minimised by the presence of a landscape buffer and their higher topographical relationship relative to plots 111-122. A management company is to be secured for the maintenance of the landscape buffer areas via the S106 process. A representation has been received by the Council expressing concerns in respect of dumping in landscape buffer areas at the rear of dwellings and further representations have been received on behalf of the residents of Haggroyd Lane which sought plots 113 to 122 being moved further north within their plot.
- 10.100 Matters relating to dumping of garden waste or litter are an offence which should be reported to the police. The Planning System cannot account for individual action in all instances and the purpose of the landscape buffer is to maintain the amenity of existing residents. With regard to re-siting plots 113-122 further north, the majority of these dwellings are not able to be re-sited further north due to the need to maintain sufficient parking space standards required by the Highway Design Guide SPD. Those plots which do have side of plot parking, would then be moved awkwardly beyond the common building line thereby adversely impacting the appearance and visual amenity of the street. Re-siting to the north would also reduce opportunity for front of plot landscaping that would further erode the quality of the Streetscene.
- 10.101 Plot 102 has an oblique view into Wheatfield House's rear curtilage, but given the breadth and maturity of that dwelling's amenity space, the potential for loss of privacy is not considered to be at an unreasonable level. The distance between the rear of plots 90-95 and the rear elevations of existing properties on Smithy Place is plotted in excess of 21m. The proposed dwellings at plots 90-95 are at a lower topographical level thereby further reducing the potential for overlooking/privacy loss.
- 10.102 The submitted plans indicate that a minimum of 24.4m separate plots 11 through to 14 relative to the existing dwelling of Ashlea – 3.4m above the minimum required by the Housebuilders Design Guide SPD. These distances are significantly increased for plot 15 relative to Honeysuckle Cottage and Hope Bank. The rear elevation of Ashlea is also set at an alternate angle relative to plots 11-14 which further reduce the risk of privacy loss into habitable room windows. Plots 16-19 are sited approximately 23.61m from the side elevation of Hope Bank, and though a conservatory is located on this elevation, the distance is far in excess of the 12m minimum required in the SPD.
- 10.103 Across the site, plots which share boundaries with landscape buffer zones or public open spaces shall be subject to removal of their permitted development rights with respect to boundary treatments. Plots 122 and 123 would be subject to removal of their permitted development rights to protect the foul water connection (easement)
- 10.104 Overall the development largely maintains the amenity of dwellings which share a boundary or landscape buffer with the proposed dwellinghouses.

- 10.105 Representors on Smithy Place have expressed their concerns with regard to the impact of adverse lighting levels upon the enjoyment of their property resulting from the proposed installation of lighting columns across Smithy Place alongside the surfacing improvement measures to PROW HOL/31/30. Given that KC Streetlighting have confirmed that it is not standard practice to illuminate public rights of way, the proposal to install lighting has been rescinded to ensure that residents of Smithy Place are protected.
- 10.106 Comments in respect of increased traffic noise resulting from the site cannot be substantiated. There are no through roads from the site onto Smithy Place, Haggroyd Lane, Smithy Place Lane or New Mill Road which could incur greater use immediately adjacent to existing residential properties and therefore this matter, though a material consideration, is not determined to be a serious threat to amenity for local residents.

Conclusion

- 10.107 For the reasons set out above, the proposal is considered to provide acceptable living conditions for future occupiers and sufficiently protect those of existing occupiers whilst meeting the housing mix and affordable housing provision required in Kirklees. It would therefore comply with the objectives of Local Plan policies LP11 and LP24 as well as Policies 2 and 6 of the HVNDP.

Biodiversity and Tree Matters

Trees

- 10.108 The amendments to the proposal do affect the tree cover both directly and indirectly. Following a site meeting between KC Trees Officers and the applicant's Arboricultural Consultant it became clear that the consequence of the site being brought forward for residential use had not been fully considered in the initial plans first submitted with the application.
- 10.109 From a trees perspective, the most important change resulting from ongoing amendments sought to the development layout relate to the inclusion of a management strip between the dwellings to incorporate the large mature trees along the north to south boundary line in the centre of the site. The mature trees, in particular the Ash specimens, were not suitable for retention within rear gardens due to the detailed and professional input required to maintain them in such a way to be safe and to retain their striking form and habit value. The proposals now include detail management specifications for each tree which will allow trees to be retained where they would otherwise have presented a hazard to any future residents of the dwellings adjacent.
- 10.110 The amendment to include a management strip between plots 26 through to 50 will also enable replacement trees to be planted in this area so that they can be properly maintained. The original submission would have required individual property owners to care for the trees which could have increased pressure to fell, resulting in the loss of trees with amenity value.

- 10.111 Further to the above, the Tree Officer is satisfied that the drainage scheme proposed to serve the development is designed so as to minimise impact upon the trees on and adjacent to the site. The connection to a sewer under Smithy Place Lane is to be carried out using mole or thrust boring to avoid open excavations around the trees in the road verge. The connection for storm water to the River Holme is to pass through an area of trees without impacting on the significant trees and the location of the headwall at the River Holmes will not impact on protected trees. The archaeological trial trench locations were amended to prevent excavations within the rooting areas of retained trees and has now been carried out.
- 10.112 Concerns regarding shading and nuisance, particularly affecting plots 26 through 49, have been largely minimised due to the reappraisal of the existing trees in the centre of the site and the large gardens afforded to properties along this internal boundary line.
- 10.113 The trees lost across the site frontage were not protected and though of value, were necessary to be removed to enable visibility splays across the junction into the site for the purposes of safe junction operation and highway safety. The Landscape Masterplan evidences that the scheme will replace these trees with heavy standard specimens across the site frontage, but behind the footway. This mitigation is considered acceptable and in accordance with LP33 - Trees
- 10.114 Following the amendments to the proposed scheme described above, KC Trees are now satisfied that the proposed layout would allow for the successful retention of most trees on the site in the context of the site's allocation for housing. The retained trees can be better protected, mitigated and cared for within the amended scheme. The development is consequently found to be in line with LP33 of the KLP and Policy 2 of the HVNDP
- 10.115 If consent is granted, a condition for an Arboricultural Method Statement and detailed landscaping proposals is attached to the recommendation to ensure tree protection measures are used and that appropriate levels of landscaping are installed.

Biodiversity

- 10.116 Matters relating to the Biodiversity Net Gain are detailed in the Planning Obligations section below.
- 10.117 Concerns have been raised by representors in respect of the impact of the development upon protected species that inhabit and forage on the site. The applicant has submitted Surveys which provide advice in respect of restrictions on construction operations within the buffer zone and the trigger at which point a protected species licence is required.
- 10.118 KC Ecology have reviewed the submitted information and have advised on the acceptable size of buffer zones. A distance of 30m is considered to be best practice however a reduced buffer can be accepted as long as appropriate avoidance, mitigation and compensation measures are proposed as part of the planning application.

- 10.119 Consultation with KC Ecology has subsequently confirmed that a mitigation strategy, secured by condition is necessary to ensure the protection protected species. A condition in the summary of conditions in section 12 of this report. The inclusion of landscape buffers across the site will ensure the necessary protection.
- 10.120 A fully completed bat survey report has been submitted with the application. The report concludes that the site contains low to moderate levels of foraging and commuting bats. It is considered that the retention of habitats which provide suitable corridors to areas of foraging for bat species, such as the river Holme and the hedgerows connecting Woodhead Road to the river Holme will ensure that foraging and dispersal opportunities are retained for bats, post development. As the report details, the development should aim to incorporate several enhancements for roosting bats, as this would provide an overall net gain for this species, post development. Indeed, the construction phase of the development and post development light spillage have the potential to bring about impacts upon this species groups and therefore appropriate conditions are suggested below. As detailed in the bat survey report, within the trees on site, there is the potential for bats to roost. In order to ensure there are no impacts on any potential tree roosts within the site, it is recommended that any tree where works take place must be subject to a roosting suitability assessment, prior to any works commencing.
- 10.121 Comments have been received from representors which highlight the loss of habitat that will be incurred as a result of the development proposal. This is not denied by LPA Officers. Notwithstanding this, the site is allocated for residential development under the Local Plan and a Biodiversity Net Gain assessment has been carried out to ascertain the loss of habitat on the site so that on-site and off-site mitigation can be delivered to address the impacts on habitats through a Section 106 agreement. A mechanism within the proposed Section 106 Agreement would allow for as much on-site Biodiversity Net Gain as possible preceding payment of the contribution necessary for off-site delivery.
- 10.122 The Environment Agency have commented on the application in respect of flood risk with regard to the development's proximity to the River Holme, however no concerns have been shared in respect of increased pollution levels in the River Holme as a result of the site's development. The development of the site is to be managed through submission of a detailed Construction Management Plan that will outline methods of managing construction activities on the site.
- 10.123 One representor cited that the site is within a SSSI Impact Risk Zone. This is not the case. The nearest SSSI is at Honley Station Cutting and the impact zone for this SSSI is a significant distance from the site. In respect of SSSI's further afield, the type of development proposed here does not trigger a requirement to consult with Natural England on this planning application.

- 10.124 Overall, through the combination of the Biodiversity Net Gain contribution (discussed in the Planning Obligations section below) and the measures outlined to avoid and mitigate for harm to protected species, the development is considered to meet the requirements of LP30 – Biodiversity and Geodiversity and Policy 13 of the HVNDP

Site Drainage and Flood Risk

Fluvial Flood Risk

- 10.125 The development has been subject to a holding objection from the Environment Agency on account of the submitted FRA not complying with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance.
- 10.126 As of the 24th May 2022, the Environment Agency's holding objection has been removed on account of the applicant's submission of an updated Flood Risk Assessment on the 11th May 2022. The updated FRA met the requirements set out within the Environment Agency's letter dated 31st March 2022 relating further information being necessary in identifying/using an appropriate up stream node points from which finished floor levels could be determined. The Environment Agency also required updated topographic information to confirm that re-profiling of the site would not incur a decrease in existing topographical flood storage that would trigger a need to secure compensatory storage to offset the developments impact in respect of flood risk on-site or its transference elsewhere.
- 10.127 The Environment Agency have recommended that the updated FRA and its appendices should be conditioned for compliance prior to occupation of the site's dwellinghouses and has been included in the list of conditions.

Pluvial Flood Risk

- 10.128 The Local Lead Flood Authority have accepted that linear routes shown only in the 1 in 1000-year event can be controlled easily post development.
- 10.127 The ponding of surface water adjacent to Smithy Place Lane, where properties are proposed, has been examined. In a meeting with the LLFA it was decided that reprofiling of land to protect new properties was achievable. This matter is to be revisited will need to be reassessed at detailed design stage and should be conditioned under flood routing.

Land Drainage Design

- 10.128 The surface water drainage design provides underground storage for a 1 in 100 year event, based upon the site's surface area including a 30% increase in storage capacity accounting for the effects of climate change. The outfall of the surface water scheme is via gravity into the River Holme. A permit is to be sought from the Environment Agency to enable this connection. The foul water drainage solution is via pumping station

due to topography of the area and the lack of availability of public sewerage infrastructure. The outfall of the foul system is between plots 122 and 123 toward the infrastructure beneath Smithy Place Lane. Permitted development rights would be restricted on these plots by way of condition in order to protect the new infrastructure.

- 10.129 Representors have cited that the capacity of the public sewerage infrastructure would be unable to cope with the demand created by the development proposed under this application. Yorkshire Water have been consulted on the application and have offered no objections subject to conditions advised in their response on the 7th February 2022. Further advice from Yorkshire Water indicates that peak pumped foul water should not exceed 5 litres per second.
- 10.130 Existing water emergence issues have been mapped as requested by the LLFA. A methodology of dealing with the issue has been promoted and is to be conditioned, subject to approval of the application and validated on completion of the design.
- 10.131 Typical land drainage details have been shown to intercept overland flows from significant areas of undeveloped land uphill of proposed plots to protect from overland flow. Final details are covered by proposed condition. Assessments have shown that some water is coming from defective drainage in Woodhead Road. In order to facilitate effective flood risk management, a more detailed inspection of this system is required where repairs can be agreed and validated upon completion.

Food Routing

- 10.132 The LLFA do not foresee a risk to property from an exceedance event concerning only the attenuation tank due to its location. A plan has been submitted showing mitigation of the risk of surface water flooding in several places including reprofiling of land, altering housing types and removing independent garages to create improved flood routing by taking buildings out of harms way. Detailed analysis will be conducted at design stage that should build on the methodologies promoted in the Flood Risk Assessment supplied by ARP associates. Flood routing is also covered by condition.

Discharge Rates and Attenuation

- 10.133 The LLFA agrees that infiltration techniques, such as soakaways, are not suitable on the proposed development.
- 10.134 An analysis of the built area has been submitted and the LLFA accept a maximum discharge rate of 25l/s. The LLFA note the attenuation design is indicative and is directly adjacent to the foul pump station compound. The LLFA advise that Yorkshire Water may require a stand off from the two constructions. This aspect can be finalised at detailed design stage. A detailed design of the tank along with a bespoke maintenance plan will be required and would be conditioned, subject to approval of the application.

Construction Phase Drainage Plan

- 10.135 As is normally required, a risk assessment and method statement with regard to flood risk and pollution during the construction phase should be submitted and this is covered by a proposed temporary drainage condition. The LLFA recommend that the critical volume in a 1 in 2-year storm event is considered for the construction period for phases prior to the installation of attenuation systems

Section 106 Agreement and Drainage

- 10.136 The LPA is obliged under the NPPF to ensure all sustainable drainage is effectively managed for the lifetime of the site. Kirklees opts to achieve this via a section 106 unilateral agreement. This includes the time period prior to installation of SUDS up to the day of adoption by the statutory undertaker. A management company is expected to be set up to discharge maintenance duties. All legal agreements are to be regarded as null and void once the sewerage is adopted. In addition, land drainage pipes and caps on boreholes and wells should remain the responsibility of the management company.

Conclusion

- 10.137 The proposed development is considered to accord with the requirements of policies LP27 – Flood Risk and LP28 – Drainage – of the Kirklees Local Plan and Paragraph 159 of the NPPF.

Heritage and Archaeological Matters

Designated Heritage Assets

- 10.138 The applicant has submitted a Heritage Impact Assessment by BWB and a Archaeological Evaluation by WYAS.
- 10.139 The Heritage Assessment confirms that there will be no direct impact (through direct physical impact upon fabric) on any, currently known, designated or non-designated heritage assets on or adjacent to the site. Any impacts felt are in respect of the setting of scheduled monuments and buildings in Brockholes and the wider vicinity. The conclusion of the report sets out that topography, natural screening and intervening built form effectively screen the identified designated assets from harm in respect of their historic or aesthetic value.
- 10.140 In reference to the nearest listed building to the development, there are currently limited views of the proposed development to the Bridge (1228482) over the River Holme at Smithy Place Lane. Given the limited visibility and 19th and 20th century development either side of the bridge, it is considered that development would not further erode the historical integrity of the bridge. Proposed tree planting to create a visual buffer in the south-eastern corner of the current northeast field would reduce any visual intrusion. The submitted Landscape Masterplan (Rev K) presents that tree planting will be undertaken across the entirety of the eastern flank of the site adjacent to the River Holme.

- 10.141 With regard to comments made by representors about the development's impact on the historic village of Smithy Place. Officers would respond by stating that Smithy Place is not subject to any listed building or conservation area protection and the Local Plan policy for HS161 does not identify the need to protect Smithy Place from a heritage perspective. No buildings on Smithy Place are identified in Appendix 2B of the HVNDP relating to Candidate Non-Designated Heritage Assets.

Archaeology

- 10.142 The archaeological evaluation has revealed two features which warrant further archaeological excavation and recording. These are located in Trenches 12 and 32 of the evaluation.
- 10.143 Due to the unreliability of the geophysical survey previously undertaken, this work is necessary to fully characterize the nature of remains including Neolithic flint flakes – imported from eastern Yorkshire and a ditch or footing of unknown purpose but apparently dating from the 16th-19th century.
- 10.144 This work is recommended to be secured by the inclusion of an appropriately worded condition requested by West Yorkshire Archaeology Advisory Service. The required condition is listed in the summary of conditions in section 12 of this report.

Conclusion

- 10.145 Given the detail and thoroughness of the submitted heritage and archaeology reports, LPA Officers are satisfied that the development incurs little to no harm to designated heritage assets and that archaeological remains will be appropriately investigated and recorded prior to development in the affected areas. By consequence the proposal is considered to be in accordance with LP35 – Historic Environment and Policy 3 of the HVNDP.

Environmental Health, Site Contamination and Stability

Air Quality

- 10.146 An Air Quality Assessment has been submitted by BWB Consulting (ref: LDP2535-001) (dated: November 2021). The assessment details the impact the development will have on existing air quality, and how this will impact existing and future sensitive receptors by considering dust emissions during the construction phase and development-generated road traffic during the operational phase. The site is not located within, or near to an Air Quality Management Area, and in accordance with The West Yorkshire Low Emission Strategy – Technical Planning Guidance (WYLES) is classified as a “Medium” in terms of air quality impact.
- 10.147 For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction v1.1. A risk assessment was undertaken to identify all potential sources of dust and the dust emission magnitude of the construction phase and the risk of impact at sensitive receptor

locations within 350m of the site boundary. From this the potential significance impact of dust emissions associated with the development without mitigation measures was determined. The report concluded that there is the potential for air quality impacts as a result of fugitive dust emissions from the site, but that these impacts could be controlled by the implementation of good practice dust control mitigation. The mitigation measures are outlined in Table 5.5 titled Mitigation Measures for a High-Risk Site on page 26-29 of the report. These measures are required to be undertaken in accordance with submission of a Construction Management Plan required by condition and listed in the condition summary in section 12.

- 10.148 In respect of the site's operational phase from an air quality perspective, dispersion modelling was undertaken using ADMS-Roads (version 5.0.0.1) to determine the changes in pollutant concentrations at 20 sensitive receptor locations due to development generated road traffic emissions. The receptor locations were chosen as being in the vicinity of road links likely to be most affected by changes in traffic because of the development.
- 10.149 Traffic data supplied by Aimee Thompson Transport Planning the transport consultants for the scheme was used in the model to predict changes in Nitrogen Dioxide (NO₂), and particulate matter (PM₁₀) and (PM_{2.5}) concentrations from traffic emissions. Monitored data supplied by Kirklees Council and background data supplied by Defra were also used in the assessment. The model predicted concentrations based on the following scenarios:
- verification year 2019
 - base year 2021
 - an opening year of 2022 (without the development)
 - opening year of 2022 (with the development)
- 10.150 For the operational phase the report concludes that predicted changes in NO₂ and PM₁₀ and PM_{2.5} concentrations would be below the national air quality objectives for those pollutants, across the site and at all sensitive receptor locations. Therefore, the impact of traffic emissions because of the development is predicted to be "negligible" in accordance with the *Land-use Planning & Development Control: Planning for Air Quality Guidance by Environmental Protection UK (EPUK) and the Institute of Air Quality Management January 2017 (IAQM)*.
- 10.151 Finally in accordance with the WYLES guidance the report proposed mitigation measures to include the provision of Electric Vehicle charging points at every property and a Travel Plan. We agree with the approach and methodology of the air quality assessment and concur with the conclusions, that the development will have negligible impact on air quality and is considered suitable for residential use with regards to current air quality objectives. However, it will be necessary for a condition to mitigate against dust during the construction phase. This condition is included in the summary list in Section 12 of this report.
- 10.152 The development is anticipated to comply with the requirements of clause g under LP47 – Healthy, Active and Safe Lifestyles and LP51 – Protection and Improvement of Local Air Quality.

Noise

- 10.153 An alternative ventilation system will be required where plots of the development fail to meet the Indoor Ambient Noise Levels for Dwellings as per BS8233:2014. It would need to provide a level of ventilation to properties affected by excessive external noise sufficient to replace the ventilation which would normally be provided by opening windows and therefore the system would be capable of helping to improve thermal comfort and reduce the risks of overheating. During hot weather, the alternative ventilation system must be capable of drawing in cooling external air; any heat exchanges used for warming incoming air during cold weather must be capable of being bypassed during hot weather. Similarly, systems that draw in air from the roof-space of the building would need a bypass to allow air from the outside to be drawn in during warm weather.
- 10.154 Where the alternative ventilation system is mechanical, the self-generated noise created by the system must not cause excessive indoor sound levels. Also, the alternative ventilation system must not compromise the sound insulation properties of the building envelope.
- 10.155 Para 4.5 of the Noise Report looks at the external amenity area and states that where the gardens are predicted to experience noise levels above 55dB LAeq,T, it is recommended that a 2.4m tall acoustic barrier be constructed at the boundaries that have direct line of sight to Woodhead Road or New Mill Road. The recommended locations for these barriers are shown in Blue in Figure 4.2. A specification and method of construction is given which would normally be expected to reduce noise propagation to areas adjacent to the fence, by circa 10 – 15dB.
- 10.156 The findings of the noise impact assessment are accepted by KC Environmental Health. However conditions are recommended by the consultee to implement the findings of the Noise Assessment Report and to provide an alternative ventilation strategy. Both of these conditions have been included in the list of conditions set out in Section 12 of this report.

Contaminated Land and Stability

- 101.157 Environmental Health accept the Stage 1 Geo-Environmental Desk Study by ARP, dated 31st May 2022 (Ref: MLR/07r2 V2), the Stage 2 GeoEnvironmental Report by ARP Geotechnical Ltd, dated 26th March 2021 (ref: MLR/07r4) and the Method Statement for Assessment of Imported Soils in Appendix E of the Stage 2 GeoEnvironmental Report by ARP Geotechnical Ltd, dated 26th March 2021 (ref: MLR/07r4). Therefore, conditions relating to unexpected discovery of contamination and monitoring of imported soil/fill material have been added to the list of conditions summarised in Section 12 of this report.

Planning Obligations

- 10.158 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

Affordable Housing

- 10.159 As set out in paragraphs 10.84 – 89, the applicant has agreed the following contribution with LPA Officers in respect of affordable housing; A 19.7% on-site contribution of **27 affordable homes with the following tenure split: 15 Affordable Rent, 5 Shared Ownership and 7 First Homes**. This obligation is in accordance with Local Plan policies LP4 and LP11.

Education

- 10.160 KC Education have advised that the development is required to contribute a figure of **£546,137** to local schools. This has been agreed with the applicant. The financial sum is to be secured via a Section 106 agreement. The allocation of this funding is to be limited to the Honley and Brockholes Geographical Area. The specific metric for determining the Geographical Area is to be conducted under the S106 negotiation. This obligation is in accordance with Local Plan policies LP4 and LP49.

Public Open Space

- 10.161 Given the measured areas of on-site provision for the respective landscape typologies, there will be some requirement for off-site contributions in lieu of on-site delivery. **The figure required to meet the shortfall in POS typologies, of which the local area is deficient, is £94,288.** This figure has been agreed with the applicant and will be delivered via the Section 106 agreement, subject to approval of the application. Consultation with the local community and local councillors post planning permission when the Section 106 planning obligations become 'live' will be undertaken to help shape and inform the schemes. This obligation is in accordance with Local Plan policies LP4 and LP63.

Biodiversity Net Gain:

- 10.162 With regards to the BNG assessment, the updated metric details there will be a net loss in habitats of 48.30% (-20.50 units) and a 13.60% net gain in hedgerows (+0.48 units). The EclA applies correct use of the mitigation hierarchy to ensure that this net loss in habitats has been avoided where possible. Through discussions with the applicant's team, it is understood that off-setting will take place in the form of a financial contribution, which will allow the council to ensure that biodiversity targets are deliverable within the local authorities' boundary. Given the above, the current proposals result in a loss of 20.5 habitat units. Therefore, a total of 20.5 habitat units will need to be delivered in order for the development to achieve no net loss, which (based on £20,000

per habitat unit (figure taken from 2019 DEFRA Impact Assessment) + 15% admin fee (figure taken from Kirklees Biodiversity Net Gain Technical Advice Note)), results in a financial contribution of **£471,500**, which will need to be secured through a Section 106 agreement. The habitats that are due to be delivered on site will be secured through a condition, included in Section 12 below. This obligation is in accordance with Local Plan policies LP4 and LP30 as well as HVNP Policy 13.

Sustainable Transport

- 10.163 As set out in paragraphs 10.8 to 63, measures to encourage the use of sustainable modes of transport will be secured through the S106 process **for a sum of £70,075.50 towards a Sustainable Travel Fund as well as a further £10,000 towards Travel Plan monitoring**. This obligation is in accordance with Local Plan policies LP4 and LP20 as well as HVNDP Policy 11.

Off-site Highway Works –

- 10.164 As set out in paragraphs 10.8 to 63, **an off-site financial contribution of £33,000 is to be secured towards Bus Stop upgrades and signage improvements on Smithy Place Lane as well as a further £15,000 to contribute towards signalised junction improvements in Honley**. This obligation is in accordance with Local Plan policies LP4 and LP21 as well as HVNDP Policy 11.

On-going Site Management

- 10.165 The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water and foul drainage infrastructure until formally adopted by the statutory undertaker) is to be secured via the S106 agreement.

Summary

- 10.166 **The total financial package of the S106 agreement totals £1,240,000.50**. This figure does not include the on-site delivery of the affordable units which also constitute a significant financial investment in housing infrastructure on the site.

Representations

- 10.167 To date, a total of 163 representations have been received in response to the council's consultation and subsequent re-consultations whilst 4 representations were received from the Holme Valley Parish Council. Comments were also received from Ward Councillor Greaves. The material considerations raised in comments following publicity of the application have been fully addressed in this report as follows:

Highway, Transport and PROW Matters

- Scepticism of the effective of the off-site highway signage provision proposed on Smithy Place Lane.
- Lack of connection to Brockholes via New Mill Road.

- Proposed pedestrian integration to Brockholes via Smithy Place and Smithy Place Lane is unsafe (for all, including school children) due to lack of footway and nature of sight lines across Smithy Place Lane. This safety issue will be exacerbated by increased pedestrian use from the site.
- Criticism of proposed signage on Smithy Place Lane.
- Citation of multiple road accidents across local highways.
- Pedestrian routes to Honley require crossing Woodhead Road which is unsafe.
- The riverside should be re-designed to integrate with the riverside way.
- The development is not walkable to local centres and therefore car reliant.
- Local signalised junctions are over-capacity and cumulative development will generate negative capacity issues on these junctions and on the wider local highway network.
- Lack of footway on eastern side of Woodhead Road (prior to amendment of access layout).
- Scepticism in respect of acceptability of the access gradient into the site.
- The submitted Travel Plan contains inaccuracies.
- The speed limit of Woodhead Road makes vehicular egress from the site dangerous and users do not abide by the speed limit.
- Request for improved signage on and a reduced speed limit on both Smithy Place Lane (and Robinson Lane).
- General position amongst representors that Smithy Place is not considered a public right of way.
- Loss of footpath across the site.
- Use of Smithy Place (Robinson Lane) by cars from the site onto Smithy Place Lane which will exacerbate a dangerous bend.

Officer response: The concerns raised in regard to highway safety and transportation are addressed in the main assessment above, with particular regard to paragraphs 10.8-10.63. It is considered that, subject to the inclusion of appropriate conditions and a secured S106 agreement, the proposals would not result in undue harm to highways or transportation.

Visual Amenity/Character Issues

- Poorly designed housing estate that does not take the opportunities of the surrounding landscape and built form to create a sympathetic development.
- The development is poorly integrated with the surrounding settlement.
- Criticisms of the lack of vernacular materials such as natural stone and slate within the housing type designs despite the requirement within the HVNDP (Clause 8, Policy 2) as well as scepticism as to the appearance of reconstituted stone.
- Lack of usable greenspace.
- Criticism of 'identikit' houses and requests for the proposal to be constructed with housing design that reflects the local vernacular, specifically terraced style dwellinghouses.
- Impact on historic 'Smithy Place' village
- Criticism of lack of through roads and over reliance on cul-de-sacs
- Loss of the greenspace will affect local resident's amenity.

Officer response: The concerns raised relating to design have been addressed in the main assessment above, with particular regard to paragraphs 10.64-10.80.

Residential Amenity

- Overshadowing (The Coach House, Smithy Place)
- Loss of privacy (Wheatfield Cottage, 22 Smithy Place; The Coach House, Smithy Place) and properties across Haggroyd Lane.
- Overlooking, particularly those properties across the south east corner of the site.
- Adverse light impact caused by street lighting on Smithy Place
- Increased traffic noise for local residents
- Concern in respect of the managed areas at the rear of Haggroyd Lane and the potential for adverse dumping from new residents in this space.

Officer response: The concerns raised in regard to residential amenity are addressed above, with particular regard to paragraphs 10.81-10.107. The proposal is considered to provide acceptable living conditions for future occupiers and sufficiently protect those of existing occupiers, complying with the objectives of Local Plan policy LP24

Ecology and Trees

- Removal of trees along site frontage for visibility is unacceptable to nature as well as general criticism of tree removal across the site, including TPOs.
- Mature trees cannot be replaced.
- Impact upon protected species.
- Negative impact on biodiversity through loss of grassland, wildflowers, trees and other habitats and the consequent impact on wildlife corridors and protected species.
- Impacts of development upon pollution levels in the River Holme.
- The site is a designated SSSI Impact Risk Zone
- Criticism of lack of on-site biodiversity net gain contrary to the Environment Bill.

Officer response: Concerns relating to trees and ecology matters are addressed in the main assessment above, with particular regard to paragraphs 10.108-10.124.

Flood Risk and Drainage

- Representors highlight previous objections to the Flood Risk submissions by the Environment Agency and the potential for increased flood risk of the site given its proximity to the River Holme.
- Criticism of technical design of sustainable drainage
- Existing sewer infrastructure in Brockholes is over-capacity and the development will exacerbate this through its connection to Smithy Place.
- Drainage of existing fields is poor, possibility of Holme River bursting banks adjacent to the site and new housing will be subject to stability problems.

Officer response: Concerns raised in regard to flood risk and drainage are addressed in the main assessment above, with particular regard to paragraphs 10.125 - 10.137.

Other Matters

- Impact of additional traffic on pollution levels and impact on air quality

Officer response: Concerns raised in regard to air quality are addressed in the main assessment above, with particular regard to paragraphs 10.146 - 10.152.

- Increased demands on local schools which are already oversubscribed
- The education contribution should be directed to Brockholes Junior and Infant School and Honley High School.

Officer response: Concerns raised in regard to education are addressed in the main assessment above, with particular regard to paragraph 10.160. A contribution figure of **£546,137** to local schools is understood to be sufficient to ensure that local school capacity can accommodate primary and secondary school age children from the site. The education contribution is to be secured geographically, but it is intended for these purposes of delivering extra capacity at these schools.

- Impact on medical services (GPs & dental practices)

Officer response: It is noted that local medical 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. A condition requiring submission of a Rapid Health Impact Assessment is also included in Section 12 below.

- Housing mix lacks 2 bedroom units and criticism of reduction in the number of affordable units following reduction in the number of units on site.
- The housing mix in respect of size is not representative of local needs.

Officer response: The concerns raised in regard to housing mix are addressed above, with particular regard to paragraphs 10.81-10.83.

- The development of the site is contrary to the Kirklees declaration of a climate emergency.
- The homes lack sustainable design features such as solar panels or rain-water harvesting and include the provision of gas boilers. The homes are not 'future-proof'.

Officer response: The concerns raised by the representor are well-founded, however the scope of the planning system at the current time in promoting renewable solutions to climate change are restricted by the wording of paragraph 158 of the NPPF which prevents Local Planning Authorities from requiring applicants to demonstrate the overall need for decentralised energy supply. The development of the site is necessary to supply modern housing and will of a standard well above the performance of the majority of the existing housing stock within Kirklees.

- Prior to agreement on the Education contribution, many representors highlight the applicant's unwillingness to fund the contribution.

Officer response: The concerns raised have been resolved and the applicant has agreed to provide the education contribution required by the LPA.

- Proposal for improvements to Biodiversity Net Gain through implementation of sustainable drainage measures outlined by 'River Holme Connections'.

Officer response: There will be flexibility within the Section 106 Agreement to achieve further on-site measures to reduce the financial sum for the benefit of creating on-site habitats. The representor and applicant are encouraged to contact one another to query the viability of the representor's proposals in respect of habitat enhancements. Any enhancements adjacent to the river will likely require a permit from the Environment Agency.

- Creation of urban sprawl through merging of Brockholes and Honley.
- The site is located in a Green Belt area and is against Green Belt principles as the development will cause Honley and Brockholes to merge together.

Officer response: The housing allocation has been established through the Examination in Public of the Draft Local Plan by an independent Planning Inspector. The Local Plan was adopted at Full Council following the closure of the EiP and the issuance of the Inspectors' report which found the plan sound subject to modifications. The site is not Green Belt.

- The proposed development exceeds the site yield and therefore significantly overdevelops the site.

Officer response: This matter is discussed in paragraphs 10.1 to 10.8 of the assessment.

- Economic impact on local centre from reduction in number of walkers

Officer response: Such an impact cannot be quantified and no evidence has been submitted to verify the site having a negative economic impact in respect of tourism. The development will, however, increase the population of Honley and Brockholes that will help to sustain existing services through increased demand and footfall.

- Criticism of developing a greenfield site when brownfield sites are available.

Officer response: Lichfields brownfield report ('Banking on Brownfield') highlights that there is insufficient brownfield to deliver objectively assessed need across the country. Lichfield find that, even if every identified site was built to its full capacity, the capacity of previously-developed land equates to 1,400,000 net dwellings. This equates to just under a third (31%) of the 4.5m homes that are needed over the next fifteen years. Even with significant government support, brownfield land can only be part of the solution to the housing crisis.

- 10.168 All of the comments received as a result of the publicity for this planning application have been carefully considered. However, when considered against relevant local and national planning policy, it is concluded by officers that, subject to the imposition of relevant conditions and the securing of certain planning obligations, as summarised below, the proposals are acceptable.

Other Matters

- 10.169 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION & RECOMMENDATION

- 11.1 The site has constraints in the form of the adjacent residential dwellings (and the amenities of these properties), topography, trees, drainage, highways and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant or can be addressed at conditions stage. Though the quantum of development is above the indicative yield in the site policy of the Local Plan, the figure reflects a significantly lower density when taking into account the site's gross area. Furthermore, the proposal has responded appropriately to the character and appearance of the surrounding area, and the quality of residential accommodation is considered acceptable.
- 11.2 The provision of 137 residential units at this site (including the provision of 27 affordable housing units that meets the Council's tenure split in the Holme Valley) would contribute towards meeting the housing delivery targets of the Local Plan and are welcomed. Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.3 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

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

- 1/. 3 Year Time Limit for Commencement
- 2/. Development to be carried out in accordance with approved plans
- 3/. Details of phasing (Pre-commencement)
- 4/. Construction Management Plan (Pre-commencement)
- 5/. Highway/PROW Condition Surveys (Pre-commencement)
- 6/. Detail of highway improvements (Pre-commencement)
- 7/. Detail of internal estate roads, footpaths etc
- 8/. Condition ensuring access to undeveloped land
- 9/. Erection and repair of existing and proposed dry stone walls
- 10/. Detail of visibility splays across site access (Pre-commencement)
- 11/. Various off-site highway and PROW works and Road Safety Audits

- 12/. Surfacing and draining of vehicle parking areas
- 13/. Highway structure details (Pre-commencement)
- 14/. Temporary retaining structure details (Pre-commencement)
- 15/. Retaining Wall facing materials
- 16/. Timely removal of temporary construction access
- 17/. Structural details of pipes/manholes (Pre-commencement)
- 18/. Cycle storage details
- 19/. Temporary waste storage for dwellings during the construction period
- 20/. Electric vehicle charging points
- 21/. Finished floor level restrictions
- 22/. Compliance with arboricultural method statement
- 23/. Detailed design of foul and surface water drainage scheme (pre-commencement)
- 24/. Surface water emergence and land drainage mitigation (pre-commencement)
- 25/. Storm Event Scenarios (Pre-commencement)
- 26/. Temporary Surface Water Details (Pre-commencement)
- 27/. PD Rights Removed for Plot 122 (Side extensions)
- 28/. PD Rights Removed for Plot 123 (Outbuildings)
- 29/. PD Rights Removed for 62no. plots in respect of boundary treatments relative to shared spaces
- 30/. Implementation of sound attenuation scheme
- 31/. Ventilation scheme for noise impacted properties (Pre-commencement)
- 32/. Dust mitigation details during construction period
- 33/. Unexpected contamination/coal deposits
- 34/. Imported Top/sub soil verification report
- 35/. Physical samples of facing materials
- 36/. Boundary treatment detailing
- 37/. Hard and soft landscaping details (Pre-commencement)
- 38/. Maintenance of landscaping and occupier notification mechanism
- 39/. Biodiversity Management Plan (Pre-commencement)
- 40/. Construction Environmental Management Plan (Pre-commencement)
- 41/. Eradication of invasive non-native species (Pre-commencement)
- 42/. Lighting Design Strategy
- 43/. Protected species Mitigation Strategy
- 44/. Working times compliance
- 45/. Further Archaeological Investigation (Pre-commencement)
- 46/. Details of substation and pumping station design and appearance
- 47/. Definitive footpath surfacing adjacent T18
- 48/. Details of any PROW diversion
- 49/. Riverside footpath construction specification and delivery
- 50/. Rapid Health Impact Assessment submission and implementation

Background Papers:

Application and history files.

Website link:

[Link to application details](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92206)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92206>

Certificate of Ownership – Certificate B – Requisite 21 day notice provided to landowners.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 14-Jul-2022

Subject: Planning Application 2022/91138 Demolition of existing training centre and occupational health buildings, erection of new headquarters including indoor training centre, extension of existing building to form new fire station, extension of car parking and associated landscaping and drainage Oakroyd Hall, West Yorkshire Fire And Rescue Service Headquarters, Bradford Road, Birkenshaw, BD11 2DY

APPLICANT

West Yorkshire Fire &
Rescue Service

DATE VALID

28-Apr-2022

TARGET DATE

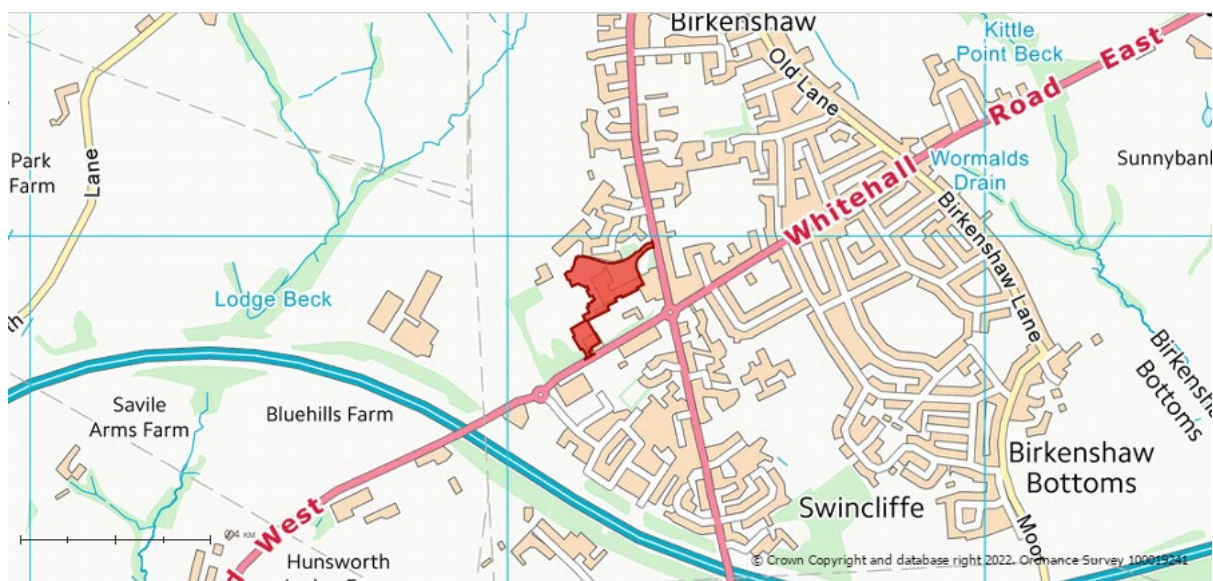
28-Jul-2022

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: Birstall and Birkenshaw

Ward Councillors consulted: Cllr Joshua Sheard, Cllr Elizabeth Smaje and Cllr Mark Thompson

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including, but not limited to, those contained within this report.

1.0 INTRODUCTION:

- 1.1 This full planning application proposes a replacement West Yorkshire Fire and Rescue Service Head Quarters as well as a new Fire Station at the existing West Yorkshire Fire and Rescue Service Facility at Oakroyd Hall in Birkenshaw.
- 1.2 The proposal constitutes a significant upgrade on the existing facility and a significant public sector investment in the borough of Kirklees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The West Yorkshire Fire and Rescue Headquarters has been located in Birkenshaw, a Borough of Kirklees, part of the Birstall and Birkenshaw ward in West Yorkshire for almost 50 years. The site is approximately 4.2 miles (6.7km) to the south-east of Bradford and 7 miles (11.5km) to the south-west of Leeds.
- 2.2 The site of a former colliery, most of the buildings were constructed in the late 20th century. There are two existing main points of access into the site; one off Bradford Rd (A651) on the eastern boundary and the other off Whitehall Rd West (A58) to the southern boundary. These two access points create prominent vistas into the heart of the site and an existing viewpoint to an existing memorial can be captured from the intersection of the two roads on the south-east corner.
- 2.3 The Grade II listed war memorial to the south-east of the site was erected in 1924 to commemorate six fire officers who died in the Low Moor explosion in 1916. To the north-west corner of the site is the Grade II listed Oakroyd Hall. The site is surrounded to the north and west by open space and to the south and east by residential properties. There is a mature landscaped boundary on all edges and numerous mature trees that help to screen the site from the main roads to the south and east.
- 2.4 The local pallet of materials consists of a mixture of natural stone and rendered housing and a combination of brick and render/cladding to more commercial type of buildings within the site itself and buildings located adjacent Whitehall Rd West, representing the varied nature of development over the last 30 years.

2.5 The application site currently comprises of a range of existing buildings which are currently occupied and utilised by West Yorkshire Fire and Rescue Services. With the exception of the current HQ and occupational health buildings which are required to be demolished to allow the construction of the new HQ and Training Facility, all the of the existing building stock will remain. The existing USAR building will be extended and repurposed to create the new Fire Station.

3.0 PROPOSAL:

3.1 In summary this application includes the following proposals:

- Building a new three-story HQ and training facility;
- Demolition of existing training centre and occupational health buildings;
- Extending and repurposing the existing Urban Search & Rescue (USAR) building to create a new Fire Station;
- A 24/7 facility meeting the operational needs of the Force.
- Extension of car parking and associated landscaping and drainage;
- Creating a new and elegant landscape design to integrate the new and adapted buildings;
- Creation of a memorial garden within the site.

3.2 The proposals seek to regenerate part of the Birkenshaw Fire and Rescue Service site. The redevelopment will remove the existing Training Centre and Occupational Health Buildings on the site, which are at the end of their useful life, to support the construction of a new, modern, energy efficient Headquarters and Training Centre. In addition to the above listed works, the proposals will also involve an extension to the existing Urban Search and Rescue (USAR) building to the south of the Site, to form a new fire station. The Proposed Development will facilitate the creation of modern, purpose-built facilities to support the Site's role as the County Headquarters for the fire service, providing essential training facilities for the fire and search and rescue services.

3.3 The Application Site extends to approximately 1.47 hectares and is located on the western edge of Birkenshaw, which is a large village in the Borough of Kirklees, located approximately 5.5 miles to the southeast of the centre of Bradford.

3.4 To facilitate the proposals, the demolition of several buildings within the site is sought, to provide a modern replacement headquarters and training facilities. The proposals include the following:

- Training Centre: which is the largest building located in the centre of the Site – this will be demolished and replaced.
- Occupational Health Building: located immediately to the southwest of the Training Centre – this will be demolished.
- Existing Urban Search and Rescue (USAR) Building: located immediately to the east of the access off Whitehall Road West – this will be extended.

The New Training Centre/Headquarters Building

- 3.5 The new training centre/headquarters will be provided in the same location as the existing training centre and the occupational health building. The purpose of the new training centre/headquarters building will be twofold. It will allow existing operations on the Birkenshaw and Cleckheaton sites to be consolidated into a fit-for-purpose building. Secondly, the building will be much more operationally and energy efficient. The existing training centre is dated and it is large and imposing at four storeys in height.
- 3.6 The gross internal area of the existing building is approximately 2,100sqm. The proposed new building will be three storeys in height so it will be overall less imposing. The gross internal area of the proposed new building is 2,791sqm. Regarding materials, the HQ façade is proposed in a buff brick, with the training arena shown with aluminium cladding above a brick plinth. An aluminium framed curtain walling system is proposed to the double-height main entrance/atrium with the sliding entrance doors and a draught lobby to help maintain the internal environment and avoid draughts. Aluminium framed windows are additionally proposed with openable windows and/or louvres for ventilation.

Extension of Urban Search and Rescue (USAR) Building to Provide Fire Station

- 3.7 The USAR building, is located to the south of the Site and is constructed from a steel portal frame with composite floors and a pitched roof. The building is approximately 470sqm in size. The new extension to the existing USAR building will create a single consolidated building approximately 35m wide and 105m long. The parapet height is 7m above the finished floor level.
- 3.8 The proposed extension will also be portal framed with a pitched roof, however this will have parapets to conceal the pitched roof built up. It will be clad to match the existing building, which features Staffordshire Blue brickwork and Trespa cladding panels. Doors and windows to the existing building are to remain generally as existing, which are blue in colour. Additional windows and doors will match those within the existing building. The extension will provide an additional 320sqm and will have an additional 3 appliance bays for fire service vehicles to utilise at the Site. There will also be a canopy attached to the extension also facilitating clean down of the equipment. The extension is required so that the fire station service can operate effectively. The extension has been orientated so that the vehicle bays can easily be accessed from the Whitehall Road West access point in the case of emergencies.

Other development/works

- 3.9 The proposals also take the opportunity to enhance the external areas of the application site. This includes the reconfiguration of some elements of the car parking on-site and new landscaping provision, as well as a refocusing of existing access points to the Site, with most staff and visitors being directed to the Bradford Road access to the east and fire service and training vehicles utilising the Whitehall Road West access to the south.

- 3.10 The proposals also include parking provision to accommodate operational requirements as well as staff and visitor parking. Within the Application Site boundary, 148 car parking spaces will be provided, including 8 no. accessible bays and 9 no. EV charging bays. The proposed parking layout replaces 129 existing spaces within the Application Site boundary resulting in the overall parking provision across the wider site increasing by 19 spaces from 321 to 340. The no. of EV charging bays across the site will more than double from 8 to 17. There is a capacity issue with the substation on the Site, which limits the total number of EV charging points which can be provided at present, however the future capacity of the substation is presently being explored.
- 3.11 In terms of landscaping, the site has the benefit of groups of established trees on the boundaries of the application boundary that provides a sense of enclosure and contribute positively to the character and setting. The landscape proposals are intended to enhance the overall appearance of the site, and include break-out spaces around the building, additional parking, and greening of general areas around the HQ and Training Area to create a positive and welcoming experience while also integrating the new building with its surrounding features.
- 3.12 Refuse collection will be from the existing external refuse store on site and the vehicle access provision will remain as per the existing arrangement to suit West Yorkshire Fire and Rescue requirements.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The site, or parts of the site, have been subject to the following planning applications (the list is not exhaustive):

98/60/90117/E3 - OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT – Granted – 05/02/1999

2002/91236 - REMOVAL OF REDUNDANT COMMUNICATIONS TOWER AND FORMATION OF NEW CAR PARKING – Granted - 17/06/2002

2002/93490 - FORMATION OF TWO NEW PARKING AREAS – Granted – 21/11/2002

2003/93793 - DEMOLITION OF EXISTING TRAINING CENTRE AND ERECTION OF NEW TRAINING FACILITY – Granted – 17/03/2004

2007/90921 - FORMATION OF PLANT ENCLOSURE AND STEPS – Granted – 24/05/2007

2009/90733 - Erection of extension & alterations, new reception & site fencing – Granted – 23/06/2009

2009/62/92533/E1 - Erection of extension and alterations to BA building, new reception & site fencing – Granted - 17/01/2011

2015/91626 - Erection of Fire Attack Box and goods lift with associated ventilation plant and 4 stop goods lift – Granted - 04/11/2015

2019/90231 - Certificate of lawfulness for proposed erection of training rig – Granted – 05-03-2019

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

- 5.1 The applicant submitted a pre-application (2021/21226) for the scheme on the 11th November 2021. The application was submitted before a formal response could be issued on the pre-application, though advisory consultee responses were issued to the applicant on the 10th January 2022 covering various material considerations.
- 5.2 The submission at pre-application was significantly advanced in respect of design and no major amendments were required of the scheme other than further information required by consultees to confirm satisfactory details.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

- 6.2 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP7 – Efficient and effective use of land and buildings
LP8 – Safeguarding employment land and premises
LP13 – Town Centre Uses
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
LP31 – Strategic Green Infrastructure Network
LP32 – Landscape
LP33 – Trees
LP35 – Historic Environment
LP47 – Healthy, active and safe lifestyles
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

6.3 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions
- Negotiating Financial Contributions for Transport Improvements (2007)
- Highway Design Guide SPD (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

Climate change

6.4 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.

National Planning Guidance:

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

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- 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.

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

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), the application was originally advertised as a major development by means of 5 site notices erected adjacent to the site at various locations on the 19/05/2022, an advertisement in the Dewsbury Reporter on 19/05/2022 and by direct neighbour notification to adjoining properties.
- 7.2 As a result of the application's publicity, no comments have been received on the application to date.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

The Coal Authority – No objections subject to condition

Yorkshire Water – No objections subject to conditions

Lead Local Flood Authority – Objection – On-going discussions in respect of detailing drainage design are being undertaken. It is anticipated that these matters will be resolved in advance of the Committee Update.

KC Highways DM – No objections subject to conditions

Historic England – No comments

National Highways – No objections

8.2 Non-statutory:

Northern Gas Network – No objections

Bradford Metro District Council – No objections

KC Trees – No objection subject to condition

KC Landscape – Advisory comments provided, conditions proposed.

KC Environmental Health – No objections subject to conditions

KC Emergency Planning – No comments

KC Ecology – No objections subject to conditions

KC Crime Prevention – No objections subject to conditions

KC Conservation and Design – No objections

9.0 MAIN ISSUES

9.1 The appraisal of the application will review the following topics:

- Principle of Development and Land Use
- Layout, Scale, Visual Appearance and Heritage Matters
- Residential Amenity Environmental Health, Site Contamination and Stability
- Landscape, Tree and Biodiversity Matters
- Transportation Matters
- Site Drainage and Flood Risk
- Representations
- Other matters

10.0 APPRAISAL

Principle of Development and Land Use

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.
- 10.2 Given the nature of the proposal, the following Local Plan Policies are applicable in this instance: LP2 – Place Shaping, LP3 – Location of New Development, LP7 – Efficient and Effective use of Land and Buildings and LP8 – Safeguarding Employment Land and Premises.
- 10.3 The site is developed and is in operational use by the West Yorkshire Fire and Rescue Service. The proposals submitted under this application seek to reaffirm the existing use as a Head Quarters and Training Centre while somewhat intensifying operations on the site through the installation of a new fire station.
- 10.4 In respect of Policy LP8 – Safeguarding Employment Land and Premises, the development is not within a Priority Employment Area and is not technically applicable. That being said, the site increases floor space from approximately 2100sqm up to 2700sqm for employment generating uses (notably B1 – Offices/E Class). The up lift in floorspace is welcomed as it more efficiently utilises the site from a land use perspective.
- 10.5 A café is proposed at the ground floor of the building and constitutes approximately 111.5sqm of the building floorspace. The cafe floorspace is equivalent to 4.13% of the overall development floorspace and is therefore significantly lower than the 10% rule of thumb in considering a use as ancillary to the main use of the site.

- 10.6 Policy LP13 states that for offices and small scale proposals in non-residential areas, a sequential approach for proposals over 150sqm will be required. Given that the site is already in use for offices serving the West Yorkshire Fire and Rescue Service, the re-use of the site for the same purpose requiring a sequential test or impact assessment would be considered perverse – especially as the proposal achieves the most efficient means of serving the Fire Services needs. To split the office use of the site from its other functions would incur a decrease in the efficiency of the Fire Service that would not be in the best interests of the public or their safety. Consequently, the re-development of the site for the same use and broadly the same purpose is not considered adverse to the vitality of Birkenshaw Local Centre.
- 10.7 Given that the use proposed reflects the existing employment use, that the re-development of the site seeks to utilise the land more efficiently for both operations and energy use purposes whilst also retaining and securing use of the site into the future, the principle of development is determined to be acceptable as it is found to meet the requirements of Local Plan Policies LP2, LP3, LP7 and LP8.

Layout, Scale, Visual Appearance and Heritage Matters

- 10.8 The West Yorkshire Fire and Rescue Headquarters is located on the site of a former colliery, with most of the buildings constructed in the late 20th century. On the prominent south-east corner of the site is a Grade II listed war memorial, erected in 1924 to commemorate six fire officers who died in the Low Moor explosion in 1916. It was originally located in Scholemoor Cemetery and was relocated to the headquarters in 2003.
- 10.9 The existing four storey block in the centre of the site makes a slight negative contribution to the setting of the memorial and therefore the Conservation and Design Team has no objections to its demolition. The existing buildings directly behind the memorial will be retained, with the proposed HQ and training arena located some distance from the memorial and beyond the training yard. Although the visual context is limited, the redevelopment of the site with modern facilities will be an enhancement on the existing and will not harm the setting of the memorial.
- 10.10 Towards the north-west corner of the site is the Grade II listed Oakroyd Hall which dates to 1867. This well-detailed stone villa was formerly a large detached private dwelling and is now used as administrative office accommodation for the fire service. It is set away from the main complex which is the subject of this application, with soft landscaping to the south and mature trees separating them.
- 10.11 An extensive landscape buffer will be retained, with several mature trees between the proposed development and the historic building.
- 10.12 Demolition of the existing buildings and the construction of new premises will be an enhancement, with the proposed landscaping between the two sites creating a more attractive environment. The proposed fire station at the southern entrance to the site extends an existing building and the impact on the setting of the hall is neutral.

- 10.13 The proposed HQ and Training centre have a scale that broadly reflect the buildings which they replace. Conversely, the mass of the proposed buildings will be 600sqm larger than those they replace. However, for context, this only represents a 22% up lift above the existing buildings and the overall effect is not anticipated to be noticeable. The appearance of the proposal takes the opportunity to utilise high quality materials and design features, such as vertically oriented windows and brick-header detailing that would result in a significant improvement relative to the existing buildings which are not wholly faced with high quality materials or detailing. Window sections have been submitted which also indicate that the fenestration applied to the HQ building shall be set 8/9cm within the reveal. This satisfies concerns that the windows would not be sufficiently set deep enough within voids to provide texture to the façade of the building.
- 10.14 The extension of the USAR building to form a Fire Station would utilise matching materials, notably the dark blue brick proposed in the training centre, in order to tie it in. The extension is also set back relative to the principle elevation of the USAR building and this should disguise the bonding of old and new materials.
- 10.15 In summary, the proposal enhances the site by demolishing outdated buildings and providing new premises with a consistent design approach and enhanced landscaping. The setting of the listed memorial and hall is enhanced, and the public benefit of providing modern facilities for an essential public service is clear and convincing.

Residential Amenity, Environmental Health, Site Contamination and Stability

Residential Amenity

- 10.16 In respect of overshadowing and overbearance, the northern elevation of the HQ building will be located approximately 10m closer to the boundary of the curtilages formed by 17 and 21 Oakroyd View than the chimney and northern elevation of the current occupational health offices. By the same token, the proposed north elevation is to be 20.4m from the side elevation of 21 Oakroyd View and 25.7m from the rear elevation of 17 Oakroyd View. By contrast, the existing building is located approximately 32m from No.21 and 36m from No.17. This increased proximity is tempered by the lower height of the proposed building relative to that of the existing, with the proposed being 2 storeys in height at its northern elevation whilst the existing building is 3 storeys in height with the attached chimney rising higher than the main building's roof. The proposed HQ building does have plant cabins proposed on the roof which rise 2.6m above the main roof parapet, however these are set back 4m from the northern elevation to lessen their impact. The height of the northern elevation will be 9.45m which will increase in height to 11.85m at the roof plant's set back position - overall these heights equate relatively to the standard height of a dwellinghouse and will be lessened by the oblique angle of the northern elevation and eastern elevation which slant away from the nearest residential boundary and elevation. They also relate positively when compared to the approximate 18.6m height of the existing building.

- 10.17 Given the lower site level relationship of the HQ building relative to the dwellinghouses on Oakroyd View, as well as its modest scale, the development does not pose a risk to incurring unreasonable levels of light loss or overbearance despite its south western location relative to nearby residential properties. There are no other concerns in respect of overlooking or overbearance from the Fire Station extension or the training centre due to their location and outlook.
- 10.18 In respect of privacy, the first floor windows on the northern elevation of the HQ are situated a minimum of 20.4m from the side elevation of No.21 Oakroyd View, which is nearly 8m above the minimum required under the Housebuilders SPD relating to rear/side elevation separation distances. Though such a metric is not fully applicable in this instance given that it relates to commercial office space, the exceedance of this guidance does infer the low level of overlooking from the northern elevation of the HQ relative to No.21, especially as the fenestration in the HQ's northern elevation is to face the turning head of Oakroyd View (a shared space) as opposed to the rear garden of No.21.
- 10.19 As regards the northernmost first and second floor windows on the HQ's eastern elevation, these also outlook directly onto the car park to be created adjacent to Oakroyd Drive. Nevertheless oblique views to Nos 11, 15 and 17 Oakroyd View will be possible from the newly created windows. The respectively the window to rear boundary separation distances are 19.4m (17), 22m (15) and 30.9m (11). Given that these properties are served by a high stone wall, the views from the new windows are not direct and that the scaled separation distances are generous, the impact on the privacy of Nos. 11, 15 and 17 Oakroyd View will be minimal.
- 10.20 Wider impacts in respect of overshadowing, privacy loss or overbearance to properties on Bradford Road and Whitehall Road West are not observed given the significant separation distances from the proposed buildings to existing residential dwellings on the cited streets, as well as the ample tree cover across the eastern and southern boundaries.

Environmental Health Matters

- 10.21 The methodology and findings of the submitted noise report are accepted by Environmental Health. The proposed site is established in use and the proposal states it will not introduce any additional sources of noise to the site. The modelling shows the majority of noise levels at the Noise Sensitive Receptors (NSR) remain unchanged with a slight decrease on Oakroyd Drive. It is also noted that there is no planned increase in the frequency, timing or extent of training activities and no training is scheduled to take place during night-time hours (2300hrs to 0700hrs).
- 10.22 Several activities which currently take place in the external training yard are to be moved to the large internal training hall thus affording protection from any associated noise.
- 10.23 The introduction of the fire station has the potential to introduce emergency service sirens to the local area. The use of emergency sirens is controlled through The Road Vehicles (Construction and Use) Regulations 1986 (Regulation 99) which limits any horn, gong, bell or siren for use between 0700 and 2330 hours when a vehicle is in motion. WYFRS have a policy of

reasonable use which would ensure that Fire Appliances are not used in a manner which could lead to a loss of amenity to the nearest NSRs. No details of this policy have been provided, therefore a condition has been provided which requires submission of the policy

- 10.24 There is a proposal for café dining and it is expected that this will be served by mechanical kitchen extraction plant but this has not been considered. A condition for a further/addendum report has been included in the summary list at the end of this report. The noise from any fixed mechanical plant is also proposed to be controlled through via condition. The measures cited above are considered necessary to prevent adverse noise issues that could impact the amenity of local residents.
- 10.25 There is also the potential for the café to generate odours that may have an adverse impact on the amenity at nearby properties. Consequently, a condition is necessary for a detailed kitchen extract scheme with implications on noise from any proposed installation. The café's kitchen has the potential for fats, oils and grease to enter the drainage network from food preparation and dish-washing areas. A condition has been added which will require submission of a Pollution Prevention Scheme related to the control and safe disposal of associated fats, oils and grease.
- 10.26 The applicant has submitted a Lighting Scheme by CAD21 LTD dated 11 May 2022 Ref QC004-CAD-XX-XX-DR-E-63000 Rev PO4. It shows the location of the existing and proposed luminaires with the luminaire schedule Ref hqc004-cad-xx-xx-sh-e-01004 providing details on the specification of the luminaires. This is sufficient for the physical installation. However Environmental Health require information on the potential for stray light to the windows of neighbouring properties which should not exceed the levels shown in Table 3 of the Guidance Note by the Institution of Lighting Professionals (2021) based on the Environmental Zone in Table 2 within the document. A condition has been added to the recommended decision which would require the submission of this information.
- 10.27 The proposal is to demolish some of the existing buildings and to construct others and consideration will need to be given to the impact of this on the environment and the occupiers of neighbouring buildings. The applicant will need to control and minimise any emissions from noise/vibration, dust, artificial light etc. during the demolition and construction phase of the development and a condition for a Construction Environmental Management Plan has been added to the recommended decision to ensure that construction impacts are minimised.
- 10.28 An Air Quality Assessment by Pace Consult (ref: HQC004-PAC-XX-XX-RP-R-00002) (dated: 25th February 2022) has been submitted in support of the application. The development site is located close to Kirklees Councils Air Quality Management Area (AQMA) 4, which was designated in 2017 due to exceedances of the annual mean air quality objective for nitrogen dioxide (NO₂). Having assessed the report, Environmental Health agree with the overall methodology and approach. The conclusions of the report that split the development into the construction phase and operational phase. For the construction phase of the development, the applicant is expected to implement best practice mitigation measures as detailed in the report to be implemented. Therefore, a condition will be necessary to control fugitive dust emissions during the construction phase of the development. For the operational phase,

the development is not expected to have a significant impact on local air quality. To mitigate for future emissions the development will include mitigation measures which are listed in Section 7 of the report which include the installation of electric vehicle charging points, a travel plan outlining methods to promote sustainable modes of transport, flexible working to reduce trip generation, an on-site café to reduce off-site trips, Sheffield style secure cycle parking and an 'all-electric' energy strategy to prevent on-site emissions.

- 10.29 The proposal is to install 9 EVCPs with an additional 5% in the future. Whilst the LPA welcome this proposal, it is unclear why not all of the required EVCPs for non-residential developments, in accordance with the WYLES Guidance are to be installed at the onset. Therefore, it has been necessary to add a condition to the recommended decision requiring the details of the EVCP scheme to be provided and to ensure that the additional 5% are to be installed and made operational within 5 years of the permission being granted.
- 10.30 Overall, subject to the conditions recommended above, the application meets the requirements of LP51 – Protection and Improvement of Local Air Quality and LP52 – Protection and Improvement of Environmental Quality

Site Contamination and Stability

- 10.31 Phase 1 and Phase 2 Contaminated Land reports have been submitted. Further Phase 2 intrusive investigation and ground gas monitoring work is required post-demolition. Consequently, Contaminated Land conditions for the additional phase 2 work, a remediation strategy and its implementation and validation are recommended.
- 10.32 In respect of the development's interaction with existing mine shafts on the site, these are intending to be grouted and capped to prevent stability issues from arising. A justification statement provided by the applicant and issued to the Coal Authority (TCA) has resulted in the TCA withdrawing their objection in favour of conditions that set out details to locate the recorded mine shafts, details of the remedial measures to grout and cap the mine shafts and a confirmation statement of the mitigation measures, prior to occupation of the development, confirming that it has been made safe and stable.
- 10.33 Subject to the conditions recommended above, the development meets the requirements of LP53 – Contaminated and Unstable Land.

Landscape, Tree and Biodiversity Matters

Landscape

- 10.34 The applicant has provided a landscape masterplan which has been reviewed by KC Landscape. The landscaping plan appears to improve the overall landscaping across the site but does include the loss of some mature trees which will be discussed in the next section. KC Landscape have provided advisory comments and have recommended a condition for hard and soft landscaping details, a timetable for implementation, their management and the persons responsible which is to be provided through a Landscape and Ecological Design Scheme. This condition has been included on the list of conditions in Section 12.

Trees

- 10.35 With regard to existing trees on the site, the proposals are a significant redevelopment that result in impacts on the tree cover on the site. The Arboricultural Impact Assessment submitted provides a detailed assessment of the tree cover and the proposals. KC Trees agree with the summary of the AIA owing that the majority of tree removals necessary for this development are internal to the site and insignificant in terms of public amenity.
- 10.36 The removal of a large mature Sycamore, numbered T33, is not desirable and will negatively detract from the setting and character of the area as it is locally important however it cannot be seen from wider views of the site. The proposals require its removal due to the level changes needed to provide the additional parking space provision. The proposals include additional mitigation to address the loss of T33 by replacing it with a semi-mature tree and several extra heavy standards. KC Trees are satisfied that the proposals meet Kirklees Local Plan policies LP24i and LP33 because of the overriding public benefit of the nature of the proposals and the reasons given above.
- 10.37 The scale of the redevelopment proposed will put the retained trees a risk of indirect harm during both demolition and construction phases of the project. A detailed tree protection scheme would be provided as part of a pre-commencement condition requesting an Arboricultural Method Statement.

Ecology

- 10.38 A Preliminary Ecological Assessment (including an appended bat survey report) and Biodiversity Net Gain Assessment were submitted in support of the application.
- 10.39 The PEA details the ecological receptors that are present within the site and the proposed mitigation measures required to ensure there are no negative impacts brought about by the proposed developments. The mitigation measures highlighted in the PEA should be adhered to throughout the development. Conditions for a Biodiversity Enhancement and Management Plan and restrictions on site clearance take into account the recommendations made in the PEA to ensure that the development proposals comply to national and local planning policies.
- 10.40 The BNG assessment submitted with the application details that the development proposals result in an overall net gain of 0.20 biodiversity units (+10.94%). Hedgerows are also scheduled to be planted within the proposed development ensuring there will be a net gain in these from the current baseline situation. There is currently no requirement to provide a 10% net gain on the site as a part of this development and it should be recognised that the applicant is intending to do so independently.
- 10.41 Subject to the cited conditions, KC Ecology have no objection to the proposed development as it will result in an overall enhancement to biodiversity ensuring it complies with Policy LP30 – Biodiversity and Geodiversity.

Transportation Matters

Access

- 10.42 The site takes access from the local highway network by way of two priority controlled junctions with right turning lane provision for drivers onto Whitehall Road West and on the Bradford Road. The Whitehall Road West access is signed as the main entrance, reception and visitor parking and also has yellow box road markings on both through lanes on Whitehall Road across the access. The Whitehall Road site access has a 7.3 metre wide carriageway with a 2.0 metre wide footway to its west side and has a sliding gate that is open during operational hours.
- 10.43 The available visibility for drivers emerging from the site access at a 2.4 metre setback distance is some 180.0 metres to the left to the roundabout junction with Bradford Road and some 120.0 metres to the right to the roundabout junction with Heathfield Lane. The Bradford Road access is named Oakroyd Drive and on the approach to Bradford Road it has a carriageway width of some 9.0 metres with a segregated footway some 1.8 metres wide to the south side. The access is controlled by a permanent barrier system that is set back some 15.0 metres from Bradford Road and is signed for use by deliveries and staff. The available visibility for drivers emerging from the site access at a 2.4 metre setback distance is over 120.0 metres to the left and 130.0 metres to the right to the roundabout junction with Whitehall Road West.
- 10.44 Pedestrian access to the site is taken primarily via the access on the A651 Bradford Road via a secure gate. A secondary pedestrian access is also located on the southern boundary of the site by way of footway within the site that connects with the footway provision on Whitehall Road West at the access. There is an uncontrolled dropped kerb crossing facility across the access. There are footways located on both sides of Bradford Road and Whitehall Road West and in the vicinity of both accesses, there are uncontrolled pedestrian crossing points to facilitate safe pedestrian crossing across Bradford Road and Whitehall Road West. On Bradford Road, there are crossing points to the north and south of the access, whilst on Whitehall Road West there are crossings located to the east and west. All crossing points benefit from a pedestrian refuge and dropped kerbs.
- 10.45 The West Yorkshire Road Casualties records show there have been no recorded personal injury collisions at the Whitehall Road and Bradford Road site accesses and therefore it is concluded that the existing site access and the surrounding highway network in the vicinity of the site is operating safely.
- 10.46 Other than proposed changes to the signage at both entrances, to reflect the proposed change in how the accesses are to be used, there are no other changes to the access arrangements onto Bradford Road and Whitehall Road West. Following queries from KC Highway Safety regarding the introduction of Wig-Wag lights on Whitehall Road West and movement of the barrier within the junction arm onto Bradford Road have been responded to by the applicant. The justification for refraining from introducing Wig-Wag lights and retaining the existing position of the entry have been accepted by Highway Safety.

Parking & Sustainable Travel

- 10.47 Within the application site boundary, 148 car parking spaces will be provided including 8 no. accessible bays and 9 no. EV charging bays that will integrate into the wider site. The proposed parking layout replaces 129 existing spaces within the application site boundary resulting in the overall parking provision across the wider site increasing by 19 spaces from 321 to 340. 20 no. cycle parking/storage facilities close to the building entrance will be provided that will replace the current 8 no spaces on site.
- 10.48 The results of the parking surveys show the peak demand of 140 spaces occurred midmorning. The WYFRS site visitor records show that over the 3-year period 2018 to 2020 on average there were 13 visitors a day with a highest number of daily visitors of 119 in December 2019. The level of parking on site accommodates peak demand on occasional days when visitor numbers are at their highest with 259 (140+119) taken out of 321 currently provided. The number of spaces on site is considered to be acceptable and will prevent overspill parking on surrounding residential streets in accordance with LP22 – Parking.

Highway Capacity and Safety

- 10.49 This application is supported by a Transport Assessment (TA) prepared by Bryan G Hall. The TA considers relevant national and local policy, the existing situation and transport network, proposed development, development trip generation, distribution and mode share, assessment of the impact of development generated trips and provides summary and conclusions.
- 10.50 The TA concludes that there are no highways or transport related reasons why the proposed development should not be granted planning approval. A Travel Plan (TP) has also been prepared to accompany the application alongside the TA, which includes details on the sustainable transport measures, marketing strategy, management and monitoring for the proposed development and targets for minimising car travel, particularly single occupancy trips.
- 10.51 To gain an understanding of the trip generation of the existing site, multi-modal traffic surveys were undertaken on Thursday 25th November 2021 over the periods 07:00 – 10:00 and 14:30-19:00 at the two site accesses and at the A651 Bradford Road/A58 Whitehall Road/Whitehall Road West roundabout junction. The surveys also noted the number of cars parked on site at the start and end of each survey period.
- 10.52 The survey results show that the morning peak hour on local highway network occurred between 07:45 and 08:45 and the evening peak between 16:00 and 17:00. The results were as follows:

Whitehall Road access:

AM peak - 19 arrivals and 0 departures

PM peak - 0 arrivals and 0 departures

Bradford Road access (Primary Site Access)

AM peak - 32 arrivals and 5 departures

PM peak - 5 arrivals and 30 departures

- 10.53 During the morning peak hour some 66% of movements and during the evening peak 100% of movements used the Bradford Road access. The anticipated development flows within the TA show an additional 36 arrival in the AM peak at the Bradford Road access with no departures and additional 36 departures in the PM peak with no arrivals. No additional peak hour trips are shown at the Whitehall Road West junction.
- 10.54 Whilst the proposed development is not anticipated to generate a significant number of additional trips on the local highway network, for completeness, the impact on the local highway network of the forecast (five year) additional peak hour vehicle movements has been assessed. The impact of the development generated vehicular trips on the local highway network has been assessed during the morning and evening peak hours at a 2027 forecast year for predicted flows which take account of committed development in the local area.
- 10.55 To consider the traffic likely to be generated by unimplemented committed developments in the area, the following development site has been considered in agreement with the Council: Outline permission for up to 127 dwellings at Blue Hill Farm (Application number 2019/90527). The Oakroyd Drive access and Bradford Road /Whitehall Road West roundabout have been modelled using Junctions 9 modelling software. The results of the modelling show that the impact of the development generated vehicle movements is negligible and both the Bradford access and Bradford Road/Whitehall Road West roundabout continue to operate within capacity.
- 10.56 To conclude, Highways Development Management agree with the findings of the Bryan G Hall Transport Assessment that there are no highways or transport related reasons why the proposed development should not be granted planning approval and the development therefore meets the requirements of Policies LP20 – Sustainable Travel and LP21 – Highways and Access.

Site Drainage and Flood Risk

- 10.57 The Lead Local Flood Authority (LLFA) have commented on the application and retain an objection at the time of the final agenda report being issued. It is anticipated that the objection will be able to be removed in advance of the Committee meeting and members will be informed of progress via the Committee Update report.
- 10.58 Yorkshire Water have also commented on the application and have agreed the principle of the re-connection to the public sewer in Bradford Road. By consequence, Yorkshire Water have supplied draft conditions that meet their requirements.
- 10.59 The reason that an objection has been incurred by the LLFA is that the development has failed to take existing flow restrictions into account. In the Flood Risk Assessment, the site area has been measured and peak discharge flows calculated with a 30% betterment applied resulting in a suggested discharge of 62.75l/s. However, pipes serving existing combined flows from the site to the main sewer in Bradford Road do not exceed 225mm in diameter. The gradient is also unknown (which also affects the flow rate). Therefore, a precautionary approach needs to be taken because a 225mm surface water pipe at a gradient of 1 in 60 has a pipe full capacity of 67.78l/s.

- 10.60 Furthermore, as this site is served by a combined system, a roughness factor reflecting a foul system must be used. Ideally the pipe leaving site should have an established gradient from the existing manhole shown with an outlet of 162.200m AOD, to an intermediate manhole shown on drawing ref HQC004-ROS-ZZZO-ZZ-DR-C-01-P06 and then the connection to the Yorkshire Water 375mm public sewer in Bradford Road. If gradients cannot be measured, Kirklees Council will take a precautionary approach in this matter as a 30% betterment on the existing outfall is still required.
- 10.61 The LLFA have also noted that the submitted Flood Risk Assessment has ruled out the use of soakaways, as was the case with the recent housing development to the north. The use of permeable paving and grasscrete parking on the site must therefore be taken into account when calculating surface water flows.
- 10.62 Overall, the surface water site area for calculating surface water flow rates needs to be re-calculated and submitted in order to better inform the attenuation design that will enable a reduced discharge rate to the public sewer on Bradford Road that reflects a 30% betterment taking account of climate change impacts.
- 10.63 The matters above are recommended to be conditioned in order to ensure that, in the event that the LLFA do not withdraw their objection but a positive decision is provided at Committee, a surface water drainage design will be provided that meets the requirements of LP27 – Flood Risk and LP28 – Drainage.

Representations

- 10.64 No representations have been received.

Other matters

- 10.65 There are no other matters that require assessment.

11.0 CONCLUSION

- 11.1 The development of the HQ, Training Centre and Fire Station is a significant improvement upon the buildings they are set to replace or complement as the new facilities will enable a more efficient operation for the fire service in an existing sustainable location. Likewise, the increase in floorspace will not jeopardise any nearby centre and the appearance of the buildings, notably the HQ and Training Centre, are determined to be of a high quality, as is the supporting landscaping scheme – though greater detail in respect of the latter are required by condition.
- 11.2 Impacts in respect of residential amenity are minimised due to the height of the building across its northern aspect combined with the separation distances to the nearest residential properties on Oakroyd Drive. Privacy will also be maintained due to the position of the northern and eastern elevations of the HQ building which do not directly face residential properties thereby minimising the risk of overlooking and, once again, benefitting from sufficient separation distances. Impacts in respect of noise, dust and construction have been set out under submitted reports, reviewed by Environmental Health and are to be minimised through compliance with appropriately worded conditions recommended in section 12 below.

- 11.3 Transport impacts are considered to be minimal in respect of highway safety and capacity, with on-site car and cycle parking provision being increased alongside a travel plan to be implemented by condition. There are identified impacts on mature trees within the site which are unfortunate but replacement tree planting has been proposed which offset their loss. Similarly, a 10% Biodiversity Net Gain is to be provided on the site which is currently over and above the minimum 'No Net Loss' required by the Kirklees Local Plan. This latter point is welcomed by LPA Officers.
- 11.4 As the site is existing, there are no issues in respect of draining surface water to the combined sewer in Bradford Road. However, an objection is maintained by the LLFA as the site needs to meet sustainable drainage practices which reduce discharge rates to the existing combined sewer. As cited above, members will be informed of progress on this matter through the Committee Update report.
- 11.5 Overall the proposed development meets the requirements of the policies of the Local Plan set out in the assessment above and is consequently recommended to Strategic Committee for approval, subject to conditions.

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

1. Three Year Time Limit for Commencement (S91 TCPA)
2. Compliance with Approved Plans
3. Construction Management Plan (Pre-commencement)
4. Landscape and Ecological Design Scheme
5. Fire Station Extension Materials (To Match)
6. Compliance with Submitted Materials (HQ & Training Centre)
7. Submission of Outstanding Materials (HQ & Training Centre)
8. Biodiversity Enhancement and Management Plan (10% Net Gain)
9. Protected Species restrictions to Working Practices
10. Details relating to identification and remediation of Mine Shafts
11. Structural Safety Sign-Off by Competent Person (Mine Shafts)
12. Drainage Design including 30% betterment and surface water filter interceptors (Pre-commencement)
13. Temporary Drainage Details (Pre-commencement)
14. Car Park Surfacing and Drainage
15. Parking restrictions to Whitehall Road West and Bradford Road
16. Car Park Management Plan
17. Compliance with Submitted Travel Plan
18. Submission of Arboricultural Method Statement
19. Implement Agreed Dust Mitigation Scheme
20. Details of Kitchen Extract System
21. Details of Pollution Prevention for Food Outlets (oil, fat and grease reduction to public sewer)
22. Details of Electric Vehicle Charging Point Provision
23. Post Demolition Phase 2 Contaminated Land ISI Report

24. Submission of Contaminated Land Remediation Strategy
25. Implementation of Contaminated Land Remediation Strategy
26. Submission Contaminated Land Validation Report
27. Details of External Artificial Lighting
28. Details of means of Securing External Access Doors
29. Details of Fire Appliance Siren Policy

Background Papers:

Application and history files.

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f91138>

Certificate of Ownership – Certificate A signed:

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 14-Jul-2022

Subject: Planning Application 2021/93644 Erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW, with ancillary infrastructure and landscaping and biodiversity enhancements Low Farm, Wakefield Road, Flockton, Huddersfield, WF4 4BB

APPLICANT

Mark Hogan, Boom
Power

DATE VALID

14-Sep-2021

TARGET DATE

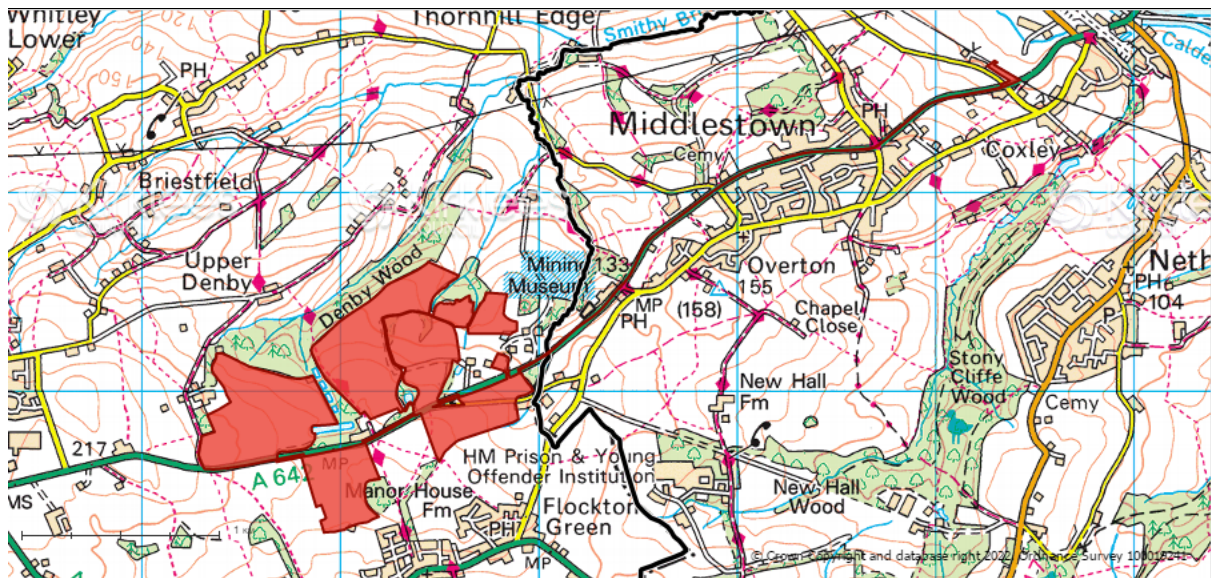
14-Dec-2021

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: Kirkburton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE to the Head of Planning and Development to notify the Secretary of State of the Local Planning Authority's intention to approve the application, to give the Secretary of State the opportunity to consider whether to exercise their 'call in' powers. Subject to the response from the Secretary of State, progress to approving the application and the issuing of the decision notice and completion of the list of conditions, including those contained within this report.

1.0 INTRODUCTION

- 1.1 This application seeks full planning permission for the erection and operation of a grid-connected solar photovoltaic farm, to supply up to 49.9MW, with ancillary infrastructure, landscaping, and biodiversity enhancements
- 1.2 This application is brought to Strategic Planning Committee in accordance with the Delegation Agreement, as it triggers several categories for referral. These include being non-residential development over 0.5ha, being energy production development (with an area exceeding 1ha and generating greater than 5MW), and being a departure.
- 1.3 This application is cross boundary with Wakefield Council. However, most of the site, and all solar panels, fall within Kirklees Council's boundary. Development within Wakefield is limited to subterranean cabling to reach the point of connection (POC) into the national grid at Lady Ing Farm, to the east of Middleton. Accordingly, the applicant has submitted a separate application to Wakefield Council (ref. 21/02792). Wakefield Planning Officers have recommended to their Planning Committee that they devolved their development control functions to Kirklees Council. Their committee is to be held on the 7th of July, and a summary of the outcome will be made available for members within the Update.
- 1.4 Prior to submission of the application the applicant submitted a request for a screening opinion for an Environmental Impact Assessment (EIA). The local planning authority concluded the proposal did not amount to EIA development.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site covers an area of 89.6ha. This includes 1.8ha of land within Wakefield Council's boundary, leaving 87.8ha in Kirklees.

- 2.2 The land within Kirklees is primarily split amount eight main parcels and one smaller parcel, accessed and linked by a connecting corridor along Wakefield Road (A642). One parcel would be accessed from Grange Lane. There is an additional parcel required for the point of connection to the national grid, within Wakefield Council's boundary. Of the eight main parcels, three are to the south and six to the north of Wakefield Road.
- 2.3 The main parcels are between Overton (approximately 700m to the east-north-east) and Grange Moor (approximately 800m to the west). Flockton lies approximately 75m to the south of the southernmost field, and Bristfield lies approximately 1.2km to the north of the site. The National Coal Mining Museum is also located to the east, approximately 350m away. As well as the villages, there are sporadic farmsteads and hamlets around the site.
- 2.4 The site is wholly within the Green Belt. The site and surrounding area have an undulating landform, with an overall fall from south-west to north-east. The highest part of the Site lies at just below 210 m Above Ordnance Datum (AOD) at the western end of Parcel 1. The lowest part of the Site lies at approximately 125 m AOD at the north-eastern corner of Parcel 2.
- 2.5 The eight parcels are agricultural, predominantly arable with some pasture use. The boundaries to the various parcels are formed by a combination of hedgerows, often with frequent hedgerow trees, tree belts and woodlands. Much of the land between the different parcels is also wooded, with their being two parcels of ancient woodland to the north of the site. There are no watercourses or waterbodies within the Site, though there is a small watercourse just beyond part of the southern boundary of parcel 5. Between parcels 1 and 2 is a grouping of fishponds (outside the redline).
- 2.6 Surrounding fields are likewise agricultural, used as arable, pasture and grassland, and have similar boundary treatments. Several public rights of way (PROW) footpaths cross the field between parcels 4 and 5, including:
- KIR/103/40
 - KIR/103/30
 - KIR/103/20
 - KIR/104/20
 - KIR/104/30
 - KIR/103/60
 - KIR/103/50

PROW KIR/43/10 is between parcels 1 and 2, with Bridleway KIR/42/10 being to the west and north of parcel 1.

3.0 PROPOSAL

- 3.1 This application seeks full planning permission for the erection and operation of a grid-connected solar photovoltaic farm, to supply up to 49.9MW, with ancillary infrastructure, landscaping, and biodiversity enhancements.
- 3.2 The area that would have solar panels installed on would total circa 58.4ha hectares (65.2% of the total site). The remainder would be the connection to the network, buffer areas, planting, access tracks, and ecological enhancements zones.

- 3.3 The solar farm would generate up to 49.9MW of renewable electricity. This is just below the maximum capacity for which an application for planning permission may be considered by a Local Planning Authority under the Town and Country Planning Act; installations with a capacity of more than 50MW are considered to be nationally significant infrastructure projects, and such applications must be submitted to central government and determined by the Secretary of State for Energy.
- 3.4 The photovoltaic panels would be organised into arrays and mounted upon galvanized steel or aluminium frames, with a fixed tilt of 15 degrees facing south. They would stand on metal legs that would be driven into the ground without the use of any concrete so that they can be removed without leaving any trace in the soil at the end of their life by simply digging the legs out of the ground. The panels would be laid in straight lines of varied length, laid east to west, and parallel to the other rows with a gap of approximately 5m between. Each panel's lowest point would be 1m above ground level, and the highest would be 2.8m at their top edge. The surface of each panel segment would be 7.2m.
- 3.5 All solar farms require inverters and transformers. Inverters change direct currents (DC) to alternating current (AC) and. These would be built upon the frames for the solar panels and are small cabinets. Seventeen transformer units would be located throughout the farm. Transformers convert low voltage output from the inverters to high voltage suitable for feeding into the substations Each would be sited within a metal container, which would measure 6m (L) x 2.5m (W) x 3m (H).
- 3.6 There would be two substations on site, adjacent to each other. They would be located within the smallest parcel, sited just north of Wakefield Road and east of Low Farm. These consist of:
- 132kV kit would be surrounded by a 2.4m high galvanised steel palisade fence forming a secure compound. The fencing would be rectangular, measuring 48m x 25m. Within the fencing would be a variety of large electrical apparatus, the tallest of which would measure 5.9m. The apparatus would be sited centrally within the compound. This would adjoin a relay/control structure, measuring 6m (L) x 5m (W) x 3.5m (H) and both sited on a concrete slab
 - 33kV kit housed in a building measuring approximately 3m (L) x 4m (W) x 3.5m (H) sited on concrete slab.

The function of the substation is to combine electricity from the transformers distributed across the site before transferring it to the local electrical distribution network via a Point of Connection (POC) to the 132kV network. This is proposed via the pylon at Lady Ings Farm, Middlestown in Wakefield, which will be reached via underground electrical cables along Wakefield Road.

- 3.7 Each parcel would have a 2.0m high perimeter fence, consisting of wooden poles and metal fencing between. All panels would have a 5m minimum buffer zone from the fencing. The exception is the small parcel to host the substation, which would benefit from the aforementioned palisade fence. Security cameras are proposed around the site perimeter. Cameras would be inward facing on poles of up to approximately 2.5m high, spaced at approximately 50-

70m intervals along the fence. External lighting would be provided at the substation compound. Manually activated lights, are proposed at the substation, transformer, and inverters in the case of an emergency.

- 3.8 Access tracks are to be laid for maintenance vehicles, comprising processed rockfill on a geotextile membrane. These would provide access into the centre of each parcel, with turning facilities, for each of management and maintenance. Parcels 2, 3, 7, and 8 would share a single access point, with the other parcels having individual access points. All parcels would be access from Wakefield Road except from 5, which would be accessed from Grange Lane. All access points are existing but would be widened including 5.5m wide carriage ways, 6.0m radii, and suitable sightlines.
- 3.9 There is no cutting or raising / lowering of land levels proposed in association with the development other than to lay the necessary cables.
- 3.10 The proposal includes a comprehensive ecological and landscaping strategy. This includes, but is not limited, additional planting along the field boundaries to provide both ecological enhancements and visual screening for the proposal.
- 3.11 The development is stated to have an operational lifespan of 40 years. The infrastructure has been designed to be removed when no longer required. The site will not normally be staffed, but for routine checks and maintenance.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2018/92512: Work to TPO(s) 07/18 – Granted

4.2 Surrounding Area

National Coal Mining Museum, New Road, Overton, WF4 4RH

2016/93704: Work to tree(s) within a conservation area – Granted

2020/92459: Erection of stable block/storage rooms/wc/multifunction room (within a Conservation Area) – Approved

2021/62/93414/E: Use of land for siting of heavy duty UPVC covers with metal frames (within a Conservation Area) – Approved

Flockton Cricket Club

2017/90925: Erection of single and two storey extension – Approved

Enforcement

Nonrelevant.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 The application was received September 2021. The description of development was initially:

Erection and operation of grid-connected solar photovoltaic farm with ancillary infrastructure and landscaping and biodiversity enhancements

Officers sent initial queries principally relating to procedural matters or asking for clarification on certain points. This included querying whether a joint application has been submitted. Responses to the comments were received that allowed the assessment to progress.

5.2 An objection from Sport England was received, due to solar panels being within 80m of the Flockton Cricket Club. The proposal was swiftly amended to include an exclusion zone. Sport England were subsequently consulted and advised no objection.

5.3 A first meeting took place on the 7th of December between the case officer, the case officer for Wakefield's corresponding application, and the applicant's agent. This was principally as an initial briefing and discussion on the cross-boundary nature of the proposal. Co

5.4 Following the end of the initial public representation period and all consultee responses being received, officers provided the applicant with their initial comments on the 31st of January 2022. These surmised that the proposal could not be supported as submitted and raised various issues, including:

- Seeking clarification on the proposal's energy generation.
- Requesting further justification for the proposed development, specifically the need for its siting within the Green Belt and what they deemed to be Very Special Circumstances. Concerns were expressed over the impact on the Green Belt, particularly through the inclusion of parcel 4.
- Elaboration on the proposal's impact upon local agriculture.
- Clarification on the ancillary development required.
- Requesting that the noise impact assessment be amended to include the proposed substation.
- Requesting more details on the proposal's Glint and Glare impacts.
- Seeking a more comprehensive understanding of the proposal's traffic generation, particularly during construction.
- Requesting that an Arboricultural Impact Assessment be provided. As submitted, it was noted that minimum 15m buffer between the ancient woodland and the works was required, and the new accesses cut through (non-ancient) woodland protected by TPOs.
- Confirming that a full Ecological Impact Assessment was needed to support the proposal, as opposed to their Preliminary Ecological Assessment initially submitted.
- Comments from West Yorkshire Archaeological Advisory Service (WYAAS) were shared, where they requested that survey work be undertaken prior to determination.
- The initial public representation comments were surmised and put to the applicant to consider and respond to key queries.

- 5.5 A document responding to the above concerns was received by officers on the 9th of March along with amended plans and updated reports. The submission and document were comprehensive and addresses many of the above concerns, some partly and others completely. However other issues remained unresolved. Correspondence continued between the applicant, officers, and consultees on various issues. A meeting was held on the 27th of April 2022 to discuss the principal outstanding matters of parcel 4 and landscaping screening.
- 5.6 It was agreed that parcel 4 include a 'no build zone' where the land raises, as it negated much of the boundary screening. The extent of landscaping and boundary screening was also agreed to be increased.
- 5.7 Amended plans and documents which cumulatively captured all agreed amendments were received on the 6th of June 2022. This included amending the description of development to:

Erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW, with ancillary infrastructure and landscaping and biodiversity enhancements

The application was re-advertised to interested parties and neighbouring residents, while consultees were re-consulted.

- 5.8 Final discussions took place on securing additional planting / screening at important areas previously discussed, the suitable wording for an archaeology condition between officers, the applicant, and West Yorkshire Archaeology Advise Service, and amendments to remove a Public Right of Way mistakenly overlapped. These were minor in nature and not considered necessary to readvertise. Based on these final amendment's officers were supportive of the proposal.

6.0 PLANNING POLICY

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

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

- 6.2 The application site is designated as Green Belt within the Kirklees Local Plan. The Hope Pit Conservation Area is to the east of the site, immediately adjacent parcel 8. Woodland around the site is designated as Habitat Network.
- 6.3 This site is not allocated in the adopted Kirklees Local Plan for development or for any use other than agriculture, and therefore the proposal must be regarded as a departure from the Local Plan.

6.4 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP10** – Supporting the rural economy
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP26** – Renewable and low carbon energy
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **Chapter 19** – Green Belt and open space

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

Supplementary Planning Documents

- N/A

Guidance documents

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)

National Planning Guidance

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

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land

- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

6.7 Other relevant national planning guidance and documents:

- MHCLG: National Design Guide (2021)
- A Green Future: Our 25 Year Plan to Improve the Environment

Climate change

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

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

7.0 PUBLIC/LOCAL RESPONSE

The applicant’s statement of community involvement

7.1 The application is supported by a Statement of Community Involvement. Methods of pre-application public engagement included:

- A Virtual Public Exhibition, held on the 3rd of June 2021. A thirteen-slide deck presentation (Appendix 3) was presented during the virtual public exhibition, giving information about the Applicant, the Site and the Concept Design of the project. The Applicant and its development team were panellists of the virtual public exhibition, helping to explain the design of the site as well as engage in a Q&A session answering any questions attendees had.
- A 12-page brochure for the event was posted out in May 2021 to circa 1,200 residential addresses and 30 business.
- The Applicant briefed ward councillors via email and has been invited to present to Kirkburton Parish Council

7.2 In person events were disrupted due to the COVID-19 Pandemic.

7.3 The consultation feedback was received via post and email and in total 12 feedback forms were received. Of the 12 residents that completed a feedback form or submitted feedback over email, 3 were in favour of the proposal, 9 were in objection and 0 were of no opinion. Key matters raised during pre-application consultation included:

- Green Belt
- Biodiversity
- Landscape impact
- Visual impact
- Construction traffic routing and site access points

7.4 The applicant provides the following summary of how the consultation period has affected their proposal:

- *One of the main issues raised during the public consultation process was the creation of local jobs, in response we have added to the EPC Contract that where possible, jobs must be advertised locally.*
- *The location of the education board on public footpaths passing alongside the development is open to suggestion from the local community – either through the LPAs consultation process or through the Parish Council*
- *The access point for parcel 6 has been changed following feedback at the webinar. It now avoids the residential properties on Grange Lane and uses an existing field access point.*
- *An area of woodland planting along the southern edge of Parcel 2 is included following residents' concerns about views from the south and following advice from Landscape Visual.*
- *Amendments to the kerblineline at the access to Parcel 1 require some relocation of traditional dry stone wall. Southwest Archaeology considered this during their site visit and confirmed that the boundary wall in this location would benefit from some rebuilding and repair. These walls are part of the agricultural heritage of the area and are appreciable from the highway and footpaths and as such reasonably be counted as a heritage improvement arising from the scheme.*
- *Landscaping plan responds to public comments about key views and the need to enhance the natural environment.*
- *The benefits of the development to the local area clear will be made more clear in the Planning Statement following feedback that this hasn't yet been clearly communicated.*
- *The Planning Statement responds specifically to concern raised by one local resident about the impact of the development upon the hunting ground of nesting buzzards and reference to a research paper is provided.*

The planning application's public representation

- 7.5 The application has been advertised as a Major development (and a departure) 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. Following the principal amendments to the application it was readvertised via neighbour notification letter. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation. Final amendments / updated reports were not readvertised, as they were deemed minor in scale and in direct response to concerns raised.
- 7.6 The end date for the second period of advertisement was the 5th of July 2022. Across the two public representation periods a total of 52 public representations were received. The following is a summary of the comments received:

Procedural

- The amended proposal (following re-advertisement) is not considered to overcome the previous concerns raised.
- The pre-application public engagement is considered lacking.
- The applicant's calculations on energy production of circa 49.9MWs is incorrect. It is stated by objectors that one acre of solar panels creates 500W of energy. This equates to 92MW at 185 acre / 75ha. Another resident claims that three acres create 1MW (or 333W per acre). Other residents' reference that the applicant's initial documents referenced a capacity of 66.5MW. It is therefore contended that the development should be determined by the Secretary of State (who are required to determine all energy developments exceeding 50MW). It is also noted that the legislation which refers items to the SoS states 50MW of 'installed capacity'.
- If approved the development will result in the site becoming brownfield land, which will be developed for other uses in the future.

Green Belt, landscape, and appearance

- Proposals of this scale must be located in suitable locations.
- The development would 'ruin views for many driving through and ruin views for local residents'.
- The proposal will result in the area appearing as an industrial landscape. The site is visible from long distances.
- Farmland is a finite resource and should not be 'misused'. The UK is a small island and food security is important. Food security has been prominent in the news recently.

- Development should not be undertaken on Green Belt land. This development goes against the purpose of the Green Belt. It will result in villages being merged together.
- The application does not include a feasibility assessment.
- The application does not comply with government guidance contained within the Planning Practise Guidance specific to solar panels.
- Solar panels are visually unattractive to look at.
- The development will harm the landscape through development, including the fences, panels, and associated infrastructure.

Solar Panels

- Solar panels only last 30 years, not the stated 35 – 40.
- The proposed development would not benefit local residents. It will benefit investors.
- Solar farms produce radiation / electromagnetic waves and other harmful effects to human health.
- Solar panels should be incentivized to be placed on roofs of homes, not within fields.
- Solar panels in the UK are ineffective. It is cited that solar farms only operate at '12%' of their full generation potential.
- Solar panels are not 'green energy', as their manufacturing process leaves a 'huge carbon footprint, and are manufactured on the other side of the wall'. Their lifetime is short and they are exceedingly difficult to recycle. The development includes concrete which has a high CO2 cost.
- The development would be within the top 5 largest solar farms, from the 2020 figures.
- The development will lead to a permanent loss of agricultural land. This will necessitate more important of food, which itself has a carbon / climate impact.
- Solar farms should be targeted at brownfield lands: questions of why this development is not sited on such land. As the UK has a national grid, energy production can be anywhere.
- Solar farms only operate when the sun shines. Yorkshire's climate is not appropriate for them.
- Excess energy made by the development will be lost.

- The solar panels are produced in China, 'where slavery and human rights abuse ...is reported as rampant'. China uses coal power to make solar panels, which is contrary to their purpose.
- Question whether there are more suitable locations for this within the Kirklees.
- The solar farm will replace grass, crops and trees which absorb CO2.
- Alternative methods of sustainable energy should be explored over solar panels, such as tidal and water.
- The panels will feed the national grid, not local residents.

Residents and Amenity

- The development would harm the living standards and amenity of surrounding residents. Noise pollution will be caused.
- The loss of greenspace and views will harm mental health. Access to the sites will also harm physical health.
- The proposal will harm local house prices.

Ecology

- The proposal will harm local ecology, including local badgers, bats, birds, and deer. Hedgerow would be destroyed and harm important habitat.
- The development will erode the site's function as a 'green corridor', preventing the movement of animals.
- There are insufficient details on how the proposal will provide a net gain to local ecology, as required by local and national policy.

Highways

- Flockton needs a bypass, which will becoming less feasible by virtue of this development.
- The development will result in glare which will harm residents and the safety of drivers.
- Flockton 'is already on its knees due to the amount of traffic travelling through. To add further vehicles associated with the construction and operation of this huge project would be tragic'.
- 'If the project is to go ahead surely a new road should be incorporated into the scheme firstly for construction traffic and secondly for operational vehicles. The new road could be retained to ease congestion on Barnsley Road, which is not safe for pedestrians and unsuitable for large vehicles offering at least some community benefit for what is likely to be a very profitable scheme'.

- Traffic generation will have massive impacts on Wakefield Road and Barnsley Road through Flockton.
- The proposed fencing will limit the movement of animals, to the detriment of local ecology.

Other

- The ancient woodland to the north is 'commercial woodland'. If it is felled, the glint and glare of the proposal would be worse than that assessed.
- The Coal Authority have raised comments about access, outside of their statutory role to comment. There are concerns over the access of plot 9, how it would impact upon their land and security (the Coal Mining Museum and its surrounding land). The easement to the land is for agricultural access only.
- The site is close to Leeds Bradford Airport and will affect plane safety through glint and glare.
- Questions over how many jobs will be created, particularly for local people.
- Fears that the development, once implemented, will then need to fell trees which would presumably affect efficiency of the panels.
- The development will harm the amenity of PROW users, as there are many adjacent to the sites, including the Kirklees Way. Question who will be responsible for the management and maintenance of the PROWs.
- The proposed development would erode the heritage environment, of particular note the setting of the National Coal Mining Museum which has grade 2 listed buildings. The Museum attracts 'thousands of visitors' each year, who would witness the solar farm.
- Solar panels will act as an impermeable barrier and result in flooding in the area, harming more farmland.

7.7 The site is within Kirkburton Ward. The local ward Councillors were notified, with no comments received.

8.0 CONSULTATION RESPONSES

8.1 Statutory

Coal Authority: No objection subject to conditions.

Environment Agency: No comments received.

K.C. Highways: Sought initial clarification on the construction phase. This was provided. No objection, subject to conditions/

K.C. Lead Local Flood Authority: No objection. The site is within Flood Zone 1, and rainwater intercepted by the panels will run off the panels and discharge into the grass, as existing.

Natural England: No comment.

Sport England: Expressed an initial objection due to the panels being too closer to Flockton Cricket Club. The plans were amended to include a buffer zone from the club. Sport England thereafter withdrew their objection.

Wakefield Council: No objection, however raised that *'the visual impact on the South West Coalfield and Calder Valley LCTs as a potential issue. They stated 'The Calderdale Core Strategy aims to protect and enhance the district's landscapes through Policy CS10 – Design, Safety and Environmental Quality. The visual impact would need to be addressed through landscape mitigation and enhancements.*

Yorkshire Water: No objection subject to condition.

8.2 Non-statutory

Historic England: Offered no comment.

K.C. C+D: On review of the initial proposal concluded that there would be less than substantial harm to specific identified heritage assets through impacts to their setting. Ways to reduce this harm were recommended. However, the notable public benefits of the proposal were deemed to likely outweigh this less than substantial harm, particularly if mitigation was secured. Raised greater concern over the impact upon the landscape, but again recommended mitigation measures to reduce this. Amended plans have been submitted with more robust screening and landscaping, which are deemed to have overcome Conservation and Design's comments.

K.C. Ecology: Initially the proposal was only supported by a Preliminary Ecological Appraisal. This was not considered detailed enough for the proposed development. This led to an Ecological Impact Assessment being provided, which on review was accepted. The proposal is to lead to notable ecological net-gain enhancements, which weighs in favour of the proposal. No objection subject to conditions.

K.C. EV Health: As initially submitted more details were required for the noise impact assessment. These were provided and concluded to be acceptable. A Construction Management Plan was also requested and provided; however, it remains lacking in site specific details. Nonetheless this may be conditioned. Overall, no objection, subject to conditions.

K.C. Landscape: Expressed initial concerns. This included requiring further work in the submitted Landscape Visual Impact Assessment and enhanced screening in various locations. led to further LVIA details and updated planting / screening works, which enable Landscape to support the proposal subject to conditions.

K.C. PROW: Noted that the proposed development encroached onto a Public Right of Way. This was raised with the applicant, who noted it as an administrative error, and amended the plans. No other objections subject to appropriate management and maintenance of vegetation adjacent PROWs.

K.C. Trees: Expressed initial concerns, due to the proposal lacking an Arboricultural Impact Assessment, the proximity to ancient woodland, and access routes through protect woodland. The AIA was submitted and the layout amended to include a minimum 15m buffer from ancient woodland. The access routes were re-routed where possible. Where still close to protected woodland, a dedicated method of road is proposed that would not cause undue harm to nearby trees. Based on these amendments, and requested conditions, K.C. Trees offer no objection.

Kirkburton Parish: No comments received.

Leeds Bradford Airport: No comments received.

West Yorkshire Archaeology Advise Service: Expressed initial concerns and requested that a survey be undertaken to identify any archaeological ruins. This was done, and found two potential archaeological features. Discussions on whether further surveys were required pre-determination took place between WYAAS officers, planning officers, and the applicant. It was determined that a suitably worded condition could be imposed that allowed such surveys to be undertaken post determination. Subject to this, and associated conditions, WYAAS offer no objection.

Woodland Trust: Objected to the proposal initially, due to panels being within 15m of ancient woodland. This was a concern shared by K.C. Trees. The proposal has been amended and the 15m buffer zone is now in place, to K.C. Trees satisfaction.

9.0 MAIN ISSUES

- Principle of development, including the Green Belt designation and renewable energy development
- Environmental sustainability and climate change
- Siting of the proposed development
- Impact upon the land as an agricultural asset
- Glint and Glare
- The historic environment, including archaeological value
- Residential Amenity
- Highways
- Drainage
- Other Matters
- Representations

10.0 APPRAISAL

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

Principle of development, including the Green Belt designation and renewable energy development

- 10.2 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 145 or 146 of the NPPF.

Whether the proposal is inappropriate development in the Green Belt

- 10.3 Paragraph 145 of the NPPF and Policy LP59 of the Kirklees Local Plan state that other than for limited exceptions, the construction of new buildings in the Green Belt is inappropriate. Paragraph 146 of the NPPF advises that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it. The proposed development does not fall within any of the exceptions listed in Paragraphs 145 or 146. It therefore represents inappropriate development in the Green Belt that, in accordance with Paragraph 143 of the Framework, should not be approved except in 'very special circumstances'.
- 10.4 In this regard, Paragraph 144 of the NPPF confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Considering the harm to the Green Belt, including its purpose and openness

- 10.5 Openness is an essential characteristic of the Green Belt. It can be considered to be the absence of building and development. The concept of "openness" in paragraph 137 of the NPPF is naturally read as referring back to the underlying aim of Green Belt policy that is "*to prevent urban sprawl by keeping land permanently open...*". The application site comprises of open agricultural fields. While there are buildings intermittently located around the site, the fields themselves are currently devoid of any buildings or structures (bar low height overhead electric cabling crossing parcels 2 and 3) and are considered to be highly open.

- 10.6 The area of the application site that would have solar panels installed on would total circa 58.4ha hectares (65.2% of the total site). The remainder would be the subterranean connection to the network, buffer areas, planting, access tracks, and ecological enhancements zones.
- 10.7 The proposed ancillary works, such as the buffer area, planting, and access tracks, would not have a material impact upon the openness of the Green Belt, due to be low-level in nature and of a type typical within the Greenbelt environment. However, the erection of solar panels with a maximum height of 2.8m, on 58.4 hectares of land, would introduce a substantial man-made feature across several adjoining parcels of land within the otherwise open environment. This has the potential to have a significant impact upon the openness of the Green Belt, if not appropriately managed and dependant on site specific circumstances.
- 10.8 While the potential exists, consideration must be given to the landscape and mitigatory factors which may reduce the harm to openness. The application is supported by a Landscape Visual Impact Assessment which has been reviewed by K.C. Landscape and planning officers. The LIVA notes that the Kirklees District Landscape Character Assessment places the site within the Rolling Wooded Farmland Landscape Character Type (LCT), and more specifically within Landscape Character Area (LCA) N1: Emley Moor: *'This LCA consists of the main expanse of Emley Moor, which rises up to the east of the Fenay Beck valley and occupies a large area in the south east of Kirklees District adjacent to Wakefield District.'*
- 10.9 The LVIA undertakes an initial assessment to determine the visibility of the site. Clearly a site of this size has more and less visible areas. It then progresses to assess the impact of the development, both at the short, medium, and long range. It then considers the relevant methods of mitigation to reduce this impact upon the landscape the openness of the Green Belt. This methodology and approach are supported by K.C. Landscape and planning officers.
- 10.10 The report surmises *'The Proposed Development is well located. The undulating topography and strong levels of tree cover serve to limit views towards the Site from much of the surrounding area. The Proposed Development would be low level, with the majority of structures being below 3m in height. The design of the scheme has also incorporated various landscape measures to reduce landscape and visual effects, including extensive new tree and shrub belts, hedgerows and hedgerow enhancement, and numerous hedgerow trees.'* Officers concur with this determination. The landform is beneficial to mitigate the prominence of the proposal, as is the substantial level of screening in and around the sites, although this alone does not remove all harm.
- 10.11 Through the assessment officers have provided feedback on the LVIA and the proposed mitigation measures, including seeking amendments. This has secured notable enhancements in various areas initially considered insufficient. Screening includes a mixture of hedgerow (circa 2.0 – 2.5m when grown), both new and strengthening existing hedgerow, and tree-belts. Full technical details of the makeup of this screening across the whole site, its planting strategy, and subsequent management and maintenance is recommended to be secured via condition. However, in effect it would be a

circa 2.5m high and thick natural barrier, partly with trees within or to the rear in places. On the mitigation, the LIVA says it helps *'to integrate the solar development into the surrounding landscape. The effectiveness of the mitigation would increase as the proposed vegetation matures, and in the medium-to-long-term, the proposed planting would improve the integration of the Proposed Development into the landscape and further reduce the impact on views.'* Officers agree with this summary.

- 10.12 The proposed development would typically be 2.8m or less in height, although the two sub-stations (parcel 9) are 3.5m high and, as more sensitive equipment, would have 2.4m high palisade fencing surrounding. The substations are fundamentally a utilitarian item of infrastructure necessary to enable the development. While having a greater impact on openness through their height, the area dedicated to the substations is much more limited. It is noted that the substation is located adjacent to development, with agricultural structures to the north, east and west. This is preferable, and reduces the harm, then if it were sited in an open empty field. The substation would have its own new hedgerow and tree belt, to further help mitigate its impact, but that impact must still be accepted as harmful to the Green Belt.
- 10.13 The transformers are to be sited in containers within each field (17 in total across the 8 parcels with panels). These would largely be lost within the panels and would not have a notable impact in themselves. However, they are proposed as 'signal white' in colour. Officers are dubious whether this is an appropriate colour and expect it to exacerbate any impact they have. A condition for further details / consideration on the colour of the containers, to allow for something more appropriate, is recommended.
- 10.14 Inappropriate lighting in the Green Belt can have impacts upon openness. However, the parcels would not be illuminated. The only intended lighting are manually operated floodlighting at the substations (parcel 9) which can be activated in the case of an emergency. This is reasonable; however, a condition is recommended requiring no lighting be erected until details are submitted for approval.
- 10.15 In terms of security, CCTV cameras erected upon poles 2.5m in height and fencing 2.0m in height will be erected around each individual parcel. It is reasonable to expect a development of such investment to necessitate a level of security. Furthermore, Permitted Development rights allow for means of enclosure up to 2m (where not adjacent to the Highway) to be erected without planning permission. The CCTV poles will be narrow in frame and interspaced, being of limited prominence by virtue of their narrow frame. Due to their narrowness, their impact is anticipated to reduce to negligible at medium to long range. A condition is recommended requiring a CCTV location plan, to ensure the exact location is appropriate (i.e., not too prominent, or clustered). In terms of fencing, as deer fencing it will consist of a fine mesh which will limit its visual impact. The fencing would be sited behind the hedgerows or adjacent woodland. Considering this screening, and its low height, it is not deemed unduly harmful to the Green Belt.
- 10.16 The LVIA concludes that the main visual effects would arise for:
- Users of PROWs which cross the Site or run along or near to its boundaries (up to major adverse significance on completion and up to major-to-moderate adverse significance in the medium-to-long-term).

- Occupants of residential properties close to the Site (up to major-to-moderate adverse significance on completion and up to moderate adverse significance in the medium-to-long-term).
 - Users of Grange Lane as it passes through the Site (major-to-moderate adverse significance on completion and moderate-to-minor adverse significance in the medium-to-long-term)
- 10.17 It is acknowledged that when close to the site, mitigation will be less effective and the visual impacts of the proposal upon the landscape and openness more evident. As noted, several PROWs run past the site and users will inevitably get views of the panels which will harm their perception of openness. Likewise, dwellings near the site will have their perception of openness reduced. This does weigh against the proposal, although it is inevitable that the closer you are to something, the more evident it is. From distant views the harm is lessened; at medium to long distance views the screening and topography of the site will substantially mitigate the impacts of the proposal. At substantial distance, any views of the development will become 'part of the landscape', as opposed to an oppressive or unduly prominent feature.
- 10.18 A material factor when considering openness is the permanence of the development. the development in question is intended to be temporary, albeit for a prolonged period of 40 years. Each aspect of the proposed development has been designed to have limited permanent impact. For example, the solar panels are to be erected upon frames that are not permanently fixed into the ground and the transformer units are to be fitted within containers that are likewise not permanently fixed into the ground. A condition is proposed to limit the operation of the site to 40 years, requiring the site to revert to its previous (agricultural) use following this period (or following a period of unuse). A clause is also recommended about decommissioning if the site is not operated for a given period (considered at 1 year). Alongside this, a condition for a decommissioning strategy is recommended that details how the site would be remediated and returned to its current form. It is considered reasonable to have this decommissioning strategy submitted prior to the development being brought into use, to ensure it is prepared should the site end operations unexpectedly.
- 10.19 Regarding the period of construction, this would introduce a level of activity into the Green Belt that must be considered. Nonetheless, anticipated at circa 6 months, the level of activity associated with the construction is not anticipated to have an unreasonable impact upon openness, in the context of the proposal.
- 10.20 Paragraph 138 of the NPPF states that the Green Belt serves five purposes. These are:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 10.21 **to check the unrestricted sprawl of large built-up areas:** as the site is not part of a 'large built-up area', the development is not considered to contribute to such sprawl.
- 10.22 **to prevent neighbouring towns merging into one another:** While near to Flockton to the south, there is a notable distance between the site and Grange Moor to the west and Bristfield to the north, preventing this concern.
- 10.23 **to assist in safeguarding the countryside from encroachment:** The proposal would encroach into the Green Belt, and the proposal does conflict with this purpose of the Green Belt.
- 10.24 **to preserve the setting and special character of historic towns:** The proposal's impact upon the historic environment is considered later within this report. However, there is no 'historic towns' within the immediate setting. The site does adjoin a Conservation Area; however, this area covers the national coal mining museum as opposed to a town.
- 10.25 **to assist in urban regeneration, by encouraging the recycling of derelict and other urban land:** The reason for the proposal's siting is explored later in this report. In summary, solar farm development of this scale is highly unlikely to be feasible within derelict and other urban land.
- 10.26 Overall, inevitably a proposal of this scale and nature within the Green Belt and open landscape will have an impact. In addition to the harm arising from the fact that the development would be inappropriate, there is a degree of harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt. Quantifying this harm is difficult, and is largely down to the professional judgement of the decision maker.
- 10.27 Officers have considered and weighed the impact carefully. Considering the beneficial topography of the land, the existing screening, and the extent of new planting proposed (to be secured via planting), officers conclude that the level of harm caused to the Green Belt in the short term (construction period and first few years, while the planting establishes) would be moderate. Following the end of construction, and the screening becoming mature, the impact is expected to be reduced to low harm.
- 10.28 To conclude this section on Green Belt impacts and landscape impacts, paragraph 144 of the NPPF stated:
- 'Very special circumstances' would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*
- 10.29 Paragraph 151 of the NPPF does however identify that:
- When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.*

Therefore, the identified harm to the Green Belt harm (and any other harm, to be assessed) must be weighed against the proposal's very special circumstances. These are considered hereafter – particularly in the section relating to climate change and sustainability and in the section relating to ecology and wildlife benefits.

Other Considerations

Environmental sustainability and climate change

10.30 The National Planning Policy Framework (2021) states in paragraph 152 that:

'The planning system should support the transition to a low carbon future in a changing climate... and support renewable and low carbon energy and infrastructure'

10.31 To contextualise the proposed development, 49.9MW of energy equates to powering approximately 14,000 – 15,000 family homes. The anticipated CO2 displacement is stated to be around 23,300 tonnes per annum, which represents an emission saving equivalent of a reduction in c. 7,500 cars on the road every year.

10.32 Paragraph 158 states that the need for renewable energy developments should be regarded as a given and *'not require applicants to demonstrate the overall need for renewable or low carbon energy'*. It continues that LPAs should *'approve the application if its impacts are (or can be made) acceptable'*.

10.33 Notwithstanding the provision of paragraph 158, it is deemed reasonable to outline the policy context, to establish and ensure understanding of the weight in favour of renewable proposals. The following statement outlines the UK Government's action on climate change:

The UK played a key role in securing the 2015 Paris Agreement, where for the first time, 195 countries adopted the first-ever universal, legally binding global climate deal.

The Agreement sets out a global action plan to put the world on track to avoid dangerous climate change. Governments agreed to a long-term goal of keeping the increase in global average temperature to well below 2°C above pre-industrial levels and to aim to limit the increase to 1.5°C. To achieve this, they also agreed to reaching a global balance of sources and sinks of greenhouse gases in the second half of the century. This would significantly reduce risks and the impacts of climate change.

The Climate Change Act 2008 introduced the UK's first legally binding target for 2050 to reduce greenhouse gas emissions by at least 80% compared to 1990 levels. We have made strong progress – between 1990 and 2017, the UK reduced its emissions by 42% while growing the economy by more than two thirds. However, we have recognised the need to go further. On 27 June 2019 the UK government amended the Climate Change Act and set a legally binding target to achieve net zero greenhouse gas emissions from across the UK economy by 2050. This world-leading target will bring to an end the UK's contribution to climate change.

The UK government is:

- *working to secure global emissions reductions*
- *reducing UK emissions*
- *adapting to climate change in the UK*

- 10.34 Numerous national and international policy documents, planning related or otherwise, cover the matter of climate change. It is not considered practical to detail these in this report, and it is reiterated that Paragraph 158 of the NPPF states that the need for renewable energy developments should be regarded as a given and *'not require applicants to demonstrate the overall need for renewable or low carbon energy'*. Nonetheless, the applicant's planning statement document includes substantial information on these documents.
- 10.35 At the local level members of the Planning Committee will be aware that Kirklees Council declared a Climate Emergency in 2019. Within this, the Council outlined the *'vision is for a Net Zero and Climate Ready Kirklees by 2038'*. This includes, *'For mitigation, carbon emissions from human activities within Kirklees will need to be dramatically reduced to zero, with any remaining emissions safely removed from the atmosphere'*. This is an ambitious target, which the proposed development would assist with.
- 10.36 Turning to the Local Plan, the NPPF requires Local Plans to plan positively to deliver renewable and low carbon technology developments. This is to help tackle climate change and address the environmental role of planning as set out in the NPPF. This helps to meet the UK's legally binding target to reduce carbon emissions by 80% on 1990 levels by 2050. Policy LP26 (Renewable and low carbon energy) states that *'renewable and low carbon energy proposals (excluding wind) will be supported and planning permission granted where the following criteria are met:*
- a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;*
 - b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;*
 - c. the statutory protection of any area would not be compromised by the development;*
 - d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;*
 - e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits*

These criteria are considered where relevant throughout this report.

- 10.37 To conclude this section on environmental sustainability and climate change, in view of the above, it is considered that this proposal, which is for what would be by far the largest zero carbon renewable energy infrastructure in the borough, would make a very substantial and significant contribution towards meeting local, national and international objectives and policies, and this must be given great weight in the Planning balance.

- 10.38 To reiterate, paragraph 158 of the National Planning Policy Framework is clear that Local Planning Authorities must ‘approve the application if its impacts are (or can be made) acceptable.’ That question of what the impacts are and whether they are (or can be made) acceptable – for instance as regards potential impact on the setting of designated heritage assets and impacts on the openness of the Green Belt – is considered throughout this report.

Siting of the proposed development

- 10.39 The Planning Practise Guidance encourages the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. The applicant’s choice of the site was queried.
- 10.40 The first considerations on site selection are identifying a potential Point of Connection (POC) where there is sufficient grid capacity. This has been identified at the POC at Lady Ing Farm, to the east of Middleton in Wakefield. The distance to the POC is a limiting factor in searching for a suitable site, as distance from generation to network results in efficiency (i.e. electrical loss). Within the search area the Applicant also considers environmental and planning constraints, such as landscape designations, policy designations, sensitive habitats, archaeological and heritage issues etc. The Applicant also carefully considers geographical and topographical factors such as slope and aspect, shading, access etc. Once a potential site is identified a willing landowner is needed.
- 10.41 Residents have queried why this development could not be located on brownfield land. The applicant states *‘It is unusual to find areas of previously developed land in the UK which are large enough to make a solar farm viable without government subsidy’* or that is within a reasonable distance to a POC. Ultimately solar farm viability is tied to size, and the district does not have appropriate brownfield land (circa 60ha) that is large enough for commercial solar farm purposes. Likewise, the siting of solar panels upon roofs, as a commercial endeavour, would require a substantial number of buildings to be covered and is not viable.
- 10.42 It is noted that the adopted Kirklees Local Plan does not allocate any sites for development as renewable energy sites. If seeking to accommodate a renewable power generation site of this scale in the district, giving the lack of suitable brownfield sites, there is unlikely to be a feasible alternative than using Green Belt land.

Impact upon the land as an agricultural asset

- 10.43 The proposed development would be built upon agricultural land. Local Policy LP2 requires that development that helps to reduce, adapt and mitigate climate change are designed to avoid the ‘best and most versatile’ agricultural land where possible. This is mirrored by paragraph 174 of the NPPF, which highlights the economic and other benefits such land provides. Planning Practise Guidance identifies agricultural land classification as a particular factor to be assessed on schemes for large scale ground-mounted solar photovoltaic farms, stating the following should be considered:

where a proposal involves greenfield land, whether

- (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
- (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

10.44 In addition to these planning policies, the government's 'A Green Future: Our 25 Year Plan to Improve the Environment' sets out the government's 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently. It plans to:

- protect the best agricultural land
- put a value on soils as part of our natural capital
- manage soils in a sustainable way by 2030
- restore and protect peatland

10.45 The Agricultural Land Classification (ALC) assesses the quality of farmland to enable informed choices to be made about its future use within the planning system. There are five grades of agricultural land, Grades 1 – 5, with Grade 3 subdivided into 3a and 3b. The 'best and most versatile' land is defined as Grades 1, 2 and 3a. Planning policies and decisions should take account of the economic and other benefits of the best and most versatile agricultural land. The application is supported by an Agricultural Land Classification Report.

10.46 The land is currently used for a mixture of arable and grassland / pasture farming (sheep), with the following ALC mixture:

ALC Grade	Area (Ha)	Area (%)
Grade 1 (excellent)	0	0
Grade 2 (Very Good)	0	0
Subgrade 3a (Good)	15	18
Subgrade 3b (Moderate)	24	28
Grade 4 (Poor)	46	54
Grade 5 (Very Poor)	0	0
Other Land / Non-agricultural	0	0
Total:	85¹	100

10.47 In total, 15ha of the site falls within the definition of the 'best and most versatile' agricultural land. The use of this land weighs against the proposal. However, the applicant has set out several arguments which mitigate the harm.

10.48 First and foremost, the development would not prevent the agricultural use of the land. Currently the land in question is farmed by two individuals, for arable and pasture farming. While the arable use would end, fields with solar panels may still be occupied by certain livestock. The farmers each have season sheep flocks, which would be increased in size to make use of the available

¹ The Agricultural Land Classification Report study area is the whole site and does not take into account later removal of solar panels from certain parcels.

land no longer given over to arable purposes. The shared agricultural use of solar farms is common practise. The British Research Establishment (BRE) have published a set of advisory documents on solar farms. The document Agricultural Good Practice Guidance for Solar Farms (2014) states:

In most solar farms, the PV modules are mounted on metal frames anchored by driven or screw piles, causing minimal ground disturbance and occupying less than 1% of the land area. The rest of the infrastructure typically disturbs less than 5% of the ground, and some 25-40% of the ground surface is over-shaded by the modules or panel. Therefore 95% of a field utilised for solar farm development is still accessible for vegetation growth, and can support agricultural activity as well as wildlife

- 10.49 In light of this continued agricultural use, officers consider the harm through being built upon category ALC 3a land to be mitigated. A condition for a Grazing Management Plan recommended. This is to ensure that, during the temporary period in which the site is used for the generation of renewable energy, part of it will remain in use as agricultural (grazing) land.
- 10.50 Arable land farming affects the quality of soil through constantly taking nutrients out. The long-term end of this will give the soil opportunity to be enhanced. The applicant has outlined that the management of grassland under solar PV panels can improve soil health, such as increasing soil organic matter (SOM), and hence soil organic carbon (SOC), increasing soil biodiversity, and improving soil structure is consistent with aims and objectives for improving soil health in the Government's 25 Year Plan for the Environment.
- 10.51 Finally, the proposal would be temporary and reversible, allowing (and requiring) the site to return to agricultural use after 40 years.
- 10.52 The proposal would prevent the arable farming of 15ha of the 'best and most versatile' land, albeit land at the lowest end of this scale. However, the proposed use is temporary and reversible, while the land will continue to be farmed as sheep pasture, ensuring its continued agricultural use and benefit to both food supply and the economy. By preventing the arable farming of the land, it will also enable an improvement to the soil's quality. Accordingly, subject to the recommended conditions, officers are satisfied that harm to location and national agriculture and the economy would be limited, with the harm outweighed by the proposal's public benefits.

Glint and Glare

- 10.53 Glint is defined as a momentary flash of bright light while glare is a continuous source of bright light. Glint and glare are essentially the unwanted reflection of sunlight from reflective surfaces.
- 10.54 Solar photovoltaic panels are not particularly reflective; they are designed to absorb light and to minimise reflection because any light that is reflected would be wasted as far as their purpose of energy generation is concerned. Modern PV panels are even designed to absorb light on their undersides, so as to make use of any solar energy that is reflected up from the ground. Nevertheless, there is the potential for some glint and glare, and this should be taken into consideration.

- 10.55 The proposed panels are to be fixed in place and will not rotate to follow the sun. The panels will face south and will be inclined at an angle of 15 degrees
- 10.56 The application is supported by a Glint and Glare Assessment, drafted by Neo Environmental Ltd. The report's methodology first seeks to establish a 'bald earth' scenario, calculating where solar reflections from the development may be caused as a 'worse case' situation, followed by the impact being quantified (none – high impact). Potential receptors, in this case dwellings and road users, in the surrounding area (750m) are identified.
- 10.57 For residential properties, the following conclusion is reached:
- Solar reflections are possible at 49 of the 52 residential receptors assessed within the 750m study area. The initial bald-earth scenario identified potential impacts as High at 34 receptors (including four residential areas), Medium at seven receptors (including one residential area), Low at eight receptors (including two residential areas) and None at the remaining three receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduced to None for all receptors (including seven residential areas).*
- 10.58 For road users, 35 receptors approximately 50m apart along Wakefield Road, Hardcastle Lane and Barnsley Road were studied. The following conclusion is offered:
- Solar reflections are possible at 29 of the 30 road receptors assessed within the 750m study area. The initial bald-earth scenario identified potential impacts as High at 29 receptors and None at the remaining receptor. Upon reviewing the actual visibility of the receptors, glint and glare impacts remain High at seven receptors and reduce to Low at one receptor and None at the remaining 22 receptors. Once mitigation measures were considered, impacts reduce to None for all receptors.*
- 10.59 In terms of aviation safety, the site is well removed from major aerodromes, the closest being Leeds Bradford Airport at 25km. The airport was consulted, with no comments received. The site is also within 11.93km of the Crosland Moor Airfield. The proposed development is not located within the safeguarding buffer zones for either of the two aviation receptors identified, and detailed assessment not undertaken.
- 10.60 The supporting landscaping strategy has been drafted with this necessary mitigation in mind. All parcels would be encircled by either woodland or hedgerows (2.0m minimum) that would operate as an effective screen. A condition requiring the proposed landscaping to be fully detailed, implemented, and thereafter managed and maintained is recommended.
- 10.61 Glint & Glare occurs when the sun is low in the sky (dawn/dusk), therefore if there are lots of trees/obstacles around in the area (like there is for this site) then the sun will simply not reflect off the panel and cause glare. In this case there are mature trees along much of the southern edge of the site where it meets Wakefield Road and large areas of vegetation extending north from the road and on raised ground which would be between the panels and the sun's rays. This, plus the proposed planting would effectively manage glint and glare at the site.

- 10.62 In summary, the report concludes that the existing topography of the land and other features that screen, such as vegetation or structures, will prevent materially harmful glint and glare being caused to residential properties in the area. However, existing screening is insufficient to satisfactorily prevent harm to road users, therefore additional screening is required in several spaces. The report therefore recommends:
- 10.63 Officers have considered the methodology of the Glint and Glare assessment carefully. The approach detailed is considered to be reasonable, logically, and robust. The conclusions of the report, that there would be no harm to aviation and that the impacts to residential and road users via screening, are accepted.

The historic environment, including archaeological value

- 10.64 It is noted that there are 11 Listed Buildings, two scheduled monuments and the Hope Pit Conservation Area (part of the National Coal Museum) recorded within 1km of the proposed development. However, the development would have no direct (physical) impact on any of these designated heritage assets.
- 10.65 In terms of indirect impacts, most of the designated heritage assets are sufficiently detached or located at such a distance to negate or minimise the visual impact of the proposed PV arrays on the appreciation or understanding of the identified designated buildings and monuments. The development would adjoin the designated Hope Pit Conservation Area and could have a moderately adverse impact on the setting (and thus the character or appearance) of the former colliery site. Conversely, by virtue of the proposed screening (which has been strengthened during the course of the application) which is to be secured via condition, the negative impact is minimised.
- 10.66 The proximity of the PV array to the grade-II listed milestone on Wakefield Road (near Denby Lane, Denby Grange Barn) and the undesignated Rookery Farm, would have a minor adverse impact on the setting of these heritage components but would not compromise their intrinsic heritage values and would be screened by the road or extant landscape features.
- 10.67 Consequently, the proposed development is considered to have a minor adverse indirect heritage impact on the appreciation and understanding of the historic environment. In accordance with paragraph 199 of the NPPF the harm to the historic environment must be quantified. In light of the assessment undertaken, the harm to the historic environment, both in the individual case for each heritage asset identified and cumulatively, is deemed to be less than substantial. When considering less than substantial harm, the NPPF requires:

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. (NPPF, Paragraph 202)

- 10.68 This harm must be considered in itself, but also as 'other harm' in the context of the Green Belt and the development requiring Very Special Circumstances that outweigh the already identified harm to the Green Belt. This will be considered holistically in the conclusion of this report.

Archaeology

- 10.69 The application site has remained in agricultural use since at least the medieval period and is located within the former Denby Grange Estate, which comprised a combination of parkland, woodland, plantation, and agricultural fields. Residual structures and boundary features remain which historically defined the estate character of the field systems, despite the rather dilapidated state of the boundary walls facing the Wakefield Road. The surviving structures and landscape features appear to largely date from the C19th.
- 10.70 However, much of the historic landscape's-built heritage features have been lost and the Historic Environment Record contains little detail about the Denby Grange Estate, omitting many of the features shown on the historic map records.
- 10.71 The applicant has undertaken geophysical surveys which have found the majority of the site to be absent of features of interest. However, it has identified highly likely archaeological remains in two areas within parcel 2. The West Yorkshire Archeological Advice Service initially requested that these be further surveyed prior to determination. Discussions have taken place on this. Given the small area of the sites, and low impact nature of the solar panels, a condition prohibiting development commencing in the areas in question (two relatively small areas of parcel 2) beginning prior to appropriate survey work has been agreed. This condition, and a condition for follow up survey / mitigation work, is therefore recommended, to ensure compliance with LP35.

Residential Amenity

- 10.72 There are neighbouring residential dwellings interspaced around the site. It is acknowledged that the solar farms will be visible from several of the neighbouring properties. It is established in the planning system that there is no fundamental right to a view. However, due consideration must be given as to whether the outlook caused would cause material harm to resident's amenity.
- 10.73 Give the separation distance, low height of the panels (3m max) and proposed boundary treatment / screening, officers are satisfied that the development would not be considered overbearing. The low height and separation likewise prevent overshadowing being a concern. In terms of overlooking, no permanently occupied facilities are proposed. Maintenances / repair work will be transient and not result in materially harmful overlooking. Glint and Glare has been considered previously.
- 10.74 Consideration must also be given to sources pollution that can affect amenity. Pertinent to this proposal are noise pollution and light pollution.
- 10.75 Potential noise sources for the development are the transformer / inverter units and the substation as they will create a low noise. The applicant has submitted a Noise Impact Assessment which has been reviewed by K.C. Environmental Health. At nearby sensitive receptors (residential properties) the noise will be inaudible during the day, at 2dB below background level. However, at night two properties will experience a noise increase of 2dB and 3dB above the existing background level. Nonetheless, this level of noise will not exceed the British Standard thresholds for either internal or external amenity. It is

accepted that a 3dB increase is the smallest perceptible difference in level that can be heard and the fact that this increase is still within the guideline values of the relevant British Standard means that there is not anticipated not be a loss of amenity to the occupiers at this location. It is recommended that a condition be imposed requiring that the site operate in accordance with the Noise Impact Assessment.

- 10.76 Lighting on the site is to be limited, to emergency lighting activated manually at the substation and transformers. No permeant security lighting is proposed. Given this, light pollution is not anticipated to be a cause for concern.
- 10.77 Notwithstanding the above, a condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. This is to manage disruption to neighbouring residents during the construction phase. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.78 To summarise, the proposed development is considered not to result in undue detriment to the amenity of neighbouring residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan.

Highways

- 10.79 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe. The Highways Design Guide SPD outlines expected standards for new developments and their roads.
- 10.80 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe
- 10.81 There are proposed to be five primary access points to serve the solar farms different parcels, including an additional access to serve the sub-station area. The access points are proposed to be taken via the A642 Wakefield Road, and one from Grange Road, via existing agricultural entrance points. The accesses are all to be improved to a standard suitable for the proposed use, including 5.5m wide carriage ways, 6.0m radii, and suitable sightlines. Appropriate access for vehicles has been demonstrated by swept path. K.C. Highways have reviewed these details, and confirmed them to be acceptable. A condition is recommended that the relevant access works are undertaken and the necessary sightlines secured prior to construction work commencing on the panels (per parcel).

- 10.82 The proposal is unusual in that, once construction is complete, there will be limited movement to and from the site. The site will not host any employment, with visitors being limited to ad hoc management and maintenance. This is expected at approximately two visits per month (therefore four two-way movements) attending in either 4x4 vehicles or light vans. The impact this would have on the highway network would be imperceptible. Because of the nature of the proposal, dedicated sustainable transport measures are not considered necessary.
- 10.83 No dedicated parking is proposed on site, however given the scale of the site and nature of the development, informal site parking of an impromptu nature would not be unacceptable (i.e., maintenance worker parking informally near to the area to be repaired).
- 10.84 The impact of potential glint and glare on drivers has been considered previously.
- 10.85 Notwithstanding the above, consideration must be given also to the construction phase. The application is supported by a Construction Management Plan (CMP). The construction phase is expected to take six months; however, the bulk of deliveries will be focused within the a six-week period following initial site preparation. During the six weeks 256 construction traffic movements are anticipated, equating to 512 two-way movements. Spread across the six weeks, this equates to an average of eight vehicle movements a day (16 two-way). This relates to the delivery of goods / materials only, and does not account contractors as numbers are currently unknown, although these would not be significant.
- 10.86 The number of average daily traffic movements, even if reasonably inflated to include contractor movements, is not considered substantial. Sixteen two-way movements across a work day equates to 1.8 vehicle movements per hour (9-hour work day). This would not harm the local highway network.
- 10.87 Residents have raised concerns of construction traffic driving to the site through Flockton from the M1. The CMP includes a construction traffic route plan which shows traffic will come from the M62 (via Halifax Road and Wakefield Road). This is welcomed. Other key considerations for a CMP include the provision of wheel washing facilities, contractor parking, and construction access details, which are provided. These have been reviewed by K.C. Highways and considered to be acceptable. However, it is considered prudent to condition that an updated CMP is provided. This is to ensure that the CMP may be updated alongside the Construction Environmental Management Plan (CEMP) if required.
- 10.88 In summary, officers are satisfied that, subject to the referenced conditions, the development would not cause harm to the safe and efficient operation of the Highway, in accordance with the aims and objectives of Policies LP21 and LP22 of the Kirklees Local Plan and the aims and objectives of Chapter 9 of the National Planning Policy Framework, along with the guidance contained within the Highways Design Guide SPD.

Public Rights of Way

- 10.89 The site is adjacent to several public rights of ways (PROWs), including those that comprise part of the Kirklees Way.
- 10.90 The proposed development will not affect the ability to walk the paths, which are outside the red-line (following an amendment to parcel 5, which originally encroached upon KIR/103/40 in error). New and thickened hedgerows will be planted alongside the PROW routes, which will assist in screening. A landscape management plan is to be secured via condition, which will require details of management hedgerow adjacent the PROWs to prevent undue growth.
- 10.91 Given the proximity of the paths to the PROWs, the proposed solar panels will inevitably be visible from various vistas when walking the paths. Ultimately the impact the view of these will have on PROW users and their amenity will be subjective. By virtue of the proposed screening, the technical detailing, implementation and management of which may be secured via condition, officers are satisfied that the proposed development would not cause undue, material harm to the amenity of PROW users (the landscape implications of the site being visible from the PROW have been considered previously).

Drainage

- 10.92 Policy LP27 of the Kirklees Local Plan and Chapter 14 of the NPPF outline the required approach to considering flood risk. Policy LP28 of the Local Plan and Chapter 14 of the NPPF form the relevant policy context and require an adequate drainage strategy be in place.
- 10.93 The proposed development is entirely within Flood Zone 1, leading to no concerns of fluvial flooding. Considering pluvial flooding, the proposal is for the installation of solar panels located over grassland. Rainfall intercepted by the panels will run off the lower edge of each panel and discharge onto the grass covered surface below. Flows in excess of the infiltration capacity of the soils will flow overland, following the existing land drainage features either to Smithy Brook to the north or Mill Beck to the south. It is not anticipated that the solar panel will increase flood risk as natural flow patterns will be maintained and no significant re-profiling of the existing topography is planned. The structures within the fields, hosting the transformers and maintenance, are individually small scale and spread out from one another and would not materially affect natural drainage. Parcel 9 hosts a substation within a compound; this would have a gravel base which is a permeable material. Accordingly, there are no surface water drainage concerns and a dedicated drainage strategy for the solar farm is not considered necessary.
- 10.94 Notwithstanding the above, the proposal includes a temporary construction compound. The submitted FRA acknowledges that simple compounded soil could potentially increase surface water run-off. To address this, they propose that 'temporary construction compounds should be formed pre-construction using permeable materials'. A condition requiring specific details of temporary surface water drainage arrangements during construction, and its implantation, are proposed to be secured via a condition.

- 10.95 Yorkshire Water note that a water main (100mm) is sited within the red-line boundary. They request a condition for an easement of this sewer. This is considered reasonable and is recommended.
- 10.96 Considering the above, subject to the proposed condition, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the LP and Chapter 14 of the NPPF.

Other Matters

Maximum capacity of energy generation

- 10.97 The solar farm would generate up to 49.9MW of renewable electricity. This is just below the maximum capacity for which an application for planning permission may be considered by a Local Planning Authority under the Town and Country Planning Act; installations with a capacity of more than 50MW are considered to be nationally significant infrastructure projects, and such applications must be submitted to central government and determined by the Secretary of State for Energy.
- 10.98 Some objectors have noted that, at 49.9MW, the proposed solar farm would be only just below the threshold of 50MW above which an energy infrastructure development should be considered by national government as a nationally significant infrastructure project, rather than by a local planning authority. Others have claimed that the energy generation would exceed 50MW and therefore this application should only be considered by national government.
- 10.99 Objectors cite that an originally submitted plan references a higher than 50MW number in notes, and using 'industry standards of MW per acre' demonstrate that the site should exceed 50MW.
- 10.100 The applicant has stated that the above-mentioned plan was an early design draft including in an appendix for a technical supporting report drafted by an external consultant, which was unfortunately not updated correctly. The older document included additional arrays which were later removed. This has been corrected. On the matter of 'industry standards for generation per hectare', they state:

You also query the acreage in relation to the stated installed capacity of the development. This is calculated by Boom Power and takes into account the latitude of the site, the terrain, shading from boundaries and vegetation, seasonality, the technology specific panels being used (of course efficiency has increased exponentially in recent years). The industry figure of 500KW per acre for solar farms is now out of date and based on early model panels that produced approximately 240 watts capacity, whereas panels being used today secure are more like 670 watts capacity.

The British Research Establishment (BRE) uses an estimate of approximately 1 MW to 2.8 hectares.

2.8 hectares x 49.9 MW = 139.72 hectares, using the BRE figure.

The actual site area being proposed is much smaller than the area the BRE figures suggest would be needed and so it does not seem unusually large for the stated installed capacity and taking into account more improved solar technologies now available

- 10.101 Installed capacity is the full-load, continuous rating of generating equipment under specific conditions as designated by the manufacturer. In other words, this is the power generated when the equipment is working at full capacity
- 10.102 Officers have considered these comments carefully. Ultimately officers are required to undertake their assessment based on the details available before them. While comments from residents are noted, no definitive evidence has been provided to substantiate their claims. References to 'industry standard figures' are not sourced. Officers have been unable to find an agreed standard figure for the industry of MW per ha (or acre), given the complexity of any such calculations. As such, the explanation from the applicant is accepted. The description of development limits the site's installed capacity to 49.9MW and, along with a suitably worded condition, is considered sufficient to resolve this matter.
- 10.103 A further point worth noting is that the Council must not grant planning permission without having first referred the matter to the Secretary of State for Levelling Up, Housing and Communities and allowed at least 21 days for him to call the case in for determination (for reasons relating to this being an "inappropriate development" in the Green Belt that is a departure from the Development Plan, as outlined previously). Therefore, if members were to vote to approve this application, Central Government would be given the opportunity to call the case in to be determined at national level if they thought it appropriate to do so.

The status of the land post-development

- 10.104 Numerous representations have raised concerns that either post approval or post development the site would be considered 'brownfield land'. This is raised as a concern, as it would make further / different development on the site within the Green Belt feasible.
- 10.105 This is a misunderstanding of brownfield land and how it is created / operates. The NPPF defines brownfield land as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Underlines are officer emphasis.

- 10.106 Considering residents' concerns, the granting of planning permission does not immediately convert any site to brownfield land (i.e., if planning permission is granted but not implemented). Beyond this, only permanent structures may convert a land to brownfield status. As already set out the proposed solar panels (and their associated infrastructure) are temporary in nature, with an operation lifetime of 40 years. A condition is recommended that, following 40 years, the site is cleared and returned to its original use. This shall include a site restoration strategy, to detail how it would be reverted. With such a condition in place the proposed solar panels could not be considered permanent structures and the land would not become brownfield land.

Contamination and Coal Legacy

- 10.107 The site has been identified as potentially contaminated, along with the scale of the development necessitating consideration of contamination. The proposal is supported by a Phase 1 Ground Contamination Report which has been reviewed by K.C. Environmental Health. Given the nature of the proposal, the report recommends limited targeted intrusive investigation. K.C. Environmental Health concur with this conclusion. Conditions pertaining to the undertaking of investigation, and any subsequent remediation / validation, are therefore recommended.
- 10.108 Further to the above the site falls within the High-Risk Coal Referral Area. A Preliminary Coal Mining Risk Assessment has been submitted (alongside the Phase 1 Ground Contamination Report) which has been reviewed by the Coal Authority. The reports recommend further investigation and remediation be undertaken; however, the Coal Authority are satisfied that this may be addressed via condition.
- 10.109 Considering the above, subject to the given conditions, officers are satisfied that the proposal complies with the aims of LP53 of the Local Plan.

Ecology

- 10.110 Policy LP30 of the KLP and Chapter 15 of the NPPF, with guidance set out within Principle 9 of the HDG SPD, require that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist
- 10.111 The application is supported by an Ecological Impact Assessment (EclA) which provides a robust assessment of the ecological receptors of the site and the potential impacts brought about by the proposed development. It is considered that as detailed within the report, there will be unavoidable short-term impacts brought about by the proposed development, however, due to the intense agricultural management of the site, it is determined that overall, the site is of minimal value of biodiversity. A condition requiring no site clearance during the bird breeding season, unless appropriate surveys are undertaken prior, is recommended. Smaller mammals, including rabbits and hedgehogs can permeate through the proposed deer fencing: a condition requiring 'badger holes' within the proposed fence is also recommended, to ensure the fencing does not harm their foraging dispersal opportunities

- 10.112 A Landscape and Ecology Enhancement Plan and DEFRA Metric v3.1 have been submitted with the application. These documents detail that the proposed development can bring about an overall enhancement on the current on-site situation. The submitted metric details there will be an increase of 97.57% in habitat units on site (uplift of 175.48 habitat units) and increase of 21.66% in hedgerows (7.68 units). This ensures that the scheme will provide an enhancement in biodiversity over the current baseline situation. A condition requiring a details Ecological Design Strategy which clearly and demonstrably outlines how this net gain will be achieved, and implemented, is recommended. This is well in excess of the 10% gain that is usually expected of a development, and it would constitute a major public benefit and contribute to the very special circumstances case in favour of the development. These benefits should carry significant weight in the Planning balance
- 10.113 Invasive non-native Japanese Knotweed has been identified within the site. A condition requiring a strategy for its removal is recommended. A condition for a Construction Environmental Management Plan (Biodiversity), which outlines how the development will be undertaken without harming local biodiversity, is also recommended.
- 10.114 Given the above, it is considered that the development will provide a significant increase in the biodiversity value of the site whilst ensuring that connectivity for faunal species is maintained throughout the proposed development. As the site is subject to intensive agricultural management with the proposed development focussed on targeted areas of ecological enhancement, it is considered that this scheme will provide a significant increase in the current biodiversity of the site and the local area. The proposal is therefore considered to comply with the aims and objectives of Policy LP30, subject to the proposed conditions.

Education

- 10.115 The proposed development includes the siting of an 'education board', which is to include details of the proposal to education walkers. This was added to the proposal following public engagement. This is welcomed, but that submitted is considered too limited in scope. LP26 (renewable and low carbon energy) requires that a development demonstrate that '*any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits.*' It is considered that a wider education strategy would contribute to social benefits. A condition requiring the submission of an education strategy, such as exploring engagement with local schools and community groups, or additional education boards, is recommended.

Trees and Ancient Woodland

- 10.116 Policy LP33 establishes a principle against the loss of trees of significant amenity value. Furthermore, the vast majority of trees and woodland surrounding the site benefit from Tree Preservation Orders. In response to the arboricultural constraints (e.g., the presence of high and moderate-quality trees and tree groups) the proposed development has been designed in order that Root Protection Areas (RPAs) can be largely avoided.

- 10.117 The proposal necessitates the removal of 1 low quality category C tree (sycamore) and a small section of the moderate-quality category B hedgerow would need to be removed in order to facilitate the security fencing. Neither the tree or hedgerow to be removed are considered to be assets of public amenity and their removal is considered low impact interventions needed to facilitate the development. Their removal is more than offset by the proposed re-planting.
- 10.118 No tree removals would be required to facilitate the installation of the proposed cable route; however, it may be necessary to install the cable close to and occasionally within the RPAs of significant trees and tree groups. In such cases work will be undertaken in accordance with National Joint Utilities Group (NJUG) Volume 4 (Section 4) - How to Avoid Damage to Trees which details acceptable working methods relating to '*excavations or other works occurring within the Prohibited zone or Precautionary Zone*'.
- 10.119 In places the proposed access tracks would encroach into the root protection areas of trees (including those protected by TPOs). The applicant has proposed to install a root-friendly surfaced road (cellweb gravel root protection system) in these locations, with technical details of the road provided. These have been reviewed by K.C. Trees and considered to be acceptable. A condition is recommended that requires a definitive plan showing where the root-friendly surfaced road will be laid, and that it be implemented.
- 10.120 A condition is recommended for an Arboricultural Method Statement and Tree Protection Plan, to inform the methods of the above protection works for trees, in sufficient detail.
- 10.121 To the north of the site are two woods that are designated Ancient Woodland. These are Harry Royd Clough Wood and Grange, Hepper, and Denby Woods. National guidance from Natural England and the Forestry Commission that that all development have a 15m minimum separation guidance from Ancient Woodland (or 5m from the canopy, whichever is greater). The proposal has demonstrated that this will be achieved, with the proposed panels being well in excess of the 15m. Officers are satisfied that there would be no harm to the Ancient Woodland. However, for the avoidance of doubt, a condition requiring no works within 15m of the Ancient Woodland is proposed, with the Arboricultural Method Statement addressing how it will be protected during development.
- 10.122 In light of the above, subject to the given conditions, officers are satisfied that the proposal would comply with the aims and objectives of LP33. The proposed landscaping plans include the planting of numerous trees and hedgerow, and as a result the proposal is expected to deliver a notable net increase in trees within the site. This is considered to weigh in favour of the proposal.

Representations

- 10.123 The following is consideration of the public representation comments not addressed within the main report.

- The pre-application public engagement is considered lacking.

Response: The pre-application engagement was hampered by COVID restrictions. The applicant's process has been detailed within paragraphs 7.1 – 7.4 of this report. The level undertaken is deemed reasonable, given the circumstances.

- The development would 'ruin views for many driving through and ruin views for local residents'.
- The proposal will result in the area appearing as an industrial landscape. The site is visible from long distances.
- Solar panels are visually unattractive to look at.

Response: There is no right for a view within planning, however the impact upon the landscape and Green Belt have been considered extensively within this report. The attractiveness, or lack thereof, for solar panels is noted but fundamentally they are a unitarian equipment designed to serve a purpose. The proposal does include negative and positive aspects, which have been weighed in the planning balance.

- The application does not include a feasibility assessment.

Response: It is unclear what feasibility assessment is being sought. Ultimately viability reports are not necessary for this form of development.

- The application does not comply with government guidance contained within the Planning Practise Guidance specific to solar panels.

Response: Officers have considered the guidance in drafting this report and are satisfied they have followed it.

- Solar panels only last 30 years, not the stated 35 – 40.

Response: This is noted but deemed to be a matter for applicant. The permission is intended as a maximum 40 years; if the panels are no longer effect and replacement not viable, this would allow for the site to be cleared early.

- The proposed development would not benefit local residents. It will benefit investors.
- Solar panels in the UK are ineffective. It is cited that solar farms only operate at '12%' of their full generation potential.
- Solar farms only operate when the sun shines. Yorkshire's climate is not appropriate for them.

Response: The proposed development is a commercial endeavour, which is not a material consideration. In terms of efficiency, the applicant has undertaken the required (private) assessments to satisfy themselves that a development on this site is viable. This includes assessing the climate within Yorkshire.

- Solar farms produce radiation / electromagnetic waves and other harmful effects to human health.

Response: This claim has not been substantiated. Solar panels are a common form of development in modern life with matters of health and safety managed by processes outside of planning.

- Solar panels are not 'green energy', as their manufacturing process leaves a 'huge carbon footprint, and are manufactured on the other side of the wall'. Their lifetime is short and they are exceedingly difficult to recycle. The development includes concrete which has a high CO2 cost.

Response: It is acknowledged that solar panels do have a notable upfront carbon cost. This has not been calculated as part of the application. Nonetheless, it would be contrary to reasonable judgement to believe that solar panels have, over their lifetime, cause greater harm to the environment. Solar panels are identified by national government as a reasonable measure to combat climate change.

- The development would be within the top 5 largest solar farms, from the 2020 figures.

Response: The source of this claim has not been verified. In discussions with the applicant, it has been commented that the size of solar farms over the last decade has continued to grow as subsidies and technology shift. It is understood that the proposed development is sizable, however in the context of numerous other solar farms in the planning system elsewhere, either approved or assessment ongoing, it is no longer deemed one of the larger.

- The solar panels are produced in China, 'where slavery and human rights abuse ...is reported as rampant'. China uses coal power to make solar panels, which is contrary to their purpose.

Response: The source of the panels is unknown. However, the question of where building materials are bought from or where they are produced and under what conditions is not a material planning consideration and could not form a reasonable reason for refusal. If an embargo were to be placed on the import of solar panels from a particular country that would be a matter for national government, not for a district council.

- Alternative methods of sustainable energy should be explored over solar panels, such as tidal and water.

Response: Officers are required to assess each application on its own merits and it is not deemed material to consider other options.

- The loss of greenspace and views will harm mental health. Access to the sites will also harm physical health.

Response: The importance of open space to mental and physical health are noted. In terms of physical access, the land in question is private with no right of access. The surrounding PROW network would not be materially affected. In terms of mental health and views, as has been considered the site is well screened and will receive additional planting to minimise the visual intrusion.

- The proposal will harm local house prices.

Response: This comment does not form a material planning consideration.

- Flockton needs a bypass, which will becoming less feasible by virtue of this development.
- Flockton 'is already on its knees due to the amount of traffic travelling through. To add further vehicles associated with the construction and operation of this huge project would be tragic'.
- 'If the project is to go ahead surely a new road should be incorporated into the scheme firstly for construction traffic and secondly for operational vehicles. The new road could be retained to ease congestion on Barnsley Road, which is not safe for pedestrians and unsuitable for large vehicles offering at least some community benefit for what is likely to be a very profitable scheme'.

Response: There is no committed scheme or inclusion of a 'Flockton Bypass' within the Kirklees Local Plan. Once operation the traffic generation of the proposal will be negligible. Due regard has been considered on traffic during construction, which is not considered to be unreasonable and would be routed from the M62.

Other

- The ancient woodland to the north is 'commercial woodland'. If it is felled, the glint and glare of the proposal would be worse than that assessed.

Response: The complete felling of the ancient woodland is highly unlikely. Furthermore, applications can only go so far in assuming future scenarios.

- The Coal Authority have raised comments about access, outside of their statutory role to comment. There are concerns over the access of plot 9, how it would impact upon their land and security (the Coal Mining Museum and its surrounding land). The easement to the land is for agricultural access only.

Response: This is a private matter between land owners and does not form a material planning consideration.

- Fears that the development, once implemented, will then need to fell trees which would presumably affect efficiency of the panels.

Response: Most trees around the site are protected, either through being ancient woodland or TROs. However, the development includes buffer zones and has been designed on the premise of the trees being place.

11.0 CONCLUSION

11.1 The proposal is for a substantial level of renewable energy generation. Paragraph 158 of the National Planning Policy Framework is clear that we must *'approve the application if its impacts are (or can be made) acceptable.'* Conversely the proposal is within the Green Belt and is, by definition, inappropriate development within the Green Belt. Further to this, a level of harm to openness and the landscape have been identified. Therefore in accordance with Green Belt policy, Very Special Circumstances must be demonstrated which clearly outweigh the harm, and any other harm, identified. Paragraph 144 of the NPPF states:

'Very special circumstances' would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

11.2 Paragraph 151 of the NPPF does however identify that:

When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

11.3 The harm of the proposal can be considered:

- The proposal would be inappropriate development within the Green Belt, that would harm openness, albeit this harm is concluded to be low in the medium to long term (moderate harm in the short term while construction takes place and screening establishes). Furthermore, through encroaching into the countryside the development would contradict one of the five core purposes of the Green Belt.
- The proposal would cause less than substantial harm to the historic environment, notably the Hope Pit Conservation Area, grade-II listed milestone on Wakefield Road (near Denby Lane, Denby Grange Barn) and the undesignated Rookery Farm.
- The proposal would use 15ha of 'best and most versatile agricultural land', (classification 3a) which policy indicates should be avoided and kept for food production. The harm for this however is notably reduced by the site being kept as pasture and long-term benefits to soil quality.

11.4 The public benefits of the development can be surmised as follows:

- Firstly, the proposed solar farm would generate 49.9MW of renewable electricity which would be supplied to the National Grid. This would be a significant contribution towards addressing the Climate Emergency that the Council has declared, and towards meeting local and national policy on reducing carbon emissions, addressing climate change, and meeting the UK's obligations under the Paris Agreement of 2016.

- Secondly the development would benefit the natural environment on the site itself by allowing soil that has long been intensively farmed to rest and rejuvenate under grass for 40 years, and by bringing about a significant net gain in biodiversity on the site (94.8% for habitat and 32% for hedgerow would be delivered and is to be secured via condition) which would benefit not only the site itself but also the adjacent land and habitat networks.
- A condition for an education strategy is recommended, to ensure the proposal plays a social role, as required by LP26, via the education of the local community over the nature and benefits of the proposal and renewable energy. A Grazing Management Plan is recommended via condition to ensure the development does not unduly prejudice food security.

11.5 In closing, this application necessitates a consideration of the planning balance. It is concluded by officers the harms identified throughout this assessment would be outweighed by the public benefits of the development. The benefits would amount to very special circumstances that would justify the granting of planning permission despite the Green Belt location (and the other harm identified). Therefore, the recommendation of this report is approval (subject to conditions, and subject to referral to the Secretary of State for a possible call-in (see below)); however, it ultimately will be for the Planning Committee to decide which way the planning balance is tilted as regards the harms versus the public benefits.

12.0 REFERRAL TO THE SECRETARY OF STATE

12.1 If the Planning Committee were minded to grant permission it would then be necessary to consult the Secretary of State for Levelling Up, Housing and Communities, and to wait at least 21 days before an approval is issued. This is. This is a requirement of The Town and Country Planning (Consultation) (England) Direction 2021 made under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 N0 595).

12.2 The cited act requires that any Green Belt development involving an 'inappropriate development' on Green Belt land, which would be a departure from the Development Plan and which would, by reason of its scale or nature or location, have a significant impact on the openness of the Green Belt, should not be granted planning permission by a local authority until it has been referred to the Secretary of State so that they may decide (within 21 days of their acknowledged receipt) whether to exercise their power to call the case in for determination by issuing a direction under section 77 of the Town and Country Planning Act 1990.

12.3 The recommendation is therefore that the application is delegated to the Head of Planning and Development to notify the Secretary of State of the Local Planning Authority's intention to approve the application, to give the Secretary of State the opportunity to consider whether to exercise their 'call in' powers. Subject to the response from the Secretary of State, progress to approving the application and the issuing of the decision notice and completion of the list of conditions, including those contained within this report.

13.0 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. Development to be carried out in accordance with the approved plans and specifications
3. Temporary permission (40 years, with non-operational clause for removal), with notice of commencement to be submitted
4. Limitation of site to 49.9MW
5. Green Belt: Prior to development commencing, full details of landscaping and screening strategy (i.e., numbers, species mixture, planting timeframe etc.) and management / maintenance to be submitted and approved.
6. Green Belt: Decommissioning statement prior to use
7. Green Belt: Notwithstanding the submitted plans, details of container colour to be submitted
8. Green Belt: No lighting erected without details being submitted
9. Green Belt: CCTV plan
10. Land use: Grazing Management Plan
11. Glint and Glare: Mitigation measures to be installed prior to use commencing
12. Amenity: Site operate in accordance with the Noise Impact Assessment
13. Amenity: Construction Environmental Management Plan
14. Highways: Access improvements to be implemented prior to solar panels being installed (per parcel).
15. Highways: Sightlines as shown on plan to be implemented and retained.
16. Highways: Construction Management Plan
17. Drainage: Yorkshire Water easement
18. Contamination: Ground investigation – Contamination (Phase 2, Remediation, Validation)
19. Contamination: Ground investigation – Coal (Phase 2, Remediation, Validation)
20. Ecology: No clearance within the bird breeding season without survey
21. Ecology: protected species holes in fence, for access.
22. Ecology: Ecological Design Strategy (EDS)
23. Ecology: Invasive species removal protocol
24. Ecology: Construction Environmental Management Plan: Biodiversity
25. Education: Submission of education strategy
26. Trees: No solar panels to be erected within 15m of the ancient woodland
27. Trees: An Arboricultural Method Statement and Tree Protection Plan shall be provided before development commences
28. Trees: A plan showing the exact location of tree friendly construction for access road.

PROW Note

Background Papers

Application and history files

Available at:

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93644>

Certificate of Ownership

Certificate B signed. Notice served 8 individuals.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 14-Jul-2022

Subject: Planning Application 2021/94060 Variation condition 32 on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET

APPLICANT

Interchange LLP 26

DATE VALID

22-Oct-2021

TARGET DATE

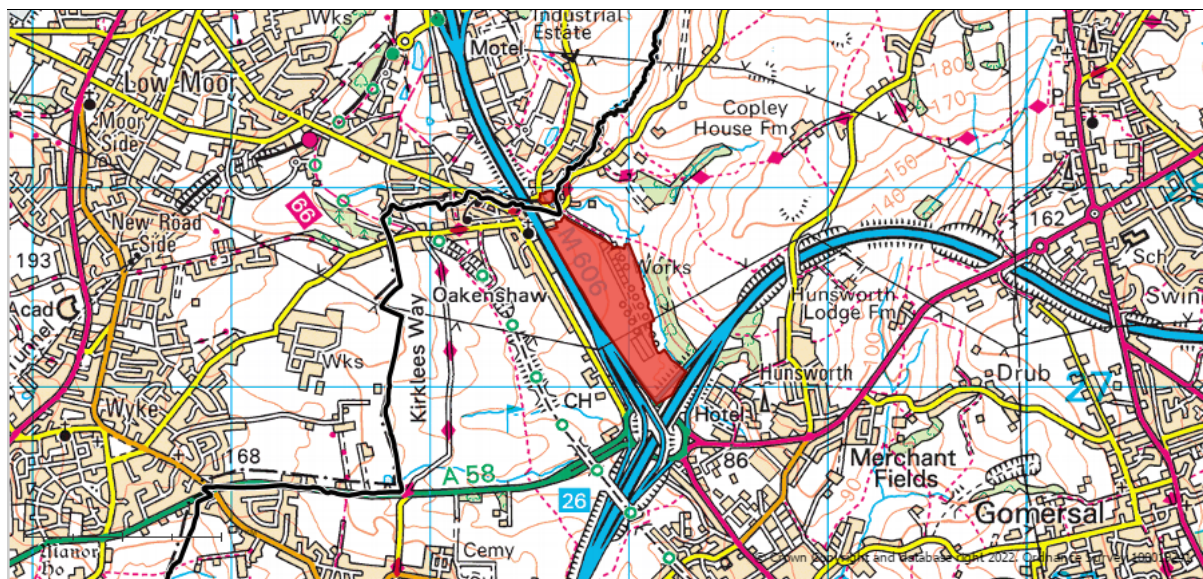
21-Jan-2022

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: Yes

Public or private: Public

RECOMMENDATION

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

A deed of variation, which ties the S106 obligations from 2016/92298, the original consent, to the new S73 consent. For reference, the original contributions were:

A. All off site associated highway works approved under s278 to be completed and made operational prior to any part of the commercial development on this application site being brought into use

B. A financial contribution of £71,370 (calculated damage costs) to be used towards air quality mitigation measures within the vicinity of the site in the absence of detailed low emission projects equating to the identified damage costs or above, being submitted at reserved matters stage, and

C. £20,000 towards real time passenger information displays to two existing bus stops (reference nos. 14572 and 14567)

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

1.0 INTRODUCTION

1.1 This application is a S73, Variation of Condition. The proposal seeks to vary condition 32 on previous permission 2016/92298, which granted outline permission for the re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8).

1.2 The condition sought to be varied relates to the ratio of B2 use and the site's approved total floor area.

1.3 This application is brought to the Strategic Planning Committee as it is deemed appropriate by planning officers, given the nature of the proposal, in agreement with the Chair of Committee and in accordance with the Delegation Agreement.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site extends to approximately 23 hectares incorporating the area of the former North Bierley Waste Water Treatment Works (WWTW) as well as agricultural fields. It is situated to the north-west of the M62 and to the east of the M606. The site slopes down from the north to the south with motorway embankments to the south and west. Access to the site is achieved from Cliff Hollins Lane utilising the road that previously served the WWTW. This connects onto Mill Carr Hill Road, which rises to join Bradford Road. Turning left onto Bradford Road then provides a connection to Junction 26 of the M62.
- 2.2 The surrounding area is broadly residential in character. The site is positioned between the Oakenshaw to the north and Cleckheaton to the south. The village of Oakenshaw is broadly to the north-west of the site and includes dwellings along Bradford Road, to the west of the M606. There are further residential properties to the north-east and north-west of the site along Cliff Hollins Lane (which are closest to the site) and Mill Carr Hill Road. The Woodlands C of E Primary School lies at the bottom of Mill Carr Road, close to the junction with Cliff Hollins Lane.
- 2.3 Outline planning permission for the re-development of the site to provide employment uses (Use Classes B1(c), B2 and B8)) was issued on 25 October 2018 following its approval at Strategic Planning Committee on 8 March 2018. This was subject to a non-material amendment in 2020 (2020/91436) to modify the wording of some of the conditions to reflect a phased approach to development.

This has been followed by several Reserved Matters applications (see planning history) and development has commenced. The ongoing development has formed several plateaus with three industrial buildings built upon them, with central access road. Parts of the former WWTW remain to the south.

3.0 PROPOSAL

- 3.1 This application seeks to vary condition 32 on previous permission 2016/92298. Condition 32 is as follows:

32. The B2 Use within the site shall not exceed 75.8% of the maximum 35,284m² floor space to be created.

***Reason:** In the interest of highway safety as the submitted traffic assessment is based on development to include 75.8% of B2 Use, to avoid an intensification in vehicle movement on the surrounding highway infrastructure and to accord with Policy T10 of the Kirklees Unitary Development Plan and PLP21 of the Publication Draft Local Plan.*

- 3.2 The applicant seeks to lower the approved percentage of B2 use and increase the approved floor space, to 41,191m² (+5,907 m², 16.7% increase) The following use mixture is proposed:

- B2: 21,367m² (a reduction of 3,111m²)
- B8: 19,824m² (an increase of 11,665m²)

3.3 The reason given for the desired change is:

As a result in a shift in the commercial market, the requirement for the B1(c) (now E(g)) and B2 uses has significantly reduced and the strongest demand is for B8 storage facilities. This has been reflected in the fact that all the reserved matters submitted to date have been for B8 uses. As such, the applicant is looking to further respond to this demand and change the mix of uses to more closely reflect demand.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2016/92298: Outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) – S106 Outline Approved

2020/91436: Non material amendment to previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) – NMA Approved

2020/91488: Reserved matters application pursuant to outline permission 2016/92298 outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) (Phase 1) to include the discharge of Conditions 6 (BEMP), 17 (Site investigations), 18 (Tree Survey), 29 (Noise attenuation) and 31 (Electric vehicle charging points) – RM Approved

2020/91807: Reserved matters application pursuant to Phase 2 of outline permission no. 2016/92298 (as amended by NMA 2020/91436) for the re-development of the former waste water treatment works following demolition of existing structures to provide employment uses (Use classes B1(c), B2 and B8) to include the discharge of Condition 6 (BEMP), Condition 9 (Lighting design strategy), Condition 17 (Site investigations), Condition 29 (Noise attenuation) and Condition 31 (Electric vehicle charging points) of 2016/92298 as they relate to Phase 2 – RM Approved

2021/90893: Variation of Conditions 1, 2 and 4 on previous permission 2020/91807 for Reserved Matters Application pursuant to Phase 2 of Outline Permission 2016/92298 (as amended by NMA 2020/91436) for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (B1(C), B2 and B8) to allow for minor changes to the shape of the building to address the correct positioning of existing overhead power cables – Removal / Variation approved

2021/91901: Non material amendment to Condition 20 of previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) to enable the construction of Phase 2 – NMA Approved

2021/91932: Reserved matters application pursuant to outline permission 2016/92298 for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) relating to Phase 4 - the construction of 2 x industrial warehouse units with ancillary office accommodation (approximately 6021m² and 4046m²) with parking and landscaping, including the discharge of Condition 6 (Bio-diversity Enhancement Management Plan), Condition 17 (Site Investigations), Condition 19 (Public Rights of Way), Condition 29 (Noise Attenuation) and Condition 31 (Electric Vehicle Charging Points) – RM approved

2021/94061: Reserved matters application pursuant to outline permission 2016/92298 for re-development of former wastewater treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) – Pending determination

2021/94208: Outline application for re-development of former wastewater treatment works, including demolition of existing structures to provide employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8) – Pending determination

2022/91639: Non material amendment to previous permission 2021/90893 for Variation of Conditions 1, 2 and 4 on previous permission 2020/91807 for Reserved Matters Application pursuant to Phase 2 of Outline Permission 2016/92298 (as amended by NMA 2020/91436) for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (B1(C), B2 and B8) to allow for minor changes to the shape of the building to address the correct positioning of existing overhead power cables – Pending determination

2022/91849: Variation condition 21 (highways and occupation) on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c)) – Pending determination

There are also numerous discharge of condition applications associated with the above applications.

4.2 Surrounding Area

Woodlands CE Primary School, Mill Carr Hill Road

21/01760/FUL: New car park for school staff, electric vehicle charging and drop-off for pupils, revised site access, improved outdoor play provision and enhanced scheme of soft landscaping (amended plans received) – Pending determination

Note: this application falls under Bradford Council

land west of M62, south of, Whitehall Road

2021/92603: Erection of storage and distribution unit (Use Class B8) with ancillary offices, car parking, servicing, landscaping and access (Revised Plans) – Pending determination

4.3 Enforcement

A Temporary Stop Notice (TSN) was served on the site on 10th July 2020. It was issued because of construction works pursuant to Phase 1 (access road) having commenced without the relevant pre-commencement conditions having been discharged. The works that had started were principally deemed to have caused harm to residential amenity because of the stockpiling of material on the boundary of the site near to residential properties. The TSN required the applicant to cease all construction works pursuant to 2016/92298, including demolition, excavation & engineering works. It took effect on 10 July 2020 and ceased to have effect on 7 August 2020. The applicant complied with the terms of the TSN.

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

5.1 Given the limited scope of the application, being focused upon condition 32, negotiations have been limited to that subject.

5.2 The proposed amendment to condition 32 was anticipated to have two main considerations, which were the focus of discussions: traffic generation and air quality. The applicant's stance has been throughout that that the proposal would not materially change traffic generation, and therefore not change the impact on air quality.

5.3 Following review of the submission, K.C. Highways concluded they agreed with the applicant's ascertains, with the exception of concerns regarding the site operating as a last mile / parcel distribution centre. Such a use would have a greater traffic generation than had been assessed. The applicant was presented with the options of agreeing a condition for no last mile / parcel distribution centre or undertaken the required assessment. Following discussions, a suitably worded condition was agreed.

6.0 **PLANNING POLICY**

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

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

6.2 The application site is part employment allocation (ES7) and part Green Belt in the Kirklees Local Plan (2019). When 2016/92298 was determined the relevant development plan was the Unitary Development Plan. In the UDP, the whole site was designated as Green Belt.

6.3 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP64** – Employment allocations

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

Supplementary Planning Documents

- N/A

Guidance documents

- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Planning Guidance

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

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change

6.6 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)

Climate change

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

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

7.0 PUBLIC/LOCAL RESPONSE

Public representation

- 7.1 The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.
- 7.2 The end date of the period of advertisement was the 5th of January 2022. A total of 5 public representations were received. The following is a summary of the comments received:
- Concerns over the impact the site's current construction is having upon local residents, including traffic movements and mud on the road.
 - The developers of the site have ignored conditions and progressed without following requirements of the planning permission.
 - The proposed variation is too substantial to be considered under the S73 / Variation of Condition procedure. The application is not lawful.
 - The car park for the school has not been built.
 - Objection to additional traffic movements and more vehicles associated with the development.
 - The application, and other applications on the site, should not be accepted and/or refused outright.
 - Development should not be approved within the Green Belt. The development would result in villages being merged together.
 - Warehousing will create less jobs and more HGV traffic. Job creation was an important factor in the Outline's assessment and is therefore being prejudiced.
 - The Kirklees Local Plan did not allocate the whole red-line of 2016/92298 as an employment allocation, with part of the site (north) kept as Green Belt to act as a buffer to prevent urban areas merging.
 - The proposed application would approve a floor space exceeding the Local Plan's indicative capacity for the allocation (35,284sqm). Claims that the 35,284sqm indicative capacity refers to the development area, not floor space.
 - The applicant's claims that the market has changed to necessitate this variation should not be considered relevant.
 - The data used in the highway assessment is based on the 2011 census and therefore out of date. Modern data would be much higher.

7.3 The site is within Cleckheaton Ward. Local ward members were notified. The ward members asked to be kept apprised as the application (and others on the site) progressed.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways: The applicant's initial data was accepted, however concerns over the new unit operating as a 'Parcel Distribution Centre' were raised. This led to further discussions and the ultimate agreement to impose a condition preventing such use.

National Highways: Offered no objection to the proposal in their initial comments, as they accepted the conclusion of the applicant's Transport Note and agreed there would be no significant change to the number of peak hour trips to and from the site. Officers notified National Highways of their concerns over the potential operation of a 'Parcel Distribution Centre'. In response, they stated

National Highways note the Council's comments regarding the potential for a Parcel Distribution Centre (PDC) to come forward within the proposed uses. However, we consider that any conditions placed on the S73 application are a matter for the Council to come to a conclusion on, although given that AMA state that a PDC is unlikely to come forward at this location, it is not apparent as to why there is a degree of a resistance to a condition that prevents this type of development coming forward. Furthermore, such a condition would reduce the potential need for further transport work to be undertaken by the applicant.

In broad terms, National Highways would support any move from the Council to ensure a no 'Parcel Distribution Centre' condition on the application, as that would reduce the potential impact of the development proposals at the SRN, whilst paying due cognisance to the consented planning application. However, it is considered a matter for the Council to come to a view on.

Notwithstanding, if a PDC were to come forward at this location, then National Highways would expect an assessment of the impact of the trip generation of such a use from the applicant, compared to the consented B8 use.

In conclusion, National Highways offers 'no objection' to the Section 73 application.

8.2 Non-statutory

K.C. Environmental Health: Subject to the proposal creating no additional traffic movements, no objection.

Northern Gas Network: No objection.

9.0 MAIN ISSUES

- Scope of the application
- Variation of condition 32
- Environmental Impact Assessment
- Previous conditions
- Representations

10.0 APPRAISAL

Scope of the application

- 10.1 Section 73 of the Town and Country Planning Act 1990 concerns the 'determination of applications to develop land without compliance with conditions previously attached'. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.
- 10.2 Planning Practice Guidance on the use of planning conditions clarifies that in deciding an application under Section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application. The application is not a complete re-consideration of the application. As such, there is no requirement to re-consider the principle of development nor technical matters such as ecology or drainage.
- 10.3 This application is therefore restricted to a consideration of the proposed variation to condition 23, and its potential impacts.
- 10.4 Section 73 applications should be considered against the development plan and material considerations, under Section 38(6) of the 2004 Act, and conditions attached to the existing permission. The guidance states that local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
- 10.5 Regarding national policies, the NPPF has been revised since the determination of 2016/92298. Nonetheless, the revisions are not considered to have any impact. For local policy, 2016/92298 was determined under the Unitary Development Plan although the Local Plan (then the Draft Publication Draft Local Plan) was given material weight. The Local Plan allocated part of the site as an Employment Allocation, with the rest remaining as Green Belt. Officers are satisfied that the changes between the UDP and Local Plan do not affect the principle of development on this site. In terms of other material considerations, the subsequent reserved matters on the site to detail the phased development is noted. This does not however affect how this assessment would be assessed. There are deemed no other material changes in the area that could affect the proposal.

Variation of Condition 32

- 10.6 The proposed increase in floor space, from 35,284m² to 41,191m², represents an increase of 16.7%. In the context of this proposal officers are satisfied the change may be considered 'minor material' in nature, and therefore may be considered under a S73 application. Nonetheless, the impacts of the change require due regard.

10.7 Consideration is first given to the reason the original condition was imposed, which was:

Reason: *In the interest of highway safety as the submitted traffic assessment is based on development to include 75.8% of B2 Use, to avoid an intensification in vehicle movement on the surrounding highway infrastructure and to accord with Policy T10 of the Kirklees Unitary Development Plan and PLP21 of the Publication Draft Local Plan.*

10.8 Fundamentally, the condition seeks to limit the traffic movements of the development, to those demonstrated and assessed as part of the application. This is to prevent undue harm, through vehicle movements, to the local highway network (including the M62).

10.9 The vehicle movements for 2016/92298 were calculated using the TRICS (Trip Rate Information Computer System) database, a nationally accepted method of calculating a development's anticipated traffic movement. It provides an anticipated vehicle movement per 100sqm, which can then be converted to a new building's proposed floor space.

10.10 The Transport Assessment submitted with 2016/92298 identified the development as creating the following traffic movements.

Table 1: Consented peak hour trip generation

	AM (0800 – 0900)			PM (1700 – 1800)		
	Arrivals	Departures	Two Way	Arrivals	Departures	Two Way
B1 Trip rate (per 100sqm)	0.486	0.091	0.577	0.054	0.405	0.456
B1 Trip rate (at 2,648 sqm)	13	2	15	1	11	12
B2 Trip rate (per 100sqm)	0.525	0.099	0.0624	0.059	0.433	0.492
B2 Trip rate (24,478sqm)	129	24	153	14	106	120
B8 Trip rate (per 100sqm)	0.165	0.057	0.222	0.059	0.160	0.219
B8 Trip rate (8,159sqm)	13	5	18	5	13	18
Total	155	31	186	21	130	151

10.11 As per the above table, application 2016/92298 was approved on the assessment of a total 186 two-way vehicle movements in the AM peak and 151 two-way movements in the PM peak. Condition 32 aimed to secure this maximum movement.

10.12 In TRICS different use classes have different anticipated vehicle movement values. The applicant contends that the proposed increased floor space may be accommodated on the site, without increasing vehicle movements by changing the ratio of the use classes.

10.13 The B2 floor spaces would be reduced, from 24,478sqm to 21,367sqm. and the B8 floorspace increased from 8,159sqm to 19,824sqm. The applicant states this is to address modern market demands for floor space.

10.14 The following table is based on the applicant's proposed amended floorspace and use class ratio.

Table 2: Propose trip generation of revised floor area

	AM (0800 – 0900)			PM (1700 – 1800)		
	Arrivals	Departures	Two Way	Arrivals	Departures	Two Way
B2 Trip rate (per 100sqm)	0.525	0.099	0.624	0.059	0.433	0.492
B2 Trip rate (21,367sqm)	112	21	133	13	93	105
B8 Trip rate (per 100sqm)	0.165	0.057	0.222	0.059	0.160	0.219
B8 Trip rate (19,824sqm)	33	11	44	12	32	43
Total	145	32	177	24	124	149

10.15 The following table compares the total movements between the consented scheme, and that now proposed.

Table 3 – Trip generation comparison

	AM (0800 – 0900)			PM (1700 – 1800)		
	Arrivals	Departures	Two Way	Arrivals	Departures	Two Way
Consented	155	31	186	21	130	151
Proposed	145	32	177	24	124	148
Difference	-10	+1	-9	+3	-6	-3

- 10.16 As a result of the proposed change in floor space ratio, despite the overall increase of floor area by 5,907sqm, two-way traffic movements in the AM and PM peaks would be reduced by 9 and by 3 respectively.
- 10.17 The applicant has used the national TRICS database and an accepted methodology to demonstrate the proposed variation would have no materially greater impact upon the local highway network. K.C. Highways and National Highways have reviewed the proposal, confirming the methodology to be acceptable and that they have no objection.
- 10.18 Officers return to the reason for condition 32; to set a limit of vehicle movements to protect the highway network. In light of the assessment undertaken officers conclude that the variation would not prejudice the safe and effective operation of the highway. It is therefore recommended that condition 32 be amended to the following:

32. The B2 Use within the site shall not exceed 51.9% of the maximum 41,191m² floor space to be created.*

***Reason:** In the interest of highway safety as the submitted traffic assessment is based on development to include 51.9% of B2 Use, to avoid an intensification in vehicle movement on the surrounding highway infrastructure and to accord with Policy LP21 of the Kirklees Local Plan.*

- 10.19 Condition 32 was part of a set of conditions that sought to control and/or manage the proposal's highways impact, including conditions that required highway improvements. These are detailed in the following section: if minded to approve the variation, the other conditions would remain unaffected.
- 10.20 Notwithstanding the above, K.C. Highways did raise concern over the potential operation of the site as a 'Last Mile' or 'Parcel Distribution Centre. Such uses do fall under the B8 use class, but do not operate in a traditional sense as they have a higher transport generation. 'Last Mile' developments have become more popular over the last several years and typically consist of warehouse to home deliveries. As a result, their traffic generation is greater as smaller vans deliver a high volume of parcels to numerous addresses. This has not been accounted for and assessed within the applicant's submission. The applicant is of the opinion that the site would not be suitable
- 10.21 To address this concern, the following condition has been drafted. The condition would prevent the area that the additional unit / new floor space would occupy being utilised as a 'Last Mile' distribution, negating the concerns raised by K.C. Highways. This approach has been agreed with the applicant. The final wording is subject to review by K.C. Legal and K.C. Enforcement, with a meeting to take place prior to the committee. Any material change will be noted in the member's update.

33. The hereby approved development does not authorise the operation of a 'Last Mile' distribution use within the area highlighted in red on plan ref. '2147 PL 100B', as submitted on the 13th June 2022.

***Reason:** In the interest of highway safety as the submitted traffic assessment is based on the traffic generation of a traditional B8 use, as opposed to the high movements attributed to 'last mile' distribution centres, to avoid an intensification in vehicle movement on the surrounding highway infrastructure and to accord with Policy LP21 of the Kirklees Local Plan.*

Note: Pursuant to condition 33, 'Last Mile' distribution use is defined as a single parcel undertaking its last leg of a journey from a transportation hub to a final destination.

- 10.22 In summary, while the proposal would increase the maximum allowed floorspace at the site, by virtue of a reduced maximum B2 offer at the site traffic generation would not be materially affected. The proposed variation to condition 32 would not therefore be contrary to the aims and objectives of Policy LP21 of the Kirklees Local Plan.

Previous conditions

- 10.23 As this is an application under S73 of TCPA 1990 it will in effect be a new permission. The Planning Practise Guidance confirms that for the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

- 10.24 Application 2016/92298 was granted with 32 conditions. These are summarised below:

1. Reserved matters to be submitted prior to commencement
2. Reserved matters to be submitted to the LPA and carried out per plans
3. Reserved matters time limit for submission
4. Reserved matters time limit to commence
5. Phasing plan to be submitted
6. Biodiversity Enhancement and Management Plan to be submitted
7. Construction Ecology Management Plan to be submitted
8. Construction Environment Management Plan to be submitted
9. Lighting Design Strategy for Biodiversity to be submitted
10. Sewer easement
11. Access to Moorend combined sewer overflow and syphon sewer details
12. Separate foul and surface water required
13. Drainage details to be submitted
14. Outfall details to be provided
15. Development done in accordance with Flood Risk Assessment
16. Coal working site investigations
17. Layout and landscape RMs to include consideration of coal working investigations
18. Layout and landscape RMs to include Arboricultural Survey and Method Statements
19. Layout and landscape RMs to include treatment of PROW on site
20. Limiting floorspace constructed to 17,642m² until given highway works are approved or Highway England works undertaken
21. Limiting floorspace occupied to 17,642m² until given highway works implemented (as approved by condition 20) or Highway England works undertaken
22. Development restricted to the areas shown on plateau plan
23. Reserved Matters shall include a 'Residual Uncertainty Assessment' in relation to flood risk
24. Reserved Matters to include surface water disposal strategy
25. Before occupation, SUDS features management, maintenance, and adoption to be submitted

26. Temporary surface water details to be provided
 27. Prior to occupation, confirmation of highway works to be provided (improvements to Mill Carr Hill Road and Cliff Hollins Lane)
 28. Fixed mechanical services and plan to be noise controlled.
 29. Layout and landscape RMs to include noise attenuation
 30. Unexpected contamination procedure
 31. Layout and landscape RMs to include low emission and charging point details
 32. Limitation on B2 and total floor space (to be varied).
- 10.25 Condition 23 is sought to be varied, as considered previously. The wording would be amended as proposed.
- 10.26 All other conditions remain pertinent and are to be kept. As several have been previously discharged (or partly discharged), a note relating to the previously submitted information remaining relevant is recommended for consistency.
- 10.27 Application 2016/92298 was granted subject to a S106 agreement. Therefore, a S106 Deed of Variation is recommended to be secured. This will simply secure the same contributions to this application, as secured as part of 2016/92298.

Environmental Impact Assessment

- 10.28 The previous application was submitted with an Environmental Impact Assessment. In accordance with Government guidance contained within Planning Practise Guidance, the applicant was required to submit An Environmental Statement.
- 10.29 Government guidance identifies key issues for industrial estate developments as traffic, emissions, and noise. The applicant contended that, notwithstanding the increase in floor space, their proposal would not result in a net increase in traffic movement. Therefore, there would be no material change in circumstances compared to that previously approved. For the reasons outlined above, subject to the proposed condition, officers concur. Furthermore, conditions relating to the management of noise and emissions imposed on the original outline, will remain attached should the application be approved. See the previous section for further information.

Representations

- Concerns over the impact the site's current construction is having upon local residents, including traffic movements and mud on the road.
- The developers of the site have ignored conditions and progressed without following requirements of the planning permission.

Response: These comments do not form material planning considerations in the assessment of the current application.

- The proposed variation is too substantial to be considered under the S73 / Variation of Condition procedure. The application is not lawful.

Response: This matter is considered by officers within paragraph 10.6. In summary, given that the increase in floor space is low at 16.7%, the increase is considered 'minor material', the test for a S73 application. To add more to this, the floor space was not included within the description of development, the development plateaus were established and would not change, and the limitation was put in place to control highway movements. These aspects would not therefore be materially affected or prejudiced by the current S73 application.

- The car park for the school has not been built.

Response: The original application included plans (not within the red-line) to provide a car park for Woodlands CE Primary School. This was to remove / reduce parent parking on Mill Carr Hill Road and Cliff Hollins Lane. Woodlands CE Primary School falls within Bradford Council, with a live application for the car park pending determination (ref. 21/01760).

- Objection to additional traffic movements and more vehicles associated with the development.

Response: As per the assessment undertaken in this report, officers are satisfied that the proposed variation would not materially increase traffic movements.

- The application, and other applications on the site, should not be accepted and/or refused outright.

Response: It is the statutory duty of the Local Planning Authority to assess planning applications, in accordance with the relevant legislation.

- Warehousing will create less jobs and more HGV traffic. Job creation was an important factor in the Outline's assessment and is therefore being prejudiced.

Response: This is noted. Nonetheless the reason for the condition pertained to Highways only and matters of job creation are not therefore material to this S73 application.

- The Kirklees Local Plan did not allocate the whole red-line of 2016/92298 as an employment allocation, with part of the site (north) kept as Green Belt to act as a buffer to prevent urban areas merging.
- Development should not be approved within the Green Belt. The development would result in villages being merged together.

Response: Within the local plan the red-line boundary for 2016/92298 including Green Belt land and the land of Employment Allocation ES9. This is noted, but matters of principle and land use are not material to this S73 application which is limited to assessing the impacts of changing the condition. The development plateaus are established.

- The proposed application would approve a floor space exceeding the Local Plan's indicative capacity for the allocation (35,284sqm). Claims that the 35,284sqm indicative capacity refers to the development area, not floor space.

Response: The floorspace contained within the Local Plan is indicative, and can be greater if no material harm is caused. The figure of 35,284sqm refers to floor space, not site area.

- The applicant's claims that the market has changed to necessitate this variation should not be considered relevant.

Response: The reason for an application is not typically considered material: this assessment has been undertaken against the applicant's highways document.

- The data used in the highway assessment is based on the 2011 census and therefore out of date. Modern data would be much higher.

Response: Census data is collected once a decade. The census data collected in 2021 takes time to be disseminated and updated.

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 As a S73 application the principal consideration is the planning implications of the sought variation. In summary, officers are satisfied that, by virtue of the greater B8 use of the site the proposed increase in floor space would not result in a material change in traffic generation to and from the site. This is subject to an additional condition preventing the remaining development plateau from being occupied by a Last Mile / Parcel Distribution Centre.

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, subject to conditions and deed of variation to be secured via a Section 106 agreement.

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

Note: Conditions 1 – 31 are to be repeated as per 2016/92298. Condition 32 is to be varied and a new condition is proposed (number 33).

1. Reserved matters to be submitted prior to commencement
2. Reserved matters to be submitted to the LPA and carried out per plans
3. Reserved matters time limit for submission
4. Reserved matters time limit to commence
5. Phasing plan to be submitted
6. Biodiversity Enhancement and Management Plan to be submitted
7. Construction Ecology Management Plan to be submitted

8. Construction Environment Management Plan to be submitted
9. Lighting Design Strategy for Biodiversity to be submitted
10. Sewer easement
11. Access to Moorend combined sewer overflow and syphon sewer details
12. Separate foul and surface water required
13. Drainage details to be submitted
14. Outfall details to be provided
15. Development done in accordance with Flood Risk Assessment
16. Coal working site investigations
17. Layout and landscape RMs to include consideration of coal working investigations
18. Layout and landscape RMs to include Arboricultural Survey and Method Statements
19. Layout and landscape RMs to include treatment of PROW on site
20. Limiting floorspace constructed to 17,642m² until given highway works are approved or Highway England works undertaken
21. Limiting floorspace occupied to 17,642m² until given highway works implemented (as approved by condition 20) or Highway England works undertaken
22. Development restricted to the areas shown on plateau plan
23. Reserved Matters shall include a 'Residual Uncertainty Assessment' in relation to flood risk
24. Reserved Matters to include surface water disposal strategy
25. Before occupation, SUDS features management, maintenance, and adoption to be submitted
26. Temporary surface water details to be provided
27. Prior to occupation, confirmation of highway works to be provided (improvements to Mill Carr Hill Road and Cliff Hollins Lane)
28. Fixed mechanical services and plan to be noise controlled.
29. Layout and landscape RMs to include noise attenuation
30. Unexpected contamination procedure
31. Layout and landscape RMs to include low emission and charging point details
32. Limitation on B2 and total floor space (to be varied).
33. Prevent given area being used as Last Mile (new)

Note: The definition of a 'Last Mile' distribution use.

Note: Pertaining to the previously approved discharge of conditions associated with 2016/92298.

Background Papers

Application and history files

Available at:

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f94060>

Certificate of Ownership

Certificate B signed. Notice served on 1 party.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 14-Jul-2022

Subject: Planning Application 2021/93539 Demolition of existing building and erection of detached dwelling 628, Halifax Road, Hightown, Liversedge, WF15 8HU

APPLICANT

P Smith

DATE VALID

08-Sep-2021

TARGET DATE

03-Nov-2021

EXTENSION EXPIRY DATE

01-Dec-2021

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: Liversedge and Gomersal

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 The application is brought to the Strategic Planning Committee as the application, if approved, would represent a departure from the Kirklees Local Plan. The application site is allocated as urban green space on the Kirklees Local Plan Policies Map. It is part of a wider allocation (UG315).

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises land to the rear of No.628 Halifax Road, in Hightown, Liversedge. The site is accessed by a vehicular driveway to the east of the property and within the site is a large storage/garage building and a temporary container together with areas of hardstanding and grassed amenity areas.

2.2 The site is allocated as urban green space on the Kirklees Local Plan and is part of a wider allocation that extends to the north and west of the site. Public Right of Way SPE/94/40 follows a route to the west of the site. To the east of the site is a residential development known as The Shearings, whilst further neighbouring residential properties are located to the south off Halifax Road.

3.0 PROPOSAL:

3.1 The application seeks permission for the demolition of the existing building and the erection of a detached dwelling on a similar footprint.

3.2 Access would be taken via the existing private driveway off Halifax Road, with an area of private amenity space to the side and rear of the dwelling. Provision for amenity space and parking is also included for No.628.

3.3 The proposed dwelling would be of a single storey scale, faced in artificial stone with artificial stone slate roof.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2020/92291 – Certificate of Lawfulness for existing building - Granted

2019/93620 – Outline application for erection of 2 dwellings and demolition of existing building - Refused

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

- 5.1 Through the course of the application, amendments and additional information was sought in respect of provision for emergency vehicles. The applicant also submitted a Phase I Desk Top Study following receipt of comments from KC Environmental Health.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

- 6.2 The majority of the site is allocated as Urban Green Space on the Kirklees Local Plan (part of site UG315). Part of the access road is on land without notation.

Kirklees Local Plan (LP):

- **LP1** –Presumption in favour of sustainable development
- **LP2** – Place Shaping
- **LP21** – Highways and Access
- **LP22** – Parking
- **LP23** – Core Walking and Cycling Network
- **LP24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity and Geodiversity
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP61** – Urban Greenspace

Supplementary Planning Guidance / Documents:

- 6.3 Urban Green Space and Local Green Space Technical Paper April 2017
Housebuilders Design Guide (2021)
Highway Design Guide (2019)
Biodiversity Net Gain Technical Advice Note (2021)

National Planning Guidance:

- 6.4 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- **Chapter 2** – Achieving sustainable development
 - **Chapter 5** – Delivering a sufficient supply of homes
 - **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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised as a Departure to the Kirklees Local Plan. As a result of site publicity, no representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM: No objections subject to imposition of conditions relating to provision for fire tender/dry riser and areas to be surfaced and drained.

8.2 Non-statutory:

KC Environmental Health: No objections subject to imposition of conditions relating to contaminated land and requirement for electric vehicle charging point

KC Ecology: Existing building is of negligible suitability for roosting bats; however biodiversity enhancement would need to be incorporated as part of the development, and this can be secured by condition.

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The application site is allocated as urban green space on the Kirklees Local Plan Policies Map. It is located at the southern edge of a wider allocation (UG315) that extends from Cleckheaton in the west to Hightown, Liversedge in the east, covering an overall area of 42.19 ha and comprising natural and semi-natural greenspace.
- 10.2 Policy LP61 of the Kirklees Local Plan relating to urban green space applies to the assessment of the proposal. In the policy justification text at paragraph 19.42, it identifies urban green space as green spaces of identifiable open space value within the towns and villages of Kirklees, allocated as urban green space on the Policies Map where they are 0.4 hectares or above in size. This includes sites in public and private ownership.
- 10.3 Policy LP61 states development proposals which would result in the loss of urban green space will only be permitted where:
- a) An assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreation facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value or

- b) Replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or
The proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.
- c) The proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space

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

- 10.4 The proposal would result in the loss of land allocated as urban green space, as a result of the change in the function of the land to a domestic dwelling – which is not an urban green space use. This also includes the loss of greenspace to proposed parking.
- 10.5 Considered against criteria (a) of LP61, this site has not been assessed as surplus to requirements in the Kirklees Open Space Study (2016). Criteria (b) and (c) are not applicable as no replacement green space provision is proposed as part of this application, and the proposal is not for alternative open space provision. The proposed development does not meet any of the criteria listed above in Policy LP61 and would represent a departure from the Local Plan.
- 10.6 An outline application was submitted in 2019 (ref: 2019/93620), which sought permission to demolish the existing garage/storage building and erect 2 dwellings – however the application was refused as it failed to accord with the requirements of Policy LP61, with no material considerations to weigh in favour of the proposals. This was in addition to highway safety concerns. Since then, the garage/storage building has been granted a certificate of lawful development (2020/92291) in 2020.
- 10.7 The applicant states in the Design and Access Statement that:
 - the dwelling is to replace an existing building
 - the proposed dwelling is of a similar size to the existing building, making it no more intrusive
 - the application site is a small part of the wider allocation and development will have no adverse impact on the open space allocation
- 10.8 These are not issues covered by Policy LP61. In this instance, consideration is given to the significance of the Certificate of Lawful Development and the above factors, to determine if they are sufficient to outweigh the development plan. The current application differs from the previous application in that development is only proposed on a similar footprint as the existing building, with the previous highways issues now having been addressed.

- 10.9 In addition, Officers consider that in its current use, the site no longer continues to fulfil the intentions of the urban green space designation, and the garage/storage unit is limiting the extent to which the site can function as beneficial UGS. Furthermore, the site has negligible ecological value by virtue of the nature of the existing building and hard and soft landscaping (lawned areas). Whilst some of the existing lawned area immediately to the rear of the properties on Halifax Road would be removed as part of the proposals, an area of hardstanding to the north of the site would be replaced by a grassed area of a similar size and character, resulting in negligible impact on the overall character of the site compared to the existing situation.
- 10.10 In summary, Officers consider that the above factors are material considerations which weigh in favour of the proposals. All other material considerations are assessed below.

Visual Amenity

- 10.11 Policy LP24 of the Kirklees Local Plan states proposals should promote good design by ensuring the form, scale, layout and details respects and enhances the character of the townscape, heritage assets and landscape. As stated, the application site is part of a wider UGS allocation (ref UG315), however, the site is positioned at the very southern edge of the allocation boundary.
- 10.12 The existing building has been established as being lawful by the grant of a certificate of lawfulness. According to the applicant, the existing building replaced an earlier stable building which was approved in 2003 and was subsequently damaged by fire. The existing building is of blockwork construction with corrugated sheet metal roof, and in use as a garage and store.
- 10.13 The proposed development would occupy a similar footprint to that of the existing building, however would have a slightly greater ridge height of 6.6m (compared to a height of 5m for the existing building). Notwithstanding this, it would comprise a single storey dwelling with accommodation in the roof space. According to the details included on the application form, the materials of construction are proposed to be artificial stone walling with artificial slate roof tiles. It is noted that the immediate vicinity has no distinct character with no uniform building line and the use of natural stone, artificial stone, brick and render is present in close proximity to the application site. The proposed dwelling would be visible from the public right of way to the west, however given the variety of materials in use surrounding the site, the appearance of the development would not detract from the mixed character of the area. In any case, a condition is recommended, should permission be granted, for the submission of samples of materials to be approved by the Local Planning Authority, prior to construction of the superstructure of the dwelling.

- 10.14 Whilst appearing to result in ‘backland’ development, it is acknowledged that the development would be located on a similar axis to that of The Shearings, a new residential development to the east. Furthermore, the presence of the existing building is considered to diminish the visual amenity of the site at present, and for these reasons, the proposal would not be significantly more prominent than the existing arrangement. To preserve visual amenity, it is considered reasonable to impose a condition, should permission be granted, removing permitted development rights for development within Classes A to E of the Town and Country Planning (General Permitted Development) (England) Order 2015, should permission be granted.
- 10.15 In summary, subject to the imposition of relevant conditions, the proposal is considered to be acceptable from a visual amenity perspective, and in accordance with Policy LP 24 of the KLP, the Housebuilders Design Guide, as well as the aims of the NPPF.

Residential Amenity

- 10.16 A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide SPD sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.
- 10.17 In this case, the application site is surrounded by existing development to the east and south, with the remainder of the urban greenspace allocation to the north and west. The nearest neighbouring residential properties to the site which have the potential to be affected by the proposed development are No.11 The Shearings to the east and No’s 632-628 Halifax Road to the south.
- 10.18 The proposed dwelling would be orientated with principal elevations located to the north and east. This, in addition to the single storey nature of the dwelling would ensure that adequate separation distances would be retained between the development and existing residential properties.
- 10.19 The size of the proposed residential unit is a material planning consideration. As stated above, Local Plan Policy LP24 is consistent with para.130 of the NPPF and states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the Council’s other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.

- 10.20 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 within Principle 16 of the Council's Housebuilders Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant. In respect of internal space, the proposed development would provide an adequate standard of accommodation in line with the Government's Nationally Described Space Standards.
- 10.21 Principle 17 of the Council's Housebuilders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. An area of amenity space would be provided to the side and rear of the proposed dwelling, in addition to two areas retained for the occupants of No.628.
- 10.22 In summary, the proposals are considered to be acceptable in respect of residential amenity in relation to future and neighbouring occupiers, and would accord with Policy LP 24 of the KLP, the Housebuilders Design Guide SPD and guidance contained within Chapter 12 of the NPPF.

Highway issues

- 10.23 Policy LP21 of the Kirklees Local Plan states proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.
- 10.24 The proposal would result in the creation of a two bedroomed dwelling with off-street parking and bin storage demonstrated on the proposed site layout. Parking provision is also included for No.628.
- 10.25 Subject to the imposition of conditions relating to the provision of access for a fire tender/dry riser, and appropriate surfacing and drainage, KC Highways DM have no objections to the proposals, in accordance with Policies LP 21 and LP 24 of the KLP.

Representations

- 10.26 No representations have been received as a result of site publicity.

Other Matters

Ecology:

- 10.27 The existing building is to be demolished as part of the proposals, however is considered to be of negligible suitability for roosting bats. Notwithstanding this, Policy LP 30 of the KLP, Principle 9 of the Housebuilders Design Guide SPD and the Biodiversity Net Gain Technical Advice Note state that biodiversity net gain is required for all development. To create this net gain, a condition for biodiversity enhancement (provision of a bat box and bird box) is recommended. This will ensure that the proposal minimises the impact on biodiversity and provides a biodiversity net gain by incorporating biodiversity enhancements.

Contaminated Land:

- 10.28 The application site has been identified on the Council's mapping system as being adjacent potentially contaminated land and to the north west of a second potentially contaminated site. The applicant has submitted a Phase I Preliminary Risk Assessment, the conclusions of which KC Environmental Health are in agreement with, however further conditions are recommended requiring the submission of a Phase II Intrusive Site Investigation Report, remediation and validation reports. This would ensure that the development accords with Policy LP 53 of the KLP.

Carbon Budget:

- 10.29 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.30 The proposal comprises a minor development of one dwelling. In line with the Council's objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, a condition relating to the provision of an electric vehicle charging point is recommended. This is in accordance with Policies LP 24 and LP 51 of the KLP and Chapter 9 of the NPPF.

Impact on Public Right of Way

- 10.31 Public Right of Way SPE/94/40 follows a route to the west of the site. The proposed development would be set in from the western boundary of the site and as such, would not result in detriment to users of PROW. Furthermore, development would not result in inconvenience to users of the PROW during the construction period, as the existing vehicular access to the site would be used for this purpose.

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 replacement of the existing garage and storage building with one detached dwelling will cause no significant visual harm to the character of the area, or harm the amenity of neighbouring or future occupiers, nor would it have a significant detrimental impact upon highway safety. The material considerations set out within the report are considered to outweigh the loss of this small area of urban greenspace.

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. Timescale for implementing permission
2. Development to be carried out in accordance with the approved details
3. Samples of materials to be submitted for approval
4. Submission of Phase II Intrusive Site Investigation Report
5. Submission of Remediation Strategy
6. Implementation of Remediation Strategy
7. Submission of Validation Report
8. Submission of scheme for electric vehicle charging point
9. Removal of permitted development rights (classes A-E)
10. Submission of details for provision for a fire tender/dry riser
11. Areas to be surfaced and drained
12. Submission of details for biodiversity enhancement measures

Background Papers:

[Link to application details](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93539)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93539>

Certificate of Ownership – Certificate A signed:

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 14-Jul-2022

Subject: Planning Application 2021/93911 Erection of 7 single garages and extension to access track Land off, Perseverance Street, Cowlersley, Huddersfield, HD4 5UG

APPLICANT

Julie Hyde, Kirklees
Council, Housing, Growth
& Regeneration

DATE VALID

12-Oct-2021

TARGET DATE

07-Dec-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: Golcar

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 Permission is sought for the erection of seven detached garages.

1.2 The application is brought to Strategic Planning Committee in line with the council's Scheme of delegation as the proposal represents a departure from the development plan. The application site is within part of a Housing Allocated site, identified as HS156 'Land to the East of, Main Avenue, Cowlersley' of which LP65 – 'Housing Allocations' in the Kirklees Local Plan Allocations and Designations and LP7 – 'Efficient and effective use of land and buildings' in the Kirklees Local Plan is relevant.

2.0 SITE AND SURROUNDINGS:

2.1 The general application site relates to ten, detached, single storey garages and one driveway space being served by Jubilee Lane, Cowlersley which is an unadopted access track accessed through Windsor Road.

2.2 The garages are adjacent to residential properties separated by Jubilee Lane:
Terraced row: 09, 11, 13, 15 Perseverance Street
Terraced row: 01, 03, 05, 07 Perseverance Street
Semi-detached: 42 and 44 Windsor Road

2.3 To the rear of the garages is largely undeveloped land where the land rises from northwest to south and southeast forming a hill. The undeveloped land including the garages and driveway are within Housing Allocated Land HS156.

2.4 The site is flanked by Urban Green Space Designated Land identified as Cowlersley Primary School, Cowlersley UG415 (southwest) and Jubilee Recreation Ground, Cowlersley UG416 (northwest).

2.4 To the north of the site are terraced and semi-detached housing. East of the site are detached housing. South of the site is open land bisected by some informal paths and dotted with some mature trees and to the far south is Green Belt designated land. To the west is Cowlersley Primary School and further west are terraced housing. The residential areas and the Allocated land is within the Strategic Green Infrastructure Network.

3.0 PROPOSAL:

- 3.1 The proposal seeks full planning permission for seven, single storey, detached garages to be erected within the application site's red line boundary.
- 3.2 To the northeast outside of the red line boundary, six garages and one driveway space are to be demolished or removed which do not require planning permission and are outside of this application. The cleared land directly adjacent to Windsor Road would be used as a future access route for a future housing development. This would enable two points of road access for the wider undeveloped site rear of the detached garages.
- 3.3 Seven new, detached, single storey garages are proposed to be within the application site serving as replacements. Tenants will erect the garages to the specification set out with materials reserved.
- 3.4 Currently four detached garages are existing. The seven detached single storey garages proposed would be interspersed between existing garages to serve local residential properties. This would be an intensification of its current general use as a driveway/garaging space for the properties.
- 3.5 Each of the seven garages would have the external dimensions of 3.2m width and 6.15m depth with a pitch roof ridge height of 6.7m and eaves 2.15m height from ground level approximately. The seven garages would have internal dimensions of 3.0m by 6.0m.
- 3.6 The garages would have their individual construction material and colour decided at a future date when the design has been selected by each resident. There would be no windows and only a garage door to each garage.
- 3.7 In addition to facilitate the access for a newly proposed garage and one existing garage, a small extension to Jubilee Lane is proposed to be extended 7.4m in length and 3.05m width.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 86/00955 Land off, Manse Drive/Main Avenue, Cowlersley, Huddersfield..
Outline application for residential development. Granted.

86/00956 Off, Windsor Road, Cowlersley, Huddersfield. Rationalisation of existing garage site. Granted.

2013/92760 15, Perseverance Street, Cowlersley, Huddersfield, HD4 5UG.
Erection of garage. Granted.

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

- 5.1 The garages were identified as being non-compliant with the minimum internal dimensions for garaging modern vehicles in the Kirklees Highways Design Guide Supplementary Planning Document and Manual for Streets. The garages was amended to deliver the recommended 3.0m by 6.0m internal dimensions necessary for safe garaging.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).
- 6.2 The application site is allocated for residential development in the Local Plan (site allocation ref: HS156 'Land to the East of, Main Avenue, Cowlersley, Huddersfield'). The site allocation sets out an indicative housing capacity of 76 dwellings, and identifies the following constraints relevant to the 2.18-hectare (gross and net) site:
- Public right of way crosses the site
 - Surface water issues
 - A public sewer crosses this site
 - Culverted watercourse crosses the site
 - Site is close to archaeological site
- 6.3 To set out the identified HS156 site specific constraints specifically for the application site, the Public Right of Way is outside the red line boundary. The site is not within a Flood Zone. The sewers are outside the red line boundary of the site and would not be interfered with. The culverted watercourse is outside the red line boundary of the site. The closest identified archaeological Class two site – Beaumont Park – is 1798m to the southeast.

Kirklees Local Plan (2019):

- 6.3 The most relevant policies are:
- LP1 – Presumption in favour of sustainable development
 - LP2 – Place shaping
 - LP3 – Location of new development
 - LP5 – Masterplanning sites
 - LP7 – Efficient and effective use of land and buildings
 - LP20 – Sustainable travel
 - LP21 – Highways and access
 - LP22 – Parking
 - LP24 – Design
 - LP31 – Strategic Green Infrastructure Network
 - LP65 – Housing allocations

Climate Change

- 6.4 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.

- 6.5 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.

Supplementary Planning Guidance / Documents:

- 6.6 The relevant Supplementary Planning Documents are:
- House Extensions and Alterations SPD
 - Highways Design Guide SPD

National Planning Guidance:

- 6.7 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 20/07/2021, the National Design Guide published 01/10/2019 and together with Circulars, Ministerial Statements and associated technical guidance.
- 6.8 Since March 2014 Planning Practice Guidance for England has been published online.
- 6.9 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- Chapter 2 – Achieving sustainable development
 - Chapter 3 – Plan-making
 - Chapter 4 – Decision-making
 - Chapter 5 – Delivering a sufficient supply of homes
 - 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 changes
 - Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised as a Departure by site notice, neighbour notification letters and the press. The consultation period ended on 18/11/2021.
- 7.2 As a result of the above publicity, no representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** None required

8.2 **Non-statutory:**

- **KC Highways Development Management:** No objections
- **KC Policy:** No objections to proposal. Impact on potential housing capacity for Site HS156 is minimal and the density of future housing would need to be considered in relation to LP7 – Efficient and Effective Use of Land and Buildings.
- **KC Public Right of Way:** No objections. Footnote to be applied.
- **KC Ecology:** To be reported in the Committee update

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

10.2 The site is designated as Housing Allocated Land HS156 in the Kirklees Local Plan. Therefore, Policy LP65 (Housing Allocations) is central to the consideration of the proposed development. This policy states that:

The sites listed below are allocated for housing in the Local Plan. Planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map.

The proposed site of garages are within the northwest of the site.

- 10.3 This local policy basis is consistent with paragraph 15 of NPPF 2021 stating that:

The planning system should be genuinely plan-led.

And paragraph 68 of the NPPF 2021:

Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

- a) specific, deliverable sites for years one to five of the plan period; and*
- b) b) specific, developable sites or broad locations for growth, for years 6-10 and,*
- c) where possible, for years 11-15 of the plan.*

Housing Supply

- 10.4 The housing land supply position in Kirklees has recently been updated to provide evidence for a planning appeal against the refusal of planning permission. The council can currently demonstrate 5.17 years of deliverable housing land supply and therefore Kirklees continues to operate under a plan-led system.

Efficient and effective use of land and buildings

- 10.5 The application would take a section of Housing Allocated land out of the site Allocation minimally reducing the land available for future development.
- 10.6 To ensure the best use of land and buildings, Local Plan Policy LP7 requires development proposals to demonstrate how they will 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.
- 10.7 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. Under-use of scarce, allocated development land could potentially contribute towards development pressure elsewhere, at less appropriate sites, including at sites where sustainable development is harder to achieve.
- 10.8 Notwithstanding the site's constraints and the policy requirements relevant to the wider Housing Allocation site (which, if the application is accepted, would reduce the developable area), it remains the case that there are other key considerations that must be taken into account.

10.9 Firstly, it is noted that the allocated site's indicative capacity is based on a site area of approximately 2.18 hectares and the 35 dwellings per hectare expectation of Local Plan policy LP7 does not take into account site constraints and other considerations. It is considered that the site's topography and access are material constraints on development at the site. These constraints may make it difficult to deliver the full housing density expected at this site.

10.10 Relevant to this application, Local Plan Policy LP7 states that proposals:

d) will allow for access to adjoining undeveloped land so it may subsequently be developed.

The application's Planning Statement states that the intent and purpose of the proposal is to facilitate the development of the wider housing allocation site for Kirklees Council and further information received stated that this application would provide the opportunity to have an additional access route from Windsor Road for the site to be developed for residential use. This would provide, with Main Avenue serving as the second route of access, sufficient access point for future residential development following KC Highways Development Management guidance.

10.11 In light of the above, consideration will therefore need to be given to whether the circumstances of the proposal development constitute material considerations under LP7 and what weight can be attached to the application's purpose and intent while there is no Outline or Full Planning Application to be considered.

10.12 In this instance, the proposal would have existing garages removed outside of the red line site boundary to have an area of land cleared intended to make way for an access route to a future residential development. It would achieve this by erecting seven replacement garages within the red line site boundary intensifying the plot for a row of detached, single storey garages to serve existing residents.

10.13 A development of 7 garages would not be consistent with the site's allocation for housing development and would therefore represent a departure from the development plan. However, in this case, it is important to note that the existing garages are already within site HS156 (the land allocated for housing) and would be replaced by this proposal very close by, still within site HS156.

10.14 Access into site HS156 from Windsor Road is currently constrained by the existing garages and as such their replacement will allow access to be provided from Windsor Road and will therefore facilitate delivery of the housing allocation as a whole.

10.15 Given the above, officers have considered the proposal to not have a detrimental impact on the Housing Allocated Land HS156, and therefore the benefit under paragraph d) of Local Plan Policy LP7 of increasing access to the site would constitute a material planning consideration that outweighs the minor loss of Housing Allocated Land. Thus, this material consideration justifies a departure from the Local Plan.

10.16 Having taken into account the above, it is considered that the proposal in principle would be acceptable, subject to there being no detrimental impact in relation to the other material planning considerations which are assessed in more detail below.

Urban Design issues

10.17 General design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the local area and protect amenity.

10.18 The House Extension and Alterations SPD sets out that outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

10.19 The applicant is seeking permission to erect seven garages which would be interspersed between existing garages within a rationalised plot of land for garaging purposes.

10.20 They would have identical footprints 3.2m width x 6.15m depth with a pitch roof ridge height of 6.7m and eaves 2.15m height from ground level approximately. Construction material and colours would be in a pre-commencement condition to be approved by the Local Planning Authority at a later date to ensure that the visual amenity of the site can be controlled.

10.21 The buildings, as indicated on the proposed plans, would be relatively small in size of their footprint and scale and have their bulk and massing be further made subservient by their placement to the boundary of Jubilee Lane separating the garages from the residential properties.

10.22 They would be set back behind the building line of the terraced properties on Perseverance Street where existing garages are and would not have undue impact on the streetscene.

10.23 The design of the single storey detached garages would be cohesive, forming a pleasing similarity and group value when erected making better use of the land and integrating with the existing garages to form a legible, primarily residentially harmonious area.

10.24 The proposal would retain the current rear private amenity space for the terraced housing on Providence Street and would not have more than 50% of the garden space lost. It would provide secure garaging for its vehicles reducing the risk of crime.

- 10.25 Officers have considered the options of a different layout to that shown on the submitted plans to make more efficient use of the available land for housing development. However, whilst the seven garages would be owned and be linked to local, residential properties, they would not necessarily be linked to those on Perseverance Street and Windsor Road. Therefore, there would be no benefit from an alternative layout that re-positioned the garages adjacent to the rear gardens of the properties to the north. This would have the effect of closing off rear access to Perseverance Street's rear amenity spaces and be detrimental to their private use.
- 10.26 For these reasons given above, subject to the pre-commencement condition on materials, the proposal would be in accordance with Local Plan Policy LP24 Design a), b), c) and e) and the House Extension and Alterations SPD.

Residential Amenity

- 10.27 The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings." to avoid being overbearing.
- 10.28 The nearest residential dwellings to the proposed development, are those located along Jubilee Lane to the northwest being formed in two terraced row blocks of residential housing at No.s 09, 11,13, 15 and No.s 01, 03, 05, 07 Perseverance Street.
- 10.29 In this instance, the erection of seven, single storey and detached garages located approximately 17m distance southeast of the residential properties identified above. They would be in ancillary use to local properties with no additional windows on other elevations and one solid garage style door to each garage. For these reasons, the proposal is not considered to have any material impact upon residential amenity in terms of overshadowing, overlooking, and overbearing.

Landscape issues

- 10.30 The application site itself is flat. The wider Housing Allocated site has land rising from northwest to south and southeast. The site would appear still in use by garages albeit intensified and for these reasons, no detrimental changes to landscape would result.

Housing issues

- 10.31 In this instance, the proposal is to support existing local housing in retaining its off-street parking in garages. This would have a neutral impact on the supply of off-street parking as the removal of 6 garages and one parking space would be replaced by seven garages.

Highway issues

- 10.32 Turning to highway safety, Policy LP21 of the Local Plan has been considered. The policy seeks to ensure that new developments have an acceptable impact on highway safety. The application has also been assessed by the Highways

DM Officer.

- 10.33 Proposed new garages erected would adhere to standard, minimum internal specifications recommended in Manual for Streets and the Kirklees' Highway Design Guide SPD. They would all be suitable for the off-street parking of modern vehicle sizes leading to an improvement in suitable, off-street parking provision.
- 10.34 The provision of garages would in essence re-locate existing garaging/driveway to be used for the safe storage of vehicles to another section of Jubilee Lane. There would be no loss of parking and it would be of neutral impact on the quantum of development to the streetscene. With regard to vehicle parking on balance this would remain the same as existing with improved parking standards which is considered to be acceptable
- 10.35 The HDM Officer raised some concern regarding Plot 2 considering access for modern vehicles however Plot 2 is not proposed to be part of the application as it is an existing plot to be unaltered.
- 10.36 For these reasons set out above, on balance the proposal is considered to have an acceptable impact on highway safety and would accord with Policies LP21 and LP22 of the Local Plan and guidance in the highways design guide.

Drainage issues

- 10.37 No driveways are proposed to be installed. The erection of seven single storey detached garages of a modest footprint are not expected to increase drainage issues. The site is not within a Flood Zone.

Representations

- 10.38 As a result of the above publicity, no representations have been received.

Planning obligations

- 10.39 No planning obligations are required.

Other Matters

Coal Mining Legacy

- 10.40 This site is within a no Coal Risk area and therefore there is no obligation to assess risk further in the interests of public safety

Ecology/Strategic Green Infrastructure Network

- 10.41 The Ecology Officer has been consulted and response will be reported in the agenda update.

Public Right of Way

- 10.42 The PROW Officer has been consulted, the development would take place at a site located further southwest of the PROW and would not be adjacent. There were no objections raised however a footnote was proposed to prevent any undue obstruction of the PROW.

Climate Change

- 10.43 It is considered that the proposed development would not have a significant negative impact in the context of the climate change emergency. The new single storey garages would be sufficiently robust structures for its intended use. The construction materials are yet to be determined by the residents so they cannot be assessed for their contribution or impact to climate change.

While there would be no additional landscaping or planting as part of this application, the existing trees outside the site boundary further south would not be removed within this application. In summary, it is considered that the small-scale scheme would have neutral impact on climate change on balance and provides sufficient opportunity to meet the dimensions of sustainable development.

11.0 CONCLUSION

- 11.1 The application site is within a wider designated Housing Allocation in the Kirklees Local Plan and therefore proposed development would be contrary to Policy LP65. However, it is considered that there are material considerations which outweigh the development's harm and justify a departure from the Local Plan. These material considerations consist of a recognised need for improved access to unlock future housing development, which would accord with Policy LP7 of the KLP and Paragraph 68 of the NPPF 2021.

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

- 1. Three years to commence development.**
- 2. Approved plans and documents.**
- 3. Pre-commencement condition on materials and colour to be approved by the Local Planning Authority before construction.**

Background Papers:

Application and history files.

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93911+>

Certificate of Ownership – Certificate A has been signed.