

# Public Document Pack



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

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Wednesday 3 May 2023

## 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 11 May 2023**.

(A coach will depart the Town Hall, at 09:45 am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber)

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 Member of the Strategic Planning Committee cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

### **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  
M Kaushik E Firth  
T Hawkins

#### **Liberal Democrat**

A Munro  
PA Davies  
J Lawson  
A Marchington

# Agenda

## Reports or Explanatory Notes Attached

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Pages

**1: Membership of the Committee**

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

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**2: Minutes of the Previous Meeting**

1 - 8

To approve the Minutes of the meetings of the Committee held on 15 March 2023 and 6 April 2023.

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**3: Declaration of Interests and Lobbying**

9 - 10

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

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**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.

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**5: Public Question Time**

To receive any public questions.

In accordance with Council Procedure Rule 11 (5), the period for the asking and answering of public questions shall not exceed 15 minutes.

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## **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.

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## **7: Site Visit - Application No: 2021/93006**

Conversion of existing barn to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area) Yew Tree Farm, The Village, Farnley Tyas, Huddersfield.

(Estimated time of arrival at site 10:00 am)

Contact: Katie Chew, Planning Services

Ward(s) affected: Kirkburton

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## **8: Site Visit - Application No: 2021/94061**

Reserved matters application pursuant to outline permission 2022/91849 for variation condition 21 (highways and occupation) on previous permission 2021/94060 for 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) to include the discharge of conditions 17 (site investigations), 29 (Noise attenuation) and 31 (electric vehicle charging points) Former North Bierley Waste Water Treatment Works, Oakenshaw.

(Estimated time of arrival at site 11:00 am)

Contact: Nick Hirst, Planning Services.

Ward(s) affected: Cleckheaton.

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## **9: Site Visit - Application No: 2021/94208**

Outline application for re-development of former waste water treatment works, including demolition of existing structures to provide employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8) Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Oakenshaw.

(Estimated time of arrival at site 11:00 am)

Contact: Nick Hirst, Planning Services.

Ward(s) affected: Cleckheaton.

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## **10: Planning Applications**

11 - 12

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

Please note that any members of the public who wish to speak at the meeting must register to speak by no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on Tuesday 9 May 2023.

To pre-register, please email [governance.planning@kirklees.gov.uk](mailto:governance.planning@kirklees.gov.uk) or phone Richard Dunne or Andrea Woodside on 01484 221000 (Extension 74995 or 74993).

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

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

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## **11: Planning Application - Application No: 2021/93006**

13 - 76

Conversion of existing barn to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area), Yew Tree Farm, The Village, Farnley Tyas, Huddersfield.

Contact: Katie Chew, Planning Services

Ward(s) affected: Kirkburton.

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**12: Planning Application - Application No: 2021/94061**

77 - 96

Reserved matters application pursuant to outline permission 2022/91849 for variation condition 21 (highways and occupation) on previous permission 2021/94060 for 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) to include the discharge of conditions 17 (site investigations), 29 (Noise attenuation) and 31 (electric vehicle charging points) Former North Bierley Waste Water Treatment Works, Oakenshaw.

Contact: Nick Hirst, Planning Services.

Ward(s) affected: Cleckheaton.

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**13: Planning Application - Application No: 2021/94208**

97 - 138

Outline application for re-development of former waste water treatment works, including demolition of existing structures to provide employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8) Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Oakenshaw.

Contact: Nick Hirst, Planning Services.

Ward(s) affected: Cleckheaton.

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**14: Planning Application - Application No: 2022/93932**

139 -  
162

Change of use of Crown House to provide student-only living accommodation (sui generis) in the form of studios (198), with ancillary concierge and communal facilities including an open plan lounge, coffee bar and gym at groundfloor, with laundry, car parking, cycle store, parcel store and plant rooms at basement level and associated works including the installation of new cladding and fenestration to the elevations with a new roof garden atop the building Crown House, 12, Southgate, Huddersfield.

Contact: Nick Hirst, Planning Services.

Ward(s) affected: Dalton.

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**Planning Update**

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

Contact Officer: Sheila Dykes

## KIRKLEES COUNCIL

### STRATEGIC PLANNING COMMITTEE

**Wednesday 15th March 2023**

Present: Councillor Steve Hall (Chair)  
Councillor Bill Armer  
Councillor Tyler Hawkins  
Councillor James Homewood  
Councillor Carole Pattison  
Councillor Andrew Pinnock  
Councillor Mark Thompson

Apologies: Councillor Davies and Sokhal

**1 Membership of the Committee**

Councillor Hawkins attended for Councillor Davies and Councillor Homewood attended for Councillor Sokhal.

**2 Declaration of Interests and Lobbying**

Councillors Armer, Hall, Hawkins, Homewood, Pattison, Pinnock and Thompson advised that they had been lobbied in respect of Application 2021/92603.

**3 Admission of the Public**

All items were considered in public session.

**4 Deputations/Petitions**

No deputations or petitions were received.

**5 Public Question Time**

No questions were asked.

**6 Planning Application - Application No: 2021/92603**

The Committee considered Application 2021/92603 in respect of the erection of a storage and distribution unit (Use Class B8) with ancillary offices, car parking, servicing, landscaping and access at land west of the M62, south of Whitehall Road, Cleckheaton.

It was noted that site visits had taken place on Tuesday 14<sup>th</sup> March and Wednesday 15<sup>th</sup> March 2023.

Under the provisions of Council Procedure Rule 36(3), the Committee received representations from Councillor Kath Pinnock, Councillor John Lawson, Councillor Elizabeth Smaje and Councillor Andrew Cooper.

## Strategic Planning Committee - 15 March 2023

Under the provisions of Council Procedure Rule 37, the Committee received representations from Kim Leadbeater MP, Bradford Councillor Sarah Ferriby, Nicola Gatenby, Dar Shivtiel, Ian Abbott, Alison Abbott, Judith Johnston, Max Rathmell, Matthew Beardsworth, Sharon Lewis, Barry Lewis, Ciaran Lewis, Bill Blackledge and Nick Willock (in objection) and David Benfell, Sally Miles, Ian Dix, Nigel Mann, Brett Coles and Neil Travis (on behalf of the applicant).

### **Resolved –**

That the application be refused for the following reasons:

1. The design does not respect and protect the landscape character of the area and is therefore contrary to Policy LP32 of the Kirklees Local Plan and Paragraph 174 of the National Planning Policy Framework.
2. The proposal is contrary to the principles of Policy LP64 of the Kirklees Local Plan due to the size of the development.
3. There would be an unacceptable adverse impact on residential amenity, including local air quality (contrary to Policy LP51 of the Kirklees Local Plan), as a result of the size and scale of the development and the lack of a sufficient buffer zone to the houses on Whitechapel Road.
4. There would be an unacceptable adverse impact on the amenity of the adjacent cemetery.
5. There would be an unacceptable adverse impact on the local highway network.
6. A masterplan was not produced in accordance with the requirements of Policy LP5 of the Kirklees Local Plan.
7. A bio-diversity net gain cannot be achieved on the site or within the vicinity.

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

For: Councillors Armer, Hawkins, Pinnock and Thompson (4 votes)

Against: Councillors Hall, Homewood and Pattison (3 votes)



Contact Officer: Richard Dunne

## KIRKLEES COUNCIL

### STRATEGIC PLANNING COMMITTEE

**Thursday 6th April 2023**

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

Apologies: Councillor Mohan Sokhal

**1 Membership of the Committee**

Apologies were received from Councillor Mohan Sokhal.

**2 Minutes of the Previous Meeting**

The minutes of the meeting held on 2 March 2023 were approved as a correct record.

**3 Declaration of Interests and Lobbying**

Councillors A Pinnock, Armer and S Hall declared that they had been lobbied on application 2022/91735.

Councillors A Pinnock and S Hall declared that they had been lobbied on application 2021/93567.

**4 Admission of the Public**

All items on the agenda were taken in public session.

**5 Deputations/Petitions**

No Deputations or petitions were received.

**6 Site Visit - Application No: 2021/93567**

Site visit was not undertaken due to time constraints.

**7 Site Visit - Application No: 2022/91735**

Site visit undertaken.

**8 Planning Applications**

The following applications were considered.

**9 Planning Application - Application No: 2022/91735**

The Committee gave consideration to Planning Application 2022/91735 Outline application, with access and layout, for the erection of 80 dwellings and associated work Land off, Hermitage Park, Lepton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Steven Noble, David Ward, Maria Carthy (objectors) and Mark Johnson (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36(3) the Committee received representations from Councillors Alison Munro, Bernard McGuin and Paola Davies (ward members).

**RESOLVED –**

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

1. Complete the list of conditions including those contained within the considered report and the planning update, as set out below:

1. Reserved Matters submission and timeframes.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Notwithstanding submitted details, Reserved Matters of Landscape and Scale to include finished floor levels plan.
4. Condition for Construction Environmental Management Plan (C(E)MP).
5. foul water pumping station noise limited to background level.
6. Penistone Road / Rowley Lane improvements to be provided.
7. Rowley Lane / Hermitage Park improvements to be provided.
8. Details of barrier / method of preventing through traffic to phase 3.
9. Technical specifications of internal access road.
10. Construction Management Plan (CMP).
11. Cycle storage details per unit.
12. Reserved Matter (Landscape) to include treatment of PROW KIR/85/10 details.
13. Private drive communal bin stores to be provided.
14. Phases waste collection strategy.
15. Full technical details of the proposed swale to be provided.
16. Full technical details of surface water drainage system to be provided.
17. Surface water flood routing plan to be provided and implemented.
18. Details of temporary surface water drainage to be provided.
19. Development to be done in accordance with Tree Protection Plan.
20. Ecological Design Strategy to be provided.
21. Details of boundary treatment between site and Lepton Great Wood to be provided at Reserved Matters (landscape) stage.
22. Construction Environmental Management Plan: Ecology (CEMP: Biodiversity) to be provided.
23. Details of landscape to include lighting and crime mitigation strategy.
24. EVCP, 1 per dwelling.
25. Development done in accordance with proposed Dust Mitigation Strategies.

## Strategic Planning Committee - 6 April 2023

26. Contaminated Land Investigation (Phase 2, Remediation, Validation stages).
27. Coal legacy mitigation works.
28. Landscape details to be in accordance with approved Public Open Space plan.

Planning update:

Following the outcome of a Stage 1 Road Safety Audit on the proposed Rowley Lane / Hermitage Park junction improvements, the proposal has been amended to include the provision of parking restrictions (yellow lining) on the junction radii. This would prevent vehicle parking affecting the sightlines. These proposals would be secured via condition but would also be subject to separate Traffic Regulation Order process that involves its own public consultation and assessment.

It has been raised by residents and ward members that the applicant's Ecological Impact Assessment does not include consideration of the impacts of the proposed highway improvement works at the Hermitage Park and Rowley Lane junction. To secure the required sightlines, the clearance of vegetation and regrading are proposed within a wooded area adjacent the highway.

It is proposed that the condition requiring the full technical details of the improvement works include an Ecological Impact Assessment. Ultimately, this will ensure the most up to date surveys (if required) are undertaken and inform the appropriate design features and/or mitigation. Given the small size of the area and its proximity to the highway, there is no reasonable grounds of prohibitive issues being raised.

2. Secure a section 106 agreement to cover the following matters:

- a) Affordable Housing: 16 units (20%) to consist of nine Affordable Rent (55%) and seven Intermediate Dwellings (45%), including four First Homes (25%).
- b) Open space off-site contribution: Delivery of on-site Public Open Space (amenity green space, natural and semi-natural green space, and parks and recreation) and an off-site contribution of £72,724, unless updated at Reserved Matters (Landscape) stage.
- c) Education: £225,821 towards education requirements arising from the development.
- d) Metro / sustainable travel: £50,920 towards Sustainable Travel measures (including £40,920 for MetroCard's and £10,000 towards Travel Plan Monitoring).
- e) Access to Masterplan Phase 3/4: £422,224 with overage clause if the identified cost is exceeded.
- f) Management and maintenance: Management and maintenance of on-site Public Open Space in perpetuity, drainage features in perpetuity (unless adopted by Yorkshire Water), and Biodiversity Net Gain measures for a minimum of 30 years.

## Strategic Planning Committee - 6 April 2023

g) Footpath: Maintenance of public access to footpath along diverted claimed footpath route in perpetuity.

3. 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 and, if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

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

For: Councillors Paul Davies, S Hall, Pattison and Thompson (4 votes)

Against: Councillors Armer and A Pinnock (2 votes).

### 10 **Planning Application - Application No: 2021/93567**

The Committee gave consideration to Planning Application 2021/93567 Erection of 180 dwellings with associated works Land off, Westgate, Cleckheaton.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Matthew Heskith (on behalf of the applicant).

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

### **RESOLVED –**

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

1. complete the list of conditions, including those contained within the report and the planning update, as set out below:
  1. Three years to commence development.
  2. Development to be carried out in accordance with the approved plans and specifications.
  3. Material samples to be provided for approval.
  4. Notwithstanding submitted details, plots 1 – 4 and 179 – 180 to be faced in natural stone.
  5. Retaining wall materials to be submitted and approved.
  6. Full technical landscaping strategy to be provided, to include assessment of avoiding potential tree impacts upon subterranean water infrastructure.
  7. Technical details of street tree planting to be provided.
  8. Construction Environmental Management Plan (C(E)MP).
  9. Details of the Local Equipped Area of Play to be provided, approved, and implemented.
  10. Acoustic Mitigation Measures to be implemented.

## Strategic Planning Committee - 6 April 2023

11. Details of Ventilation Systems, for units with acoustic mitigation, to be provided and implemented.
  12. Parking spaces, both dwelling and visitor, to be provided.
  13. Waste collection points for shared drives to be provided.
  14. Details and implementation of improvements to x2 Zebra Crossings on Westgate.
  15. Details of cycle storage, per unit, to be provided.
  16. Phased delivery waste management strategy.
  17. Construction Management Plan (CMP).
  18. Development done in accordance with FRA climate change mitigation measures.
  19. Watercourse assessment of Blacup Beck.
  20. Drainage strategy details to be submitted and approved.
  21. Flood routing details to be submitted and approved.
  22. Temporary drainage arrangements during construction.
  23. No development to commence until a strategy for the protection and/or diversion of public sewers, to include the provision of appropriate stand-off distances, has been submitted and
  24. Detail and provision of connection points onto PROW SPE/93/20 (Brick Street) and Quarry Road.
  25. 1 EVCP per dwelling.
  26. Development done in accordance with Dust Mitigation Measures.
  27. Details of acoustic fencing for gardens to be provided and implemented.
  28. Contaminated Land Investigation (Phase 2, Remediation, Validation stages).
  29. Ecological Design Strategy (EDS) to be provided.
  30. Construction Management Plan: Ecology (CMP: Ecology).
  31. Invasive Species Protocol.
2. Secure a section 106 agreement to cover the following matters:
- a) Affordable Housing: 9 First Homes and 3 Affordable Homes (6.6% of total units).
  - b) Open space off-site contribution: £59,770.28.
  - c) Metro enhancements: £33,000 towards bus stop improvements.
  - d) Sustainable Travel: £10,000 towards travel plan monitoring.
  - e) Biodiversity: £199,916 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified.
  - f) Management and maintenance: POS, drainage (including culverts), and ecological features.
  - g) Viability Review Mechanism: An updated viability report to be provided to the LPA at 50% occupation, with additional Section 106 obligation to be provided in the event that a higher-than-expected profit is achieved

## Strategic Planning Committee - 6 April 2023

It was noted that the Committee requested that the funds allocated to obligations b, c and d above be redirected to Education Provision as per the relevant KC Education Consultation Response.

3. 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 and, if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

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

For: Councillors Armer, Paul Davies, S Hall, Pattison, A Pinnock and Thompson (6 votes)

Against: (0 votes).

<p><b>KIRKLEES COUNCIL</b></p> <p><b>DECLARATION OF INTERESTS AND LOBBYING</b></p> <p>Strategic Planning Committee</p>			
<b>Name of Councillor</b>			
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 27<sup>th</sup> 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 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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.**

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## Report of the Head of Planning and Development

### STRATEGIC PLANNING COMMITTEE

Date: 11-May-2023

**Subject: Planning Application 2021/93006 Conversion of existing barn to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area)**

**Yew Tree Farm, The Village, Farnley Tyas, Huddersfield, HD4 6UQ**

#### APPLICANT

Radcliffe

Developments(Farnley)Ltd

#### DATE VALID

27-Jul-2021

#### TARGET DATE

26-Oct-2021

#### EXTENSION EXPIRY DATE

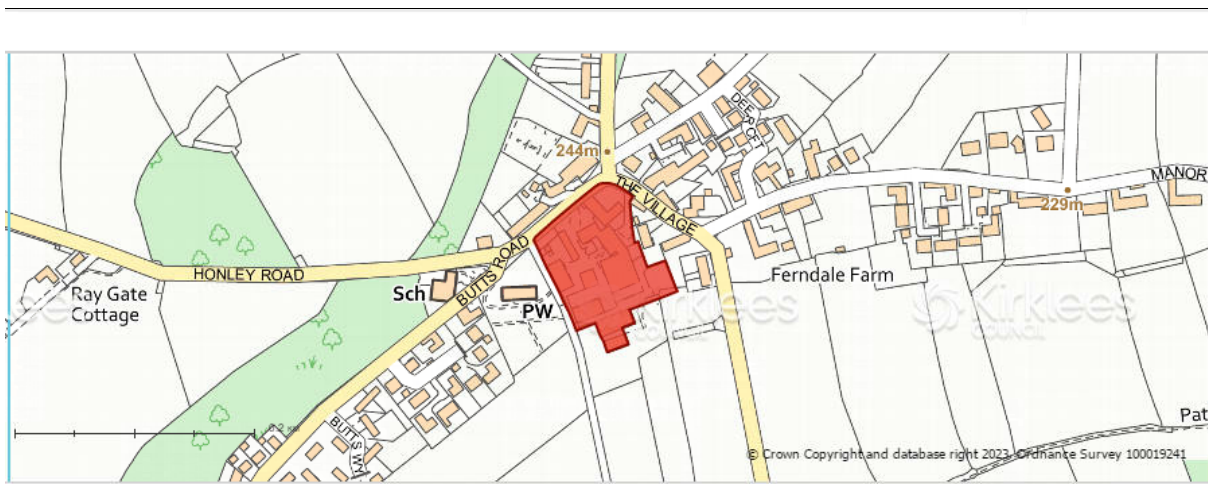
26-May-2023

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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**

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**Electoral wards affected: Kirkburton**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**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 – Two affordable housing units (both to be intermediate/first homes) to be provided in perpetuity.
2. Open Space – £31,289 off-site contribution, and 285sqm on site contribution to the front of the site adjacent to the existing substation.
3. Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
4. Management agreement for the private road

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

**1.0 INTRODUCTION:**

- 1.1 This is an application for full planning permission (reference 2021/93006) for the conversion of existing barn to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works at Yew Tree Farm, 63, The Village, Farnley Tyas, Huddersfield, HD4 6UQ.
- 1.2 The application is brought to Strategic Planning Committee for determination in accordance with the Council's Scheme of Delegation for the following reasons. The planning application would represent a departure from the Local Plan due to a small part of the site being within the Green Belt and requests from ward members Councillors Armer, Taylor and Smith for the application to be called into planning committee (including a site visit), should officers seek to move forward with a recommendation of approval. Also a significant level of local representations has been received in response to the proposal during the consultation period.
- 1.3 The Chair of Strategic Planning Committee has accepted the reasons for making this request as valid having regard to the Councillor's Protocol for Planning Committees.

## 2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to Yew Tree Farm, 63, The Village, Farnley Tyas, Huddersfield, HD4 6UQ.
- 2.2 The application site measures approximately 0.87ha and is located within the centre of Farnley Tyas village, accessed via The Village to the north. The site comprises of a number of vacant agricultural buildings alongside 3 residential properties that are to be retained and do not fall within the proposed application. Within the site there are also 3 mature trees which are covered by a Tree Preservation Order.
- 2.3 Beyond the site boundaries to the south are open and undeveloped agricultural fields. To the north are residential dwellings and the Golden Cock Public House. To the east there are further residential dwellings, and immediately to the west is St Lucius Church a Grade II Listed Building and Public Right of Way KIR/59/10.
- 2.4 The majority of the application site is located within Farnley Tyas Conservation Area and comprises of a number of Grade II Listed Buildings. The site is also in close proximity to numerous other Listed Buildings within the village.
- 2.5 The Listing Descriptions are as follows:

### **Number 65 and Adjoining Barn**

*'159/5/121 THE VILLAGE 16-MAY-84 FARNLEY TYAS 65 NUMBER 65 AND ADJOINING BARN II Weaver's house and adjoining barn, part of a farm group. Early to mid C19 though of C17 or early C18 origin Hammer dressed stone. Stone slate roof with two ashlar stacks and moulded stone brackets to gutter. Two storeys.*

*The house has an entrance to the right and a 5-light window to the left, with one blocked light. To the 1st floor is one 8-light window with 2 blocked lights. The rear of the house has large paired lights, and at basement level, one 2-light double chamfered window. The gable end has an entrance, one ground floor single light, and a first floor 2-light window, as well as a partly blocked taking-in-door to the 1st floor, and one 3-light window at attic level.*

*The first floor taking-in-door of the house is partly blocked by the roof of a single storey lean-to, with coursed dressed rubble walls, large quoins and a stone slate roof. It runs from half way along the gable end of the house to beyond the front wall and has entrances at the side, front and at a lower level to the rear facing the back garden. There is a 2-light window adjacent to the side door and several other openings, some altered.*

*The barn has large central carriage entrance to the front with an elliptical arch, and small doors to the left and right (one blocked). The rear of the barn has one 3-light double chamfered window, blocked, and a central C19 threshing door.*

*REASONS FOR DESIGNATION DECISION No 65 The Village and adjoining barn are designated for the following principal reasons: \* The buildings have their origins in the seventeenth or early eighteenth century \* The changes the buildings have undergone demonstrate the evolution of the farmstead in which they stand \* They retain a large number of original features both externally and internally, including roof joinery in the barn, and original windows and entrances \* They are demonstrative of the local vernacular, and of local industry in the presence of weavers' windows on the house'.*

## **Former Dairy**

*'KIRKBURTON*

*159/0/10022 THE VILLAGE 09-APR-08 FARNLEY TYAS (Off) FORMER DAIRY*

*GV II Barn, c.1672, in coursed dressed rubble with corrugated roof.*

*PLAN: the building has 3 main elements, the largest of 3 bays to the south. A single bay to the north is stepped back from the east front and another to the north again is narrower still. Internally, the eastern side at the north end is divided off from the main building. It is single storey and open to the roof structure throughout.*

*EXTERIOR: the east elevation has from the left a single light with a lintel wider than the window, a blocked former entrance, 2 adjacent windows divided by a stone mullion, set in a former wide entrance with large quoins on the jambs, a small blocked entrance and a single window under the eaves. To the right the front is stepped back and this section contains an entrance door with a small window to either side having a round-arched lintel formed from a single, square-topped stone and wide jambs and cill, each a single stone. To the right is a third window in the same style. To the right the building is stepped back again. This section contains a window in a partly blocked entrance, with a heavy truncated pyramid shaped lintel with a worn inscription. The letters WP and GRM are visible, and a date of 1672 set inside an incised line. There is also a later window. The west elevation has a 4-light window with splayed mullions, blocked, towards the north end, and an entrance door. Both south and north elevations have wide entrance doors, and the north elevation has some large boulders incorporated into the structure at the lower right corner.*

*INTERIOR: the roof structure is queen strut construction and nineteenth century, with frequent roof lights in the modern roof covering. The building is fitted out as a milking parlour with concrete floors and fittings, which is not of interest. One of the small arched windows to the left of the door is blocked internally.*

*SETTING: the building is one of a group of agricultural buildings including barns and dwellings, spread around a plot in the centre of the village of Farnley Tyaas, and including a house and adjoining barn already listed, a further barn dated to 1671 and a group of farm cottages.*

*HISTORY: The date stone of 1672 is worn and unclear, but the date accords with other buildings in the vicinity, notably a barn immediately to the north which has a clear date of 1671 which is enclosed in a very similar incised line. The style of the date stone and the original window openings also accord with a late seventeenth century date. The building is shown on the First Edition OS map of 1854, though its exact form is unclear. The northern half at least was in use as dwellings in the early twentieth century. It was fitted out for use as a milking parlour and dairy in the later twentieth century and is presently unused.*

*REASONS FOR DESIGNATION DECISION The former dairy at The Village, Farnley Tyas, is designated at Grade II for the following principal reasons: \* It is dated to 1672 by a dated lintel \* It has a number of other early features including round arched windows and splayed mullion windows \* Despite alterations and losses, it retains a number of features of special interest and is reasonably intact \* It is one of a group of early farm buildings in the farmstead which provide evidence of prosperity and growth at this period in the history of the region'.*

### **Barn at Yew Tree Farm**

**'KIRKBURTON**

*159/0/10020 THE VILLAGE 09-APR-08 Farnley Tyas BARN AT YEW TREE FARM GV II Barn, 1671 with later additions. Built of partly coursed rubble with a slate roof.*

*PLAN: The main body of the barn is two storey and has 4 bays, with a narrow recessed bay at the south end which is stone slated with a mono-pitch roof rising to the ridge line on the west side of the barn.*

*EXTERIOR: The main front of the barn (east facing) has a central tall arched cart entrance with a semi-circular dovecote flight hole above with a projecting stone cill. To the right is a 3-light wooden framed window and a door, then a small square window and a further door. To the left is another window, obscured by vegetation. At first floor level are 3 pitching eyes, one to the left and two to the right of the cart entrance. At the left end is a further attached building set back from the main front, with a Tudor-arch doorway and adjacent window. The stone lintel of the doorway has a date of 1671 and the initials IS within an incised border. Above is another window. The building at this end is partly overlapped by an adjoining cottage. The north-west gable end of the barn faces the road and has 3 ground floor wooden framed 3-light windows. At the right side is an extension with a continuous catslide roof from the main roof, but with a butt joint to the main building. This has a single window and doorway. The main barn has large quoins at the corners. The south-west face of the barn has a single storey extension to the left end with a small window high on the right return. A lean-to extension to the right has stone walls to each side, a corrugated asbestos roof supported on a central brick pillar and an open front. Between the two extensions is a 3-light wood framed window at ground floor level and an opening at first floor level with wooden shutters. There are also 2 ventilation slits at different levels. To the right is a separate section with stone slate roof and a doorway. There is a truncated chimney stack at the ridge end, and evidence of another, lower building that formerly extended to the front alongside the extant lean-to. At this end, the barn abuts the cottage to the right.*

*INTERIOR: The trusses are king post and of relatively recent origin, as are the rafters and roof lining. The section to the south is divided internally from the main barn, as are the extensions on the west side.*

*SETTING: The barn is set among a group of agricultural buildings and farm cottages loosely scattered across a large corner plot in the centre of the village of Farnley Tyas.*

*HISTORY: The date of 1671 on the lintel of a doorway at the southern end of the barn is consistent with its appearance: the stone slate roof probably formerly extended over the whole barn. The 1854 OS map shows an extension on the west side which may be the extant open-fronted lean-to, and later maps show the extension at the north end of the west side and further buildings, now gone, at both the southern and northern ends of the barn.*

*REASONS FOR DESIGNATION DECISION The barn at Yew Tree Farm is designated at Grade II for the following principal reasons: \* It carries a dated lintel over a doorway of 1671 \* It retains a number of original features of interest, including an unaltered cart entrance and a number of circular pitching windows, indicative of its period and distinctive of its region \* It has suffered from relatively little alteration \* The domestic character of the southern end is of interest for its evidence of earlier living patterns on the farmstead \* It is one of a group of early farm buildings in the farmstead which provide evidence of prosperity and growth at this period in the history of the region’.*

### **3.0 PROPOSAL:**

- 3.1 The application seeks planning permission for the conversion of existing barns to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area).

**Officer note:** It is important to note that separate applications for Listed Building Consent (app ref: 2021/93007) and for the demolition of agricultural buildings within the Conservation Area (2021/92969) accompany this application. The demolition application covers the removal of the more modern agricultural buildings to the south of the site, which are located within the Conservation Area (2021/92969). The Listed Building Consent applications cover any demolition/conversion/alterations proposed to Listed or curtilage Listed Buildings. Under the Council’s Scheme of Delegation these applications would be dealt with under delegated powers.

- 3.2 The development would consist of a series of two-storey dwellings of varying house types. The majority of dwellings are to be detached, but some semi-detached and terraced properties are also proposed in the form of the converted barns (plots 1-8). The proposals will form a new cul-de-sac whereby several existing agricultural structures are to be demolished to facilitate the development.
- 3.3 The dwellings are to be constructed from tumbled and dyed Yorkshire walling stone with stone slate roof tiles in the colour buff. Boundary treatments include a mix of estate railings, dry stone walling and back-to-back timber fencing. Indian stone paving (in Green/Grey) and block paving (in Harvest and Grey) are to be used throughout.
- 3.4 The proposals seek to construct a new and widened access from The Village to the north, with the existing access to be blocked up. Parking provision for each dwelling house is either in the form of private driveways, parking space allocation, or garage/car port. Visitor parking has been provided throughout the site, although just 3 spaces are accessible to all visitors to the front of the site.



#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 2021/93007 – Listed Building Consent for conversion of existing barn to form 8 dwellings, erection of 10 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area). Pending Consideration.
- 4.2 2021/92969 – Demolition of agricultural buildings (within a Conservation Area). Pending Consideration.
- 4.3 2013/91988 – Formation of new farm access and erection of agricultural buildings. Approved 28<sup>th</sup> February 2014.
- 4.4 2013/91045 – Formation of new farm access and erection of agricultural buildings. Invalid 21<sup>st</sup> June 2013.
- 4.5 2012/93224 – Prior notification for erection of agricultural building. Invalid 8<sup>th</sup> November 2012.
- 4.6 93/01971 – Erection of cattle houses. Approved 21<sup>st</sup> June 1993.

#### Pre-application Advice

- 4.7 2018/20336 – Conversion of existing barn to dwellings and erection of 10 no. at Yew Tree Farm, 68 The Village, Farnley Tyas.
- 4.8 The pre-application advice outlined that 9 new dwellings were to be created within the converted barn and 10 new dwellings were to be provided on land to the rear of the barn with existing agricultural structures removed. The site was to be accessed from Butts Road and a cul-de-sac arrangement would be adopted. The proposal also included the demolition of a curtilage listed building and its re-building in a set-back position within the site.
- 4.9 The officer concluded that the provision for a lower density at the site would be acceptable given the existing site constraints and that the Green Belt abuts the rear boundary. It was highlighted that any future proposals should provide a mix (size and tenure) of housing suitable for different household types. Community consultation was also encouraged given that any future scheme would constitute major development.
- 4.10 Given the sensitive nature of the application site and the proposed works, the Council's Conservation Officer required further details of the works required and further justification for the demolition of the curtilage listed building, this is to be clearly set out within the submitted heritage statement in relation to Policy LP35 of the KLP and Chapter 16 of the NPPF and why this is necessary to facilitate the development of the site. The C&D officer requested that the new dwellings should be of a traditional farm style, which could incorporate some contemporary elements of design. Natural stone was highlighted as being the most appropriate facing material. It was also noted that development proposals should limit the bulk and massing on the PROW to the west and that development should be pulled back to the south away from the Green Belt boundary. Furthermore, it was noted that some of the dwellings had a very limited amenity space relative to their scale, this would need to be addressed prior to the submission of a full application and come be overcome by reducing

the footprint of some of the dwellings of their outbuildings accordingly. In addition, as the development is closely knit, consideration would need to be given to designing out any potential overlooking to adjacent gardens (both of existing dwellings and proposed) by paying close attention to the locations of habitable room windows within dwellings.

- 4.11 With regards to other matters, Environmental Health concluded that as a minimum a Phase 1 contaminated land report would be required, alongside the use of electric vehicle charging points to accord with the NPPF's aims of promoting sustainable transport methods and the aims of the West Yorkshire Low Emissions Strategy. Ecology officers requested the submission of suitable ecological information to allow the ecological constraints of the site to be understood and to comply with Policy LP30 of the Kirklees Local Plan. Moving on to trees, as there are protected and mature trees on the site, these should be retained as part of any development scheme and the submission of an arboricultural method statement was requested.
- 4.12 In terms of planning contributions, 20% of the dwellings on site should be affordable housing although as the site contains vacant buildings, it may be that the applicant may be entitled to vacant building credit. The onus is on the developer to demonstrate how vacant credit may be applicable within their development site. In terms of drainage, a plan should be submitted to manage the risk of flooding to nearby properties and land and to protect watercourses from pollution. An analysis of flood routing for the site layout should also be included, as well as a detailed maintenance plan including access and safety so that it can be enforced against under non-compliance. Finally, the proposed development would need to provide Public Open Space in accordance with Policy LP63 of the Kirklees Local Plan, should it be provided on site, details of its maintenance and management would need to be secured as part of a S106 agreement.

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

- 5.1 A formal pre-application enquiry (Reference: 2018/20336) was submitted in August 2018 for the conversion of existing barn to dwellings and erection of 10 no. new dwellings at Yew Tree Farm, 68 The Village, Farnley Tyas. A summary of the conclusions drawn from this pre-application enquiry is provided within the planning history section of this report.
- 5.2 Following advice provided within the above pre-application letter, the applicant sought to submit the below planning applications in July 2021.

2021/93006 – Full planning permission for conversion of existing barn to form 8 dwellings, erection of 10 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area).

2021/93007 – Listed Building Consent for conversion of existing barn to form 8 dwellings, erection of 10 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area).

2021/92969 – Demolition of agricultural buildings (within a Conservation Area).

5.3 Following a number of discussions throughout the lifetime of these planning applications, as well as a site meeting which was undertaken on the 28<sup>th</sup> of July 2022 and was attended by Case Officer, Conservation & Design Officer, Heritage Consultant, Applicant, Agent and applicant's architect, numerous new, amended or corrected documents have been submitted to the Council which included revisions made to the layout, design, number of dwellings proposed (reduced to 9 new builds), access, retention of TPO trees, materials, boundary treatments, as well as other tweaks to the scheme.

## **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<sup>th</sup> February 2019).

### Kirklees Local Plan (2019):

6.2 The application site includes most of housing allocation HS198, but also extends into adjacent Green Belt land to the south.

6.3 Housing allocation HS198 relates to 0.72 hectares (gross) / 0.48 hectares (net), the existing dwellings have been removed from the developable area, these are located to the north of the site (mostly listed buildings). The housing allocation sets out an indicative housing capacity for 16 dwellings, and identifies the following constraints:

- Third party land required to achieve sufficient visibility splays
- Site contains listed buildings and is in close proximity to others
- Site is within a Conservation Area
- Site is an area that affects the setting of Castle Hill

6.4 Relevant Local Plan Policies are:

**LP1 – Achieving Sustainable Development**

**LP2 – Place Shaping**

**LP3 – Location of New Development**

**LP4 – Providing Infrastructure**

**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 & Geodiversity**

**LP32 - Landscape**

**LP33 - Trees**

**LP35 – Historic Environment**

**LP47 – Healthy, Active and Safe Lifestyles**

**LP49 – Education and Health Care Needs**

- LP51 – Protection and Improvement of Local Air Quality**
- LP52 – Protection and Improvement of Environmental Quality**
- LP53 – Contaminated and Unstable Land**
- LP58 – Garden Extensions**
- LP63 – New Open Space**
- LP65 – Housing Allocations**

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

*Supplementary Planning Documents*

- Kirklees Highway Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)

*Guidance Documents*

- Providing for Education Needs Generated by New Housing (2012)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Kirklees Housing Strategy (2018)
- Green Street Principles (2017)
- Waste Management Design Guide for New Developments (2020)
- Visibility Guidance Note (2020)
- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- 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)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Planning Polices and Guidance:

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

6.7 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision Making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting health 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 materials

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

6.9 Other relevant national guidance and documents include:

- National Design Guide (2019)
- Technical Housing Standards – nationally described space standard (2015, updated 2016)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

### Climate change

6.10 The council approved Climate Emergency measures at its meeting of full Council on 16<sup>th</sup> 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.

6.11 On 12<sup>th</sup> 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 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.

## **7.0 PUBLIC/LOCAL RESPONSE:**

### *Public Representation*

7.1 The application has been advertised as a major development, located within a Conservation Area, impacting on the setting of Listed Buildings and a Public Right of Way. The application is also a departure from the Local Plan. The application has been advertised by site notices, local press and letters delivered to the addresses of adjacent neighbouring properties.

- 7.2 52 representations were received. 46 of these were in objection to the scheme and 6 were general comments. It is acknowledged 2 of the objections are from the same objector, 3 are from another objector, 4 are from another objector, 2 are from another objector. Therefore, the total amount of objections received is more relative to 39. Objections and comments are summarised below.

Trees/Ecology

- As a village we have planted several hundred of trees in the area to improve the community asset and it breaks our heart when mature and healthy trees are destroyed.
- Concerns in respect to adjacent protected trees within the church yard. The same care and attention should be afforded to all trees both on the outside and within the site. The site traffic may run over the root protection areas of these trees which are situated close to the boundary wall of the site. compaction and disturbance of the underlying soil could lead to root asphyxiation and damage.
- How can T1 be removed without significant damage to the root system of T2 which is subject to a TPO.
- Whilst it is acknowledged that the developer is proposing to plant some new small trees, there aren't any calculations to compare the carbon capture of these large mature trees with the small replacements.
- Whilst bat boxes are proposed throughout the development, how did the developer choose which one was to be used?
- If a bat survey has been undertaken this should be made public.
- The removal of the two protected sycamore trees will have a detrimental impact on the visual aspect of the village when approaching it.
- In this time of a climate emergency, trees which store more carbon should not be unnecessarily removed.
- The proposed dwellings adjacent to the western boundary are too close to the trees which are located within the neighbouring church grounds. These trees are also protected and are prominent features of the locality, contributing to the local setting and character of the Conservation Area. The proposed development will have an adverse impact on these trees encroaching into their root protection areas and resulting in long term pressures to fell or excessively prune these trees.
- The survey by JCA Consultants notes T1 and T4 as being Category B trees.
- The submitted bat survey noted that there was no evidence of the bats roosting within the farms Listed buildings however, the farm barns were dismissed as roosting sites. There are bats commuting and foraging in the area at dawn & dusk and therefore measures should be put in place to protect them.
- Concerns relating to the bat population and wildlife in general around Yew Tree Farm.
- The Woodland Trust have given over 200 trees to the Village which have been planted and maintained to enhance the appearance of this ancient Village, how does this figure against a suggestion to fell one large ancient tree with a likely lifespan of 400 years. It is already on the inventory of ancient trees and has preservation status. Its felling should be rigorously opposed.

**Officer note:** Noted. Trees and Biodiversity are discussed in more detail within the trees and biodiversity section of this report however, it is noted that the Council's Ecology and Tree's Officers raise no objections to the proposals subject to conditions.

### Green Belt

- The proposals are to encroach into the Green Belt to the rear. This should be removed to be in line with the housing allocation.
- No exceptional circumstances have been provided for this incursion.

**Officer note:** Noted. This is discussed in more detail within the principle of development section of this report.

### Heritage/Design

- Over the years all the farms have faded away being demolished for grand housing that takes no consideration to any of the surrounding properties or land. Another development on such a scale in the heart of the village would surely be a nail in the coffin of a once peaceful village.
- Farnley Tyas is a Conservation Area and as such the character of the village should be preserved.
- The application does not include any drawings of the listed buildings as existing and there is no indication as to which internal listed features are to be retained or removed.
- Other developments within the village are more suburban in character, using cheap or unsympathetic materials, out-of-village character designs with small outdoor spaces, as Yew Tree is the main farmstead in the core of the village and presents a high visual impact from multiple viewpoints, this must be maintained.
- The proposals include the erection of metal Estate Fencing as boundary divisions between and to the front of the new properties and again this totally alien and detrimental to the Conservation Area. Almost without exception, dry stone walling is used as a boundary treatment throughout the existing Conservation area and should also be an integral part of this development.
- There is still no information about what is happening to the heritage assets identified as 7 and 8 in Appendix/Figure D, what is proposed for these stone walls and how will they be retained/repared? There is also an historic gate post within Heritage Asset no. 8 the stone wall forming the boundary with the PROW.
- Yew Tree is the focal centre of the village located across from the local pub and should be a show piece with a sympathetic outlook not having a car park/areas of dustbins etc.
- Have English Heritage been consulted on the proposals?
- Economic gain alone should not allow for the destruction of something that has been and is part of our daily experience, especially when costs could be largely mitigated with appropriate development in any case.
- The use of key block paving is completely out of character.
- The proposed four properties to the southern boundary will have an overbearing presence on the view of the village to the south and against the listed buildings immediately adjacent. They are of suburban design

and do not reflect the traditional styles in the village or propose to use reclaimed stone in keeping with the existing.

- All of the new builds are located at the same angle or perfectly perpendicular to each other unlike the existing farm properties, this serves to destroy the organic and visually interesting feel to the village.
- The dwellings should have more varied roof lines and a more organic layout.
- Stone should be reused elsewhere from the demolished barns, reclaimed materials should also be used rather than the proposed tumbled and dyed stone and imitation stone slate roof tiles.
- This was the last working farm within the village and therefore it should be retained and sympathetically restored. It is vital that the layout, materials and appearance of the dwellings enhance the character of this historic village.
- The heritage buildings should be restored before any new dwellings are erected.
- Not enough attention has been given to convert the Listed Buildings and Heritage assets sympathetically.
- No account has been taken of the local vernacular style and character of the farmstead setting or of the historic medieval significance of the site.
- The amount of glazing proposed within plots 10-13 should be reduced when viewed from the south, this can be viewed for miles and will cause significant light pollution.
- There are no single storey houses in the whole development, and this could be very suitable for people with accessibility concerns. Single storey also provides less of an impact on the setting of adjacent listed buildings 51/53 The Village.
- The proposed development is far too close to the adjacent church.
- The existing houses on the site do not appear to have been thought of at all, including their access and the plan appears to eat into the existing property of no. 55 The Village as well as impacting on the character of this historic courtyard.
- Nobody is objecting the houses replacing Yew Tree Farm, it is the scale of the development that is wrong. A less dense development would be more sympathetic to the rural surroundings and Conservation Area.
- The listed buildings should be sympathetically restored, and the walls should be strengthened before removing the roofs.
- Wooden fencing should not be allowed within the application site, all boundary treatments should have dry stone walls.
- Concerns in regard to the height of the proposed new build dwellings given the sloped site. these dwellings will tower over existing heritage buildings and dominate rather than compliment the historic and agricultural site.
- There is an alternative layout plan that has been produced which does not encroach into the Green Belt and does not involve the loss of TPO trees.
- The proposed development will totally take away the character of the area, likely affecting house prices. Many people live in Farnley Tyas because they want to live in the countryside, not on a housing estate.
- The demolition of some of the existing barns and buildings is unnecessary.
- The plans for conversions of the barn indicate that new openings are to be put in, these will have a detrimental effect on the Listed barn.



- Overdevelopment of the site.
- The 19<sup>th</sup> century farmhouse should be retained and converted rather than being demolished. This is not sufficient justification for its demolition.
- Historic England and the Georgian Group are opposed to the proposals.
- The number of dwellings proposed on the land is too great, the Local Plan states 16 dwellings.

**Officer note:** Noted. The above is all discussed within the urban design/heritage section of this report. However, it is noted that house prices are not a material planning consideration and therefore this has not been addressed within the assessment.

### Residential Amenity

- Concerns in respect of noise, dust and disturbance during construction works.
- Rights of access to neighbouring properties should remain during and after construction works.
- The village is already overcrowded with the constant smells of barbecues and loud music during the summer months.
- Loss of outlook/light.
- A number of properties/landowners have shared boundaries or party walls with the development. Surveys must be undertaken to agree current condition and appropriate temporary and permanent works to protect these boundaries. Post works surveys must be undertaken and remedial action undertaken by the developer as necessary at their cost.
- The milking shed will still be two floors with issues of dominating and overlooking neighbouring listed homes nos. 51 & 53 The Village. The conversion should be changed to be just single storey. Should a two-storey conversion be allowed then all rooflights should be removed and put in the roof facing west overlooking the small car park. If roof lights are allowed cill heights must be at least 1.67m above the internal floor level to prevent overlooking or neighbouring properties.
- Concerns in respect to overlooking and the loss of privacy to existing neighbouring properties.
- Access to the front of no. 55 The Village for maintenance and repair of the building would be obstructed by the development if permission is granted.
- The new builds will appear overbearing and overly dominant on neighbouring properties.
- Construction hours should be conditioned and enforced.
- The proposed conversion of Plot 6 would encroach between 2-3 metres on no. 55 The Village, this land is not available to the developer and will change the size of Plot 6 substantially, potentially making it unviable.

**Officer note:** Noted. The above concerns are all discussed within the residential amenity section of this report.

### Traffic/Highways

- The site is located adjacent to an increasingly busy commuter route, through small village roads, with small pavements packed with parked cars, which local primary school children have to traverse to school.

- Concerns that the houses proposed have insufficient off-street parking spaces provided.
- A condition should be imposed that the new entrance be constructed before any works start.
- It is imperative that a method statement is submitted to explain at all stages of work how the public right of way will remain open, safety will be guaranteed, and its integrity maintained.
- The unfinished access of Farnley Road should be re-instated by rebuilding the stone wall at Farnley Road and retuning it to agricultural land.
- If approved, a condition should be attached to ensure that regular cleaning of the roads is undertaken in the centre of the village.
- There should be no parking of construction deliveries, materials or works on the public roads in the village, the PROW or the two existing accesses on the north-east of the site.
- Concerns that sight lines will be compromised when existing onto The Village if vehicles are allowed to park on the south side of the street. This can happen during busy church services and events at the school and adjacent pub. Double yellow lines should be provided which extend as far as necessary to ensuring exiting the development can be done safely.
- Is a car park for 13 cars sufficient for such a development.
- The proposed plan to halve the length of the shared access road to The Old Reading Rooms and 55 The Village, would in fact impede access and ability to turn vehicles around, this would therefore result in vehicles reversing onto the main village road. This is not acceptable.
- 21 new properties will bring into the village up to 60 new cars which will increase concerns with regards to traffic. Driving through Farnley Village is already a hazardous process with on-street parking.
- The adjacent Public Right of Way should remain accessible at all times and should not be used for a site access or parking.
- The positioning of the entrance to the development is dangerous and must have been designed by someone who is not familiar with what the traffic is like on The Village during morning's and evening's.
- The proposals will impact on the views for walkers down the Public Right of Way, ruining our beautiful countryside and natural environment.

**Officer note:** All of the above is noted and discussed in more detail within the highways and PROW sections of this report.

### Open Space

- The proposed public open space is set in a corner adjacent to a substation. This doesn't appear to be of any benefit to the public to enjoy, who is going to take ownership of this?
- Consideration should be given to providing open space throughout the development by reducing the number of large dwellings in favour of open space. This will also allow for plant species native to the UK to be selected, enhancing biodiversity at the site.

**Officer note:** Noted. This is discussed further under the landscape/open space section of this report.

## Other

- Concerned about possible leakage below ground of fuel, fertiliser, chemicals and animal waste etc. over the years. There needs to be a method statement agreed as to how suspect materials will be identified and safely removed and disposed of off-site.

**Officer note:** Noted. Land contamination conditions will be attached should planning permission be granted.

- It is unclear which, if any, parts of the development have been proposed to be adopted by Kirklees and the Water, Gas and Electricity Providers. This needs to be clarified. The obvious items are utilities, foul and surface water drainage, highways and lighting.

**Officer note:** Noted. Details in respect of highways, drainage and lighting can be found within the officer's report in the relevant sections. In respect of water, gas and electricity providers this would unfortunately fall outside the remit of planning and therefore would be dealt with under separate legislation and may be considered at building regulations stage, should planning permission be granted.

- The existing bus shelter is shown within the development site, and it appears to remain in its present position. However, it is unclear who will own/maintain this public facility.

**Officer note:** Noted. Whilst the bus shelter is located within the red line boundary of this application no changes are proposed to this shelter and it is believed that this will remain in its present position, owned and maintained as it is currently.

- Consideration should be given to provide social housing/increase the density on the West side of the site near the substation within the site. This will offset any reduction in dwellings within the Listed Buildings. A terrace of 4/5 dwellings made up of one- & two-bedroom dwellings following the slope of the site.

**Officer note:** Noted. Social housing is discussed in more detail within the affordable housing section of this report.

- Concerns that the developer will insist on the construction of the new build dwellings first as they are more cost effective and leave the more complex and expensive listed building conversions to be the last to be developed. Should the developer run out of funds the conversions of the listed buildings may not be undertaken. A phased approach should be undertaken whereby one listed unit is finished before approval is given for the construction of any new dwellings. Perhaps this can be covered by a S106 agreement. A condition should also be put in place to ensure that the whole development is completed for both the new and converted listed dwellings before any new owners are allowed to take occupation.

**Officer note:** Noted. A condition to that effect will be imposed should planning permission be granted.

- Concerns over the accuracy of the submitted plans.

**Officer note:** Noted. Officers have sought to request amended plans to overcome any discrepancies within the submitted plans.

- Concerns surrounding light pollution from too much lighting within the site affecting both adjacent neighbouring properties and wildlife.

**Officer note:** The Council's Ecology and Environmental Health Officers have been consulted and raised no objections in respect of the proposed lighting. Their comments can be found in the consultation responses, residential amenity and biodiversity and trees section of this report.

- Has the capacity of the school been considered? 18 more houses will no doubt bring more families leading to less capacity at the local school.

**Officer note:** As the education S106 policy only kicks in for 25 or more dwellings, the capacity of nearby schools has not been assessed in this instance.

- The applications should be heard at planning committee with members undertaking a site visit.

**Officer note:** Noted. This application is due to be heard at the Strategic Planning Committee on the 11<sup>th</sup> May 2023. A site visit will also be undertaken with members.

- Would question whether the proposals are strictly in line with the local plan as it appears not to be.

**Officer note:** Noted. This is discussed in more detail within the principle of development section of this report.

- Members of the community will monitor the restoration of the heritage buildings very vigilantly, responsive action from the Council should be provided if there is any concern that heritage assets might be in any way compromised.

**Officer note:** Noted.

- Any development given permission by the Council should be very carefully monitored by Planning Enforcement Officers.

**Officer note:** Noted.

- A site visit should be undertaken by the Council so that they can assess the impact the scheme would have on the church to the west, centre of the village, and the approach from Farnley Road.

**Officer note:** Noted. A site visit was undertaken by the planning officer and Conservation and Design officer on the 28<sup>th</sup> July 2022.

- There is very little amenity in Farnley Village. There is no shop, and all supplies have to be sourced outside the village.

**Officer note:** Noted. However, this site has been allocated for housing within the Kirklees Local Plan and therefore the relevant assessments have been undertaken whereby it was concluded that this site would be suitable for a future housing development and therefore is considered to be sustainable. This is discussed in more detail within the climate change section of this report.

### *Second Public Consultation – September 2022*

7.3 12 representations were received. All 12 of these representations were in objection to the scheme. 2 of the objections received were from the same objector, 2 other objections were from another objector, and 3 others were from the same objector. Therefore, the total amount of objections received is more relative to 8. Comments are summarised below.

- Concerns regarding the proposed parking area to the front of the site.

**Officer note:** Noted. This is discussed in more detail within the urban design/heritage section of this report.

- None of the drawings submitted show the height advantage which some of the new houses will have over the existing properties to the east.

**Officer note:** Noted. This is discussed in more detail within the urban design/heritage section of this report.

- The south elevations of the 4 fairly generic new houses facing the south are character-changing, dilapidated agricultural buildings are preferable.

**Officer note:** Noted. The design of the proposed new build dwellings is discussed in more detail within the urban design/heritage section of this report.

- The applications should be heard at planning committee, along with a site visit from members.

**Officer note:** Noted.

- It seems to be fair game that houses can be built up to existing Green Belt boundaries and then the gardens taken into the Green Belt in order to maximise dwelling numbers. This may be acceptable if the landscaping stipulated decent tree planting at the bottom of those gardens for screening, rather than the current small rowans dotted around inside the site.

**Officer note:** Noted. The Officer's assessment of the encroachment into the Green Belt can be found within the principle of development section of this report.

- Concerns in respect of the impact the proposed new builds will have on adjacent heritage assets.

**Officer note:** Noted. This is discussed in more detail within the urban design/heritage section of this report.

- Despite the large numbers of objections from neighbours and consultees nothing significant appears to have changed at the site.

**Officer note:** Noted.

- The number of dwellings and the overall layout within the site needs serious consideration.

**Officer note:** Noted. This is discussed in more detail within the urban design/heritage section of this report.

- Concerns in respect of dust, noise and disruption during construction works.

**Officer note:** Noted. This is discussed in more detail within the residential amenity section of this report.

- The trees which are protected with individual TPO's seem to have been ignored.

**Officer note:** Noted. Amended plans have now been received whereby no TPO trees are now to be removed from the site.

- It is appreciated that some development of the farm is inevitable but fresh plans should be provided which take into account the many objections lodged.

**Officer note:** Noted.

- The barn that comprises of Yew Tree Farm still shows a conversion into 4 houses, 2 or 3 dwellings would be sufficient.

**Officer note:** Noted. Density is discussed in more detail within the urban design/heritage and housing density/mix section of this report.

- Concerns about bats and wildlife.

**Officer note:** Noted. The Council's Ecologist has been consulted on the proposals and raises no objections. This is discussed in more detail within the biodiversity and trees section of this report.

- An appropriate case has not been given for demolishing heritage assets on this site.

**Officer note:** Noted. This is discussed in more detail within the urban design/heritage section of this report.

- No construction traffic or access to the development should be via the unfinished access from Farnley Road.

**Officer note:** Noted. Access/impact on highways is discussed in more detail within the highway safety section of this report.

- No further details have been provided in respect of the PROW, how will safe access be provided for users?

**Officer note:** Noted. If planning permission is granted an informative would be included outlining that the Public Right of Way should remain open and unobstructed at all times.

- Concerns in respect to light pollution and impact on wildlife.

**Officer note:** Noted. The Council's Environmental Health and Ecology Officers were consulted on the proposals and raised no objections in respect to light pollution on neighbouring properties or wildlife.

### *Third Public Consultation – January 2023*

7.4 4 representations were received. All 4 of these representations were in objection to the scheme. Comments are summarised below.

- Concerns regarding the layout, scale, size, height, design and materials of the new build dwellings and their impact on adjacent Listed Buildings and the Conservation Area.

**Officer note:** Noted. This is discussed in more detail within the urban design/heritage section of this report.

- The proposals extend out into Green Belt land.

**Officer note:** Noted. Whilst this has been reduced incursion is still proposed, this is discussed in more detail within the principle of development section of this report.

- The TPO tree T4 should not be removed.

**Officer note:** Noted. Following receipt of revised plans T4 is now to be retained within the site.

- Concerns regarding the main car parking area proposed towards the site entrance.

**Officer note:** Noted. This is discussed in more detail within the urban design/heritage section of this report.

- No construction traffic or access to the development should be via the unfinished access from Farnley Road.

**Officer note:** Noted. Access/impact on highways is discussed in more detail within the highway safety section of this report.

- Consideration should be given to traffic calming measures and possible parking restrictions on the public highway.

**Officer note:** Noted. Impact on highways is discussed in more detail within the highway safety section of this report.

- No further details have been provided with regard to pre, during or post construction activities and how will safe access be provided for users of the PROW.

**Officer note:** Noted. If planning permission is granted an informative would be included outlining that the Public Right of Way should remain open and unobstructed at all times.

- Concerns regarding light pollution within the site on adjacent neighbouring properties.

**Officer note:** Noted. The Council's Environmental Health Officers were consulted on the proposals and raised no objections in respect to light pollution on neighbouring properties.

- The proposed dwellings to the west are too close to mature trees in the churchyard.

**Officer note:** Noted. This is discussed in more detail within the biodiversity and trees section of this report.

- Concerns regarding the proposed boundary treatments.

**Officer note:** Noted. This is discussed in more detail within the urban design/heritage section of this report.

- 2m separation distances should be provided between dwellings as the site has been designed to have a regular street pattern.

**Officer note:** Noted. This is discussed in more detail within the urban design /heritage section of this report.

- Listed buildings should be sympathetically converted and the adjacent new build houses need to be designed to enhance the setting of these assets.

**Officer note:** Noted. This is discussed in more detail within the urban design/heritage section of this report.

- Concerns the proposed lighting will impact upon wildlife.

**Officer note:** The Council's Ecology Officer has been consulted and raised no objections in respect of the proposed lighting. His comments can be found in the consultation responses and biodiversity and trees section of this report.



- The application should be dealt with at planning committee and a site visit undertaken by members.

**Officer note:** Noted.

#### *Fourth Public Consultation – March 2023*

7.5 4 representations have been received in objection. Comments are summarised below.

- The latest plans mark a huge improvement, with the preservation of T4 and the diminished encroachment into the Green Belt. These changes remove major objections to the current application.

**Officer note:** Noted.

- Concerns relating to dust, noise and disruption during construction works.

**Officer note:** Noted this is discussed in more detail within the residential amenity section of this report.

- The design characteristics of the new build houses remain very much urban in style.

**Officer note:** Noted. This is discussed in more detail within the urban design and heritage sections of this report.

- The listed buildings are to be divided into too many units.

**Officer note:** Noted. This is discussed in more detail within the Urban Design/Heritage section of this report.

- The parking area to the front of the site would have a detrimental impact on the view into the site from the centre of the village.

**Officer note:** Noted. This is discussed in more detail within the urban design and heritage sections of this report.

- Yew Tree Farm is in the centre of the Conservation Area and has several listed buildings within it and adjacent to it. The revised plans would impact upon the setting of the Conservation Area.

**Officer note:** Noted. This is discussed in more detail within the urban design and heritage sections of this report.

- There should be strict controls over conditions applied including a condition that the work on the listed buildings should be substantially completed prior to any work commencing on the new builds.

**Officer note:** Noted. A condition to this effect will be imposed should planning permission be granted.

- There have been minor changes, but these do not address the outstanding issues regarding this development.

**Officer note:** Noted.

- Plot 9 has a ridge height almost 3m above the ridge height of nos. 51 and 53 The Village and destroys its current historical setting. Concerns regarding the scale and size of the new builds, adjacent to neighbouring properties and Listed Buildings.

**Officer note:** Noted. This is discussed in more detail within the urban design/heritage and residential amenity sections of this report.

- The garage complex for plot 10 must surely be better attached to the dwelling, this should be changed at no cost to the developers.

**Officer note:** Noted. This is discussed in more detail within the urban design and heritage sections of this report.

## 7.6 *Parish Council*

**Kirkburton Parish Council** – Comments received 10<sup>th</sup> September 2021. The Parish Council strongly objects to the proposed development due to the proposed removal of mature trees T1 and T4 which are already covered by a Conservation Area TPO. They also raise concerns with regards to the gardens to the south of the site encroaching into Green Belt land, overdevelopment of the site, most specifically the conversion of Manor Barn into four houses (plots 1 to 4). Further concerns relate to the impacts on visual amenity through the inclusion of wooden garden fencing along the boundaries of plots 1 to 4 and that's plots 10 to 13 facing the southern boundary are higher than existing buildings which may have an overbearing vista on the village. Finally, the two existing north easterly entrances should not be used as construction site access during development, and the PROW to the west should remain unobstructed at all times, with operating hours being conditioned and enforced.

**Officer note:** Noted. An assessment on the impact of TPO trees is discussed within the Biodiversity and Trees section of this committee report. Encroachment into Green Belt land is also discussed within the principle of development section. Furthermore, concerns relating to overdevelopment, conversion of Manor Barn, boundary treatments and scale and size of the proposed dwellings, are all assessed within the urban design/heritage section of this report. Both the Council's Highways and Public Right of Way Officers were consulted on the proposals, their comments can be found within the consultation responses section of this report.

**Officer note:** Following receipt of amended plans Kirkburton Parish Council provided further comments on the 6<sup>th</sup> of October 2022. They note that the applicant's revisions are welcomed but comment as follows:

- *'Milking shed: It should be kept as a single storey. The boundary fencing to the east at 1.8m high could be overbearing.*
- *Old House: If it is moved to Plot 16, the rebuild should be done with the materials taken from the original structure.*
- *New Build: There is no change to the southern elevation, the existing proposal will be very noticeable when entering the Village and have a*

*detrimental impact on the visual amenity. The Parish Council would like to see a staggered drop in the roofline.*

- *Green Belt: The proposal still encroaches on the Green Belt at the southern boundary. The site should not encroach on the Green Belt boundary.*
- *PROW adjacent to the Church: The site boundary should be defined and rebuilt prior to building the houses, and public access should be maintained at all times.*
- *Trees: The Parish Council strongly supports the comments submitted by the Kirklees Trees Officer’.*

**Officer note:** Noted. Concerns relating to the milking shed, old house and new build dwellings are assessed within the urban design/heritage section of this report. Trees are also assessed under the biodiversity and trees section, with impacts on the Green Belt discussed in the principle of development section. The Council’s Public Right of Way Officers were consulted on the scheme, their comments can be found under the consultation responses section of this report.

#### 7.4 Local Ward Members

On the 11<sup>th</sup> of August 2021 Councillors Bill Armer, Richard Smith and John J Taylor were notified of applications 2021/92969, 2021/93006, and 2021/93007 which all relate to the same site ‘Yew Tree Farm’. Councillors have provided comments which are all summarised below.

On the 6<sup>th</sup> of September 2021 Councillor Bill Armer referred applications 2021/92969, 2021/93006 and 2021/93007 to planning committee. Councillor Armer recognises that the site is a housing allocation within the Local Plan however, he considers that there are many valid grounds for questioning the overall impact upon the village of the proposed developments. The site is within a Conservation Area, and due to its central location has a potentially very large impact upon the visual amenity and character of the village, in particular significantly altering the “historic farming village” nature of Farnley Tyas and instead presenting a modern suburban view of the village centre; it is contrary to current policy to allow garden encroachment into Green Belt; there are likely to be a large number of objections/comments; the proposed removal of a large mature sycamore tree behind New Lane Terrace is controversial; the proposed materials are out of keeping with the area, and may be better if reclaimed local stone and roofing tiles are specified; the residential amenity of several existing homes will be severely compromised. On the basis of these material planning considerations, Councillor Armer requests that all three applications are referred to committee.

Also, on the 6<sup>th</sup> of September 2021 Councillor Smith emailed the case officer to raise several objections to the submitted scheme. Again, he accepts that this site is included in the Kirklees Local Plan and there will be houses built here. However, he believes that it is vitally important to the character of this village that the development is sympathetic, and several key areas need, to be re-considered before this development could be considered acceptable in this key location, right at the heart of the village. Councillor Smith supports Councillor Armer’s request that this series of applications go to Planning Committee for a decision, but also requests that a site visit is undertaken to fully appreciate the historic significance of this site and its complexity in terms of existing listed buildings, topography and the visibility of new large, detached houses which would change the character of the village. The new houses at the south point

(looking from the development towards Storthes Hall via Farnley Road) are much higher than the current agricultural buildings and not in keeping with the current Farmstead, which happens to be the last one remaining in the village. He also notes that these large, detached houses will be visible from miles around, forever changing the appearance of the village. The difference in ground levels has not been represented accurately on any submitted plans as there is a significant difference in height of circa 5 metres, meaning that the new houses will be significantly higher than the old, listed buildings comprising "The old reading rooms" and neighbouring properties. Incursions into Green Belt for private gardens is not acceptable and he also objects to this element of the scheme. In addition, 2 mature Sycamore trees are to be felled which will spoil the character of the village and is not in keeping with the ethos of the sustainable approach. These trees should be protected. The dilapidated farmhouse is also set to be demolished; he believes this should be retained. Finally, the erection of large wooden fences which will be visible when viewed from the Golden Cock Pub will not be in keeping with the rest of the village, which has stone walls.

On the 11<sup>th</sup> of September 2021 Councillor Taylor also emailed to raise concerns about the application. Whilst Councillor Taylor accepts the principle of development on this site and does not object to its inclusion within the Local Plan, the proposed application is not one he can support as the site is in the centre of village, in a Conservation Area and therefore the proposals should reflect this and be sympathetic to the environment and history of Yew Tree Farm. The proposal includes the removal of two mature and healthy sycamore trees, the removal of these trees is not necessary to enable development to take place at this site and does not meet the Council's trees policy, or commitment to tackling climate change. Should a subsequent application come forward which retains the trees, an appropriate condition should be attached to ensure that the root systems are protected during construction works.

- 7.5 It is also noted that Mr. Mark Eastwood MP also provided comments. Again, these are summarised below.

On the 12<sup>th</sup> of September 2021 Mr. Mark Eastwood MP also emailed to raise some concerns with the currently submitted scheme. He notes that he has been contacted by several local residents who have raised concerns about the proposed planning application, and after having a look at the proposed application would like to register an objection to the scheme. He notes that the fact that the farm is no longer a working farm does mean that redevelopment of the site is something that he would support but that it is important that any redevelopment is sympathetic to its location in the centre of the village and within a Conservation Area. It was hoped that the listed buildings and other heritage assets would be retained but this scheme does not do that. Mr. Eastwood also has concerns as there is an intention to encroach into the Green Belt with no exceptional circumstances which would justify this, this aspect should be refused. The properties proposed to the rear of the site are overly large and due to the sloping nature of the site would both dominate the approach to the village along Farnley Road and also impose on the neighbouring properties including both listed buildings and historic ones, having a significant impact on the overall visual amenity of the village centre. He also notes that the designs for the new dwellings do not meet the desire to build sympathetically in the context of this location, it is important that they look and feel like they belong as part of a historic small community. Finally, Mr. Eastwood

is disappointed to see that the developer is proposing to remove two ancient sycamore trees which enhance this location and the approach to the village from Storthes Hall. There is no justification for the destruction of these two mature trees and this site could be developed sympathetically without the need for their removal.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**KC Highways Development Management** – Comments received 23<sup>rd</sup> of September 2021. Highway officers state that they would agree with the conclusions of the submitted Transport Statement and consider these proposals are generally acceptable. The Highways section 38 team however include issues relevant to these specific proposals which need to be addressed and include visibility at the site access, visitor parking, junction radii and refuse vehicle access, road alignment and refuse vehicle swept paths, forward visibility, and gradients.

- 10.14 Following receipt of amended plans the highways development management team were reconsulted. They stated that their outstanding issues which were outlined previously within the comments received 23<sup>rd</sup> September 2021 relating to visibility at the site access, visitor parking, junction radii and refuse vehicle access, road alignment and refuse vehicle swept paths, forward visibility and gradients. These issues still need to be addressed by the applicant. The applicant then sought to submit several revised plans and additional details, which did overcome many of the Officer's concerns, however with regard to the junction radii at the site access, this was recommended to be 10m in width, not 6m as proposed within the submitted plans. However, the applicant's agent has confirmed that this road would not be adopted and therefore this request was not deemed to be necessary in this instance. Highways Officers have confirmed this to be acceptable subject to conditions and a S106 management agreement.

**Historic England** – Comments received 27<sup>th</sup> September 2022. Historic England objected to the proposals as Yew Tree Farm is one of the most prominent historic farmsteads within Farnley Tyas due to its central location and collection of impressive, listed buildings. Whilst Historic England defer to the LPA to assess the justification for the demolition of the unlisted farmhouse and the proposals for the conversion of the Grade II listed farm buildings, they do provide comments in relation to the new build development. They state that this element of the proposals does not respond to the agricultural character of the site and the setting of the listed buildings and therefore do not constitute sustainable development. Whilst minor cosmetic changes have been made, fundamental issues still exist in relation to form, scale and character of the new development. The proposals as currently shown have a suburban character in their layout, scale and detached form. Greater differentiation in height and orientation, coupled with creating more attached or terraced housing types would better reflect the character of both the development site and wider village. Historic England recommend that consent is not granted for the proposals as submitted.

**Officer note:** Further comments were received on the 10<sup>th</sup> February 2023 following receipt of amended plans. They note that their previous concerns about the form of the proposed new development have not been addressed in regard to form, scale and character. The proposed new-build dwellings have a suburban character in their layout, scale and detached form. The development as proposed would harm the character of the conservation area and the setting of the listed farm buildings. Historic England consider the site could be developed in a less harmful manner, or indeed in a manner that would enhance the designated heritage assets, therefore they do not consider this harm is justified.

**Officer note:** Further comments were received on the 13<sup>th</sup> April 2023. The amended scheme has sought to remove one detached dwelling in the south-eastern corner of the site, this has slightly improved the impact on views towards the Conservation Area from the south. Otherwise, Historic England's fundamental concerns relating to the suburban character of the development and the lack of response to the agricultural character of the site have not been addressed. Their position therefore remains the same as outlined in their previous comments dated 10<sup>th</sup> February 2023.

**Yorkshire Water Services Ltd –** Comments received 25<sup>th</sup> October 2021. No objections to the proposals subject to conditions relating to the site being developed with separate systems of drainage for foul and surface water on and off site and no piped discharge of surface water from the development prior to the completion of surface water drainage works.

Following receipt of amended plans Yorkshire Water provided further comments on the 7<sup>th</sup> of September 2022 outlining that the revised drawings were not relevant for Yorkshire Water as they are not drainage related, therefore their original comments and conditions outlined within their letter dated 22<sup>nd</sup> October 2021 still apply. This was reiterated within further comments received on the 29<sup>th</sup> of March 2023.

**Council for British Archaeology –** Comments received 18<sup>th</sup> April 2023. The CBA object to the proposals and recommend that it is withdrawn and revised, or otherwise refused by the Local Planning Authority. The CBA are concerned that this application takes 'residential development' as its starting point rather than 'adaptive reuse of an agricultural site'. This has created proposals that give the greatest weight to large new build developments at the rear of the site rather than maximising the opportunities for interesting homes in the historic buildings at the front of the site. The result is a scheme with an unjustified level of harm to the listed buildings that would also harm the character and appearance of the Farnley Tyas Conservation Area. CBA also recommend that archaeological evaluation of the site will be necessary in advance of any groundworks.

**Ancient Monuments Society –** No comments received within statutory timescales.

**Officer note:** It is noted that comments have been received from The National Amenity Societies on applications 2021/93007 & 2021/92969.

**KC LLFA** – Comments received 31<sup>st</sup> August 2021. Supports the proposals subject to conditions relating to drainage details, overland flow routing and construction phase surface water flood risk and pollution prevention plans, as well as the imposition of a planning obligation for management and maintenance agreement for site drainage from the point at which it is brought into operation up until the time it is adopted by the local sewerage undertaker.

Following receipt of amended plans LLFA confirm that they have no additional comments to add from those made on the 31<sup>st</sup> of August 2021.

## 8.2 **Non-Statutory:**

**KC Policy** – Comments received 4<sup>th</sup> October 2022 and 20<sup>th</sup> April 2023. Policy officers summarised that the development of the housing allocation HS198 is supported in principle subject to careful consideration of the policy requirements, detailed design and impact matters set out within LP7, LP11, LP24, LP30, LP33, LP35, LP63 and LP65. However, the proposed change of use of Green Belt land to domestic gardens represents inappropriate development in the Green Belt, and this element of the proposed development cannot be supported except in very special circumstances.

**KC Ecology Unit** – Comments received 29<sup>th</sup> September 2022. No objections subject to a condition relating to biodiversity net gain.

**Officer note:** Whilst amended plans were received the Council's Ecology Officer has no additional comments to make.

**KC PROW** – Comments received 29<sup>th</sup> September 2022. Public Right of Way officers would not wish to see any access and/or parking on the footpath at any time. In addition, stone walls along the rear boundaries of plots 13-16 should be retained with no increase in wall height. The footpath should feel as open and safe as possible and to not spoil the character of the area.

**KC Strategic Housing** – Comments received 31<sup>st</sup> August 2021. 20% affordable housing provision require. On site provision is preferred however, where the Council considers it appropriate a financial contribution can be paid in lieu of on-site provision. In the Kirklees Rural East area there is a significant need for affordable 1 and 2 bedroomed homes, as well as demand for 3 and 3+ bed-dwellings. 4 affordable units should be provided with a contribution to social/affordable rented accommodation. Affordable units should be distributed evenly throughout the development and must be indistinguishable from market housing. Strategic Housing awaits further information with regards to the proposed Affordable Housing scheme.

**Officer note:** Following on from amended plans which have sought to reduce the proposed number of dwellings down from 18 to 17, the Council's Strategic Housing team note that their preference as a consultee would be the onsite provision of 1 x First Home and 1 x affordable/social rent with a reduced S106 sale wait time. Failing that they would be happy with 2 x First Homes.

**KC Landscape** – Comments received 30<sup>th</sup> September 2022. No objections to the proposals in principle but do request clarification and the submission of further information in respect to the public open space. This is discussed in more detail within the Landscape section of this report.

**KC Environmental Health** – Comments received 9<sup>th</sup> September 2021. No objections to the proposals but do request conditions and informatives relating to land contamination, Electric Vehicle Charging Points, noise, and nuisance during construction works.

Following receipt of amended plans the Council's Environmental Health officers were re-consulted. They note that in their previous comments (on the 9<sup>th</sup> September 2021 and 13<sup>th</sup> September 2022) a number of conditions were recommended relating to contaminated land, noise, electric vehicle charging points and a construction environmental management plan. The amended plans do not appear to have any significant changes which would impact on the previous comments and concerns raised. Notwithstanding this, officers have made some changes to the previously recommended conditions due to the changes made to the National Planning Policy Framework.

**KC Conservation & Design** – Comments were received on the 7<sup>th</sup> October 2021 and 14<sup>th</sup> April 2023, the latter comments were received following receipt of amended plans throughout the lifetime of this planning application. The above consultation responses can be read in full [here](#).

C&D Officers have however concluded that whilst in some cases no justification has been provided for the works, and limited details are outlined, the public benefits arising from the proposals in terms of restoring and converting the listed buildings into dwellings is welcomed as the former use as a farm is no longer viable and the conversion will provide a sustainable and viable use. The existing buildings are in a poor state of repair with several structural issues, their conversion will help to prevent further deterioration and ensure their repair and continued maintenance. To protect their significance and ensure that repairs are carried out sensitively recommended conditions will be applied should planning consent be granted. In addition, following amendments to the design and density of the new development, Officers deem the new dwellings to be acceptable in place of the existing modern agricultural buildings, again subject to the recommended conditions. A full evaluation of the Conservation & Design teams comments can be found within the urban design and heritage section of this report.

**WY Police Designing Out Crime** – Comments received 7<sup>th</sup> September 2021. No objection to the principle of development. Concerns and comments are made with regards to boundary treatments, external lighting, trees and vegetation, CCTV, bin stores, intruder alarms, car parking, motorcycle and cycle storage, garages, windows, secure mail delivery, door sets, internal partition wall construction, public spaces and access gates to rear gardens.

Following receipt of amended plans the DOCO confirms that there has been no improvement to the recommended security measures previously put forward in response dated 3<sup>rd</sup> September 2021. The site lighting is not supported and there are still concerns in relation to the plot boundary treatments which do not offer any level of security to the rear of the properties. This should be discussed with the applicant and officers are minded to request that the above security measures are conditioned should this plan be approved.



Further comments were made on the 19<sup>th</sup> April 2023, DOCO advised that plots 12-15 back onto an unlit PROW and have a low dry-stone wall as a boundary, additional defensible planting of native hostile species should be planted along this particular route to protect the rear of these properties. Dense planting areas are also shown around the parking areas at the north of the site, this planting must have a management plan to keep the height of the vegetation to less than 1m from ground level to enable adequate surveillance of the parking vehicles. Furthermore, bollard lighting is not deemed to be acceptable within the proposed parking area due to the light spill being at low level therefore not enabling facial recognition. DOCO recommend that this lighting be replaced with traditional classic gas lamp style lighting units. Details relating to windows, doors, CCTV, alarms and cycle and motorcycle storage are also reiterated from previous comments.

**Officer note:** Following receipt of the above comments the applicant has sought to include additional 'hostile' planting along the boundary within the public right of way and the repositioning of fencing to the front building lines to eliminate recesses in buildings.

**KC Trees** – Comments received 4<sup>th</sup> October 2021. Proposals not supported as they do not meet the requirements of Local Plan Policies LP24, LP33 or LP35. The proposal requires the removal of two mature trees, which are covered by the local Conservation Area. They are prominent landscape features in the local setting and contribute to the character of the Conservation Area. Given the identified threat of these trees a new tree preservation order has been served to strengthen the protection of the trees and the public amenity that they provide. The loss of these trees to facilitate the development cannot be supported. In addition, the proposed dwellings adjacent to the western boundary are too close to the trees which are located within the neighbouring church grounds. These trees are also protected by existing tree preservation orders and/or the local Conservation Area, and are prominent features of the locality, contributing to the local setting and character of the Conservation Area. The proposed development will have an adverse impact on these trees, encroaching into their root protection areas. The submitted Arboricultural Method Statement submitted in support of the proposals specifies root pruning of these trees to facilitate these dwellings. Root pruning is not something that could be supported due to the possible impact this may have on trees' health. Furthermore, the close proximity of the proposed dwellings to these mature trees will also result in long term pressures to fell or excessively prune through conflicts with, and resulting applications from, future occupants. The Arboricultural Impact Assessment, submitted in support of the proposal does not consider these long-term conflicts. Neither does it include any information with regards to the assessments required under section 5 of British Standard BS 5837, relating to a realistic assessment of the probable impact of development on trees and vice versa; to include shade, session nuisance and future pressures for removal.

Following the submission of amended plans the Tree's officer was re-consulted and stated that access to the development site is still shown to require the removal of tree T1 a mature protected tree that contributes to the character and setting of the site and wider Conservation Area. The levels and existing built structures in this location would appear to lend themselves to the retention of this tree with some minor changes to the access alignment. The loss of this tree cannot be supported and is in direct conflict with Policy LP24(i), LP33 and LP35

of the Kirklees Local Plan. As raised in previous comments a year ago the dwellings adjacent to the western boundary are too close to the trees which are within the neighbouring church grounds, the trees would be to the west of the new dwellings which have limited outdoor amenity space (circa 5m deep gardens) and would experience substantial shade issues and nuisance caused by the presence of the trees. The proposal will lead to an increased pressure to prune or fell the adjacent trees which is likely to result in eventual erosion of the tree group or decline in their health and viability. The proposals also still show the removal of tree T4, another mature protected tree within the site. The retention of this tree could be achieved by altering the scale and layout of the proposed dwellings in this corner of the site. The tree does contribute to the character of the Conservation Area and is visible from surrounding roads. The loss of this tree cannot be supported and is in direct conflict with policy LP24i, LP33 and LP35 of the Kirklees Local Plan. Whilst it is understood that the site is an allocated site for residential development the site was allocated when these trees were fully mature and protected by the Conservation Area. Their protection and retention should have been material consideration in the design of the layout at an early stage. The proposals do not accord with the Council's policies as detailed above and in previous comments and would be harmful to the character and setting of Farnley Tyas.

Finally, a further amended site plan has been submitted, this site plan seeks to retain tree T1 to the front of the site, this has been made possible by the retention of the immediate soils/wall adjacent to the boundary which will have restricted the tree's root growth to the east/into the site. In addition, it is acknowledged that the plots running along the western boundary of the site adjacent to St Lucius church have been moved further into the site by around 0.5m however, this is considered to be negligible and would not be in accordance with the BRE guidance which refers to habitable rooms which in this case would be on the ground floor, whereas the details within the submitted covering letter dated 22<sup>nd</sup> December 2022 refer to the first floor of the properties. The proposals still also seek to remove tree T4 to the rear of the site whereby Officers do believe that it would be possible to design around the tree should smaller house types be proposed. The Council's Trees Officer therefore retains their objection to the proposals as submitted.

**Officer note:** Since the Council's Tree's Officers comments on the 2<sup>nd</sup> February 2023 a revised layout has been submitted to the Council which includes the retention of T4 in the south-eastern corner of the site. To do this the layout has removed a plot and adjusted building types which has allowed for more space to be provided on the sites boundary with the churchyard to the west. Officers now raise no objections to the proposals subject to a condition relating to the submission of an updated Arboricultural Method Statement.

**KC Education** – Comments received 1<sup>st</sup> August 2022. As the education S106 policy only kicks in for 25 or more dwellings, no comments were provided on this application.

This was re-confirmed on the 7<sup>th</sup> of September 2022 and the 23<sup>rd</sup> of March 2023 following re-consultation on amended plans.

8.3 Consultee responses can be viewed in full on the Council's website found via the below link.

[Planning application details | Kirklees Council](#)

## 9.0 MAIN ISSUES

9.1 The following matters are considered in the assessment below –

- Land Use and Principle of Development
- Sustainability and Climate Change
- Design and Conservation
- Residential Amenity and Quality
- Affordable Housing
- Highway and Transportation Issues
- Ecological Considerations
- Environmental and Public Health
- Ground Conditions
- Flood Risk and Drainage Issues
- Trees and Landscaping
- Planning Obligations and Financial Viability
- Other Matters
- Conclusion

## 10.0 APPRAISAL

### Land Use and Principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The site partially comprises of site allocation HS198 (allocated for housing), to which full weight can be given. Therefore, residential development is welcomed within the site in accordance with LP65. However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land.
- 10.4 The site is not designated as Urban Green Space or Local Green Space in the Local Plan, but is greenfield land, as defined by Annexe 2 of the National Planning Policy Framework which outlines that brownfield land does not include land that is or was last occupied by agricultural or forestry buildings, and therefore as the site was previously in agricultural use the site is classed as greenfield land. Allocation of this and other greenfield sites by the Council was based on a rigorous borough-wide assessment of housing and other needs, 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 development on greenfield land was also demonstrated to be necessary in order to meet development needs.

- 10.5 The 17 dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan. Local Plan Policy LP7 requires development to achieve a net density of at least 35 dwellings per hectare, where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. Within the Local Plan, site HS198 is expected to deliver 16 dwellings, with the application proposing 17. It should also be noted that the applications red-line boundary exceeds that of HS198 to the south by a minor amount, theoretically increasing the required quantum.
- 10.6 Taking the above into consideration, it is concluded that the principle of developing the allocated part of this site (housing allocation HS198) is acceptable. However, it is noted that part of the application site to the south falls outside of this allocation and is located within Green Belt land, this infringement is discussed in more detail below.
- 10.7 The layout of the development is such that this portion of land (equating to ~1.8% of the whole developable site area) to the south would be located within the Green Belt and is to be utilised as gardens for the relevant 3 plots located to the south of the site (plots 10, 11 & 12). Officers do acknowledge that the infringement into the Green Belt has been significantly reduced since the original submission (originally ~8.5% of the whole developable site area), however, whilst no buildings would be located on this part of the site, this would result in the change of use of land to domestic garden amenity space which is considered harmful to the openness of the Green Belt and conflicts with the purposes of including land within it.
- 10.8 Policy LP58 of the Kirklees Local Plan states that the change of use of land in the Green Belt to domestic garden will not normally be permitted. Where it can be shown that very special circumstances exist that would warrant allowing the proposal, consideration will need to be given to the following:
- a) The degree, location, and orientation of the enclosure, which should cause least harm to the openness of the Green Belt; and that
  - b) The means of enclosure is appropriate to its setting and is of a high quality of materials and design.
- 10.9 Policy LP58 however has now been superseded by Paragraph 150 of the National Planning Policy Framework although it is noted that part of the policy still does hold weight in that permitted development rights for structures such as garages, sheds, greenhouses or other ancillary or incidental buildings or structures may be removed if it is considered that they would subsequently result in an unacceptable intrusion of urban character in their Green Belt setting.
- 10.10 Paragraph 150 criterion (d) of the NPPF states that material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. In this case, though the less Green Belt land would be affected under the revised scheme in comparison to the originally submitted proposals, the plans do still show that land within the Green Belt is to become enclosed in order to provide domestic garden amenity space. Not only will fencing off Green Belt land in this way harm the openness, through the introduction of domestic paraphernalia and the intensification in the use of land, but it would also conflict with the purposes of including land within it as outlined within paragraph 138 (c) of the NPPF, to assist in safeguarding the countryside from encroachment.

proposals would therefore constitute inappropriate development within the Green Belt, given this conclusion an assessment is required into whether very special circumstances exist which clearly outweigh the harm to the Green Belt.

10.11 The NPPF identifies that the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.

10.12 Within the submitted planning statement the applicant has outlined that they consider that the very special circumstances in this instance are:

- The removal of agricultural buildings to the south of the site, to tidy up the site.
- Provision of a more easily defined boundary to the edge of the village, resulting in a tidier and more contained site;
- The proposals will enable the listed buildings to be preserved and enhanced.

10.13 Taking the above into account, Officers consider that the removal of the existing agricultural buildings to the south does not constitute a very special circumstance, given the somewhat rural location of the site, these buildings are not uncommon features within the area. However, it is noted that the provision of a clearly defined southern boundary demarked by a physical barrier would provide a permanent delineation between the site boundary and land beyond, of which the site currently does not benefit from. In addition, Officers consider that the restoration of the listed buildings and the securing of their long-term viable use, would outweigh the harm caused by the inclusion of land within the Green Belt, and therefore would constitute very special circumstances on this occasion. Furthermore, Officers will be seeking to remove permitted development rights for extensions, outbuildings, and alterations to boundary treatments to prevent any significant domestication and to reduce any future/additional impact on openness of the Green Belt. These matters could be controlled by condition.

#### Heritage

10.15 Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.16 Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

10.17 Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

- 10.18 Furthermore, Policy LP35 of the KLP states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”*.
- 10.19 Paragraph 199 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”*.
- 10.20 This is further supported by paragraph 202 of the NPPF, which outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.
- 10.21 Paragraph 197 of the NPPF outlines that when determining applications, LPA’s should take account of:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - c) The desirability of new development making a positive contribution to local character and distinctiveness.*
- 10.22 Yew Tree Farm is a historic courtyard farmstead situated in the centre of the Farnley Tyas Conservation Area and dating to 1671 and possibly earlier. This farm is a key element of the conservation area, contributing greatly to its significance and characterised by two large stone barns, a smaller former dairy and several cottages. Four of the buildings are Grade II listed, with a curtilage listed house which is believed to date to the late 18th or early 19th century. To the south and west ends of the site are several modern farm buildings, one of which is built around the remains of a historic structure.
- 10.23 The proposals seek to convert listed buildings within the northern portion of the site to provide 8 no. dwellings, demolish existing redundant agricultural buildings in the southern portion of the site, as well as agricultural buildings within the Conservation Area (which is subject to a separate application 2021/92969). 9 no. new build dwellings are proposed within the southern portion of the site, 1 of which relates to a replacement ‘replica’ dwelling of the existing curtilage listed farmhouse which is to be demolished to allow for a suitable access to be provided into the site. Finally, 3 no. existing dwellings are also to be retained within the Yew Tree Farm complex. Given the nature of the scheme and its sensitive location, the Council’s Conservation and Design team were consulted, their comments (including comments provided on the allied Listed Building application (2021/93007), and responses received from Historic England the Council for British Archaeology are outlined below.

## 9.9 Each element of the scheme is broken down into subsections below:

Of note, Historic England defer to the LPA to assess the justification for the demolition of the unlisted farmhouse and the proposals for the conversion of the Grade II listed farm buildings, therefore no comments have been provided in respect of these elements of the scheme.

### *Demolition of modern agricultural buildings*

Whilst the demolition of the existing modern agricultural buildings is covered under application 2021/92969, C&D Officers note that the demolition of these buildings within the Conservation Area is not of concern as they have no heritage significance.

### *Demolition of the Farmhouse*

This building is believed to date to the early mid-19<sup>th</sup> century and is constructed in hammer dressed stone with a pitched stone slate roof and stone gutter corbels, large window openings with 8 over 8 sash windows and ashlar window surrounds on the façade, along with a central doorway with a timber panelled door. A small single storey stone structure is attached, also in hammer dressed stone and with a pitched roof with a corrugated covering, and a stone door surround with a timber stable door. It forms part of the historic farm group, contributing to the evolution and understanding of the site. As a later building, the house does have lower significance than the individually listed buildings on the site but is moderately significant. It is visible from the public highway to the north and contributes to the character of the conservation area.

The proposals seek to demolish this farmhouse and the attached barn and provide a new dwelling of a similar design in a new location to the west of the site (plot 15). The new dwelling is to be of a similar scale to the curtilage listed house and whilst the building has not been reorientated away from the new build dwellings as requested by Conservation & Design, the separation distance between the adjacent properties has been increased to 7.5m (the width of the adjacent driveway) which does help to give a small degree of separation. C&D Officers conclude that on balance, the proposals are acceptable.

It is noted that a number of representations have been received in respect of the proposed demolition of the curtilage listed farmhouse, with objectors stating that an appropriate case has not been demonstrated for its demolition. Whilst Officers did originally believe the demolition of this building would lead to substantial harm to the significance of the farm group and the Conservation Area it has since been demonstrated by the applicant and during a site visit with the Council's Conservation & Design Officer that the demolition of this farmhouse is required due to restricted access into the site, whilst there is an access to the rear this would require upgrading to allow it as residential access and would conflict with green belt policies and therefore the use of this access is not an option. There is also access via a track through the farmyard to the west of 65 The Village, which is Grade II Listed. With the farmyard retained in its current location, the access forms a pinch point which is too narrow to accommodate a road, increasing the width of this access would require partial demolition of the listed building which is not an option due to its designation and that it is understood to be in separate ownership. The Council's Highways team have confirmed that the proposed access to the front of the site is the only

viable option to ensure a safe and suitable access, as well as retaining protected trees T1 & T2. Furthermore, a structural report has been submitted within allied application 2021/92969 to provide evidence that the house is in very poor structural condition, recommending demolition. The dwelling has been vacant for a number of years and has not been maintained for a significant amount of time, if the development cannot proceed the listed buildings would be at risk of further deterioration. C&D Officers therefore accept the justification for its demolition. To help mitigate against the harm of demolition it is proposed that a similar house in a new location is constructed with the full recording of the house carried out prior to its demolition. It is also recommended that the existing stone from the farmhouse shall be reclaimed and reused where possible, with any replacement stone matching the existing in terms of its stone type, tooling, coursing etc. Tumbled and dyed stone will not be permitted. Furthermore, the demolition of the farmhouse shall not be allowed to proceed unless the larger development on the site goes ahead. This can all be secured via condition.

### *Conversions of Listed Buildings*

#### *Barn - Plots 1-4*

The barn is a substantial Grade II listed structure situated in a prominent corner location in the centre of the village. Part of the building dates to 1671 (datestone above the southernmost doorway) with later additions and alterations including a more recent king post structure, catslide extensions on the south elevation and later window openings. The main body of the barn is two-storeys with four bays and a central arched cart entrance.

The proposals seek to subdivide the barn to create 4 separate dwellings, installing first floors and resulting in a significant amount of subdivision. This will result in a loss of openness which is characteristic of these types of farm buildings and will lead to harm to its significance. No justification has been provided by the applicant in respect to the extent of subdivision or to justify the loss of the stone flag floor. C&D Officers remain concerned about the lack of justification and recommend that historic stone flag flooring which survives in good condition is incorporated into the ground floor of the barn conversion. This can be secured via a condition. In terms of windows, the details provided are still unclear and therefore if approved, these details should be provided prior to their installation. Stone mullions are also shown on the north elevation of this building, C&D Officers request these mullions to be omitted, with the new windows being in the same design as existing with timber mullions installed.

Furthermore, the submitted plans now incorporate the southern bay of the barn into Plot 4, this will ensure the restoration of this derelict bay including the original 1671 doorway and shall incorporate a significant historic part of the building into the proposals, ensuring its preservation. Utilising the existing doorway also helps to reduce the number of new openings required in the east elevation, and therefore this is welcomed.

A number of representations have been received which object to the proposed demolition of the existing 2 lean-to's on the western elevation of the old barn noting that they are an integral part of the main structure and warrant protection. C&D Officers state in their response that whilst these elements do contribute to the evolution of the building and their loss will cause less than substantial harm, removing these structures will reveal earlier historic fabric of the barn and allow historic openings in the main building to be reinstated. On balance, Officers deem this demolition to be acceptable.



Further representations were received in respect of the proposed subdivision of the barn into 4 separate dwellings, this has been raised previously by the Council's Conservation & Design Officer who still has concerns about the level of subdivision within this building. They note that a lack of justification from the applicant, with no details submitted to justify the loss of the stone flag floor. C&D Officers recommend that historic stone flag flooring which survives in good condition should be incorporated into the ground floor of the barn conversion. Again, this can be secured via condition.

#### *Barn adjoining 65 The Village – Plot 5*

The barn and house are Grade II Listed and date to the early-mid 19<sup>th</sup> Century with earlier elements. The barn is two-storeys high and is constructed in hammer dressed stone with a stone slate roof and a large arched cart entrance on the north elevation facing a farmyard area. A small door is located on each side of the arch. There is a blocked three light mullioned window on the rear elevation, with a C19 threshing door and a high-level window opening. Internally, a brick dividing wall has been constructed up to first floor level, with a high-level beam which provides evidence that an upper floor has previously been in place.

No alterations are proposed for no. 65 The Village, we understand that this is in separate ownership and therefore falls outside the scope of this project.

The proposal is for the conversion of the attached barn into a single 3 bedroomed dwellinghouse. The principle of this conversion is acceptable as it will enable restoration of a building in poor condition with structural defects. Following negotiations revised plans and amendments to the scheme in line with recommendations from the Council's Conservation & Design Officer have been received. However, C&D Officers note that they do still have concerns in respect of the lack of detail provided within the submission however, this level of detail can be addressed by condition.

#### *Former Dairy – Plots 6-8*

The former dairy is a Grade II listed building which was historically a barn and was fitted out as a milking parlour and dairy in the late 20<sup>th</sup> Century. It is constructed in coursed dressed rubble stone with a pitched roof, with various openings that add to the character and significance of this building. A four light splayed mullion window is located on the west elevation. Three small arched windows within the chamfered stone surrounds are located in the central bay of the east elevation and are likely to date to the 17<sup>th</sup> or 18<sup>th</sup> Century. A historic photograph of 1954 shows two small square first floor windows which have since been removed with partial rebuilding at that level, with an increase in height of one course and the replacement of a stone slate roof with corrugated sheeting. Also on this elevation is a doorway with a heavy pyramid shaped lintol and a datestone of 1672 in the northern bay. Several openings in the southern bay of the east elevation have been infilled, with others created for later uses. Queen post trusses support a modern corrugated roof with skylights.

The proposal seeks to convert this building into three separate residential units, with the restoration of the northern and central bays and the demolition and reconstruction of the southern bay. A structural report has been submitted alongside the application which outlines that the east wall of the former dairy is unrestrained for a considerable length, with significant deflection and structural distress, with failed masonry elements and mortar joints. The report recommends the complete rebuilding of this elevation. Based on the information provided Officers still have concerns in respect of the extent of demolition of the south bay. The applicant is recommended to investigate consolidation methods instead, as an example they could retain the external leaf and construct a new supporting structure internally. If this is not a viable option and it can be clearly demonstrated then the external wall must be rebuilt like for like, using the existing stone and reconstructed in a lime-based mortar. This can be secured via a condition.

Whilst Officers welcome the retention of historic openings with Touchstone Glazing set into the stonework, along with the amended door types on the western elevation, there are still some concerns about the design of the proposed doors and windows in the existing doorways of the northern bay of the east elevation. It is recommended that full details are submitted for approval by condition, following research to inform their design. As an example, the proposed single pane window within the 17<sup>th</sup> Century doorway in the north bay could be re-designed as a timber door, perhaps with a vision panel.

Representations have been received in respect to the conversion of the Old Dairy, deeming these works to be inappropriate to subdivide into 3 separate dwellings and that it should be single storey in height. Conservation & Design Officers do still have concerns in respect of the extent of demolition proposed to the external walls and recommend that the buildings significance is assessed further following on from advice received from West Yorkshire Archaeology Advisory Service. This can be secured via a condition, alongside other recommended conditions such as the submission of window and door details.

Concerns were also raised by third parties with regards to the installation of skylights into the roof of the former dairy, the Council's C&D officer notes that following a significant reduction in rooflights on both pitches, they accept that a small number can be justified as this is a less harmful way of providing natural light and ventilation into the first-floor space rather than having to insert additional windows in the elevations.

#### *New Dwellings – Plots 9, 10, 11, 12, 13, 14, 16 & 17*

The design concept included within the design pack refers to several rural and agricultural design characteristics integrated into the house types so that they appear sympathetic to Farnley Tyas Conservation Area. It is unclear how it has been established that the dwellings and layout are appropriate for this location and setting, and how they reflect the historic character of the farm and the wider conservation area. The historic farm group has a high level of significance both within the conservation area and nationally as listed buildings, and the proposed detached houses appear quite suburban in layout and design.

The proposals seek to provide 9 new build dwellings, 1 of which relates to a replacement 'replica' dwelling of the existing curtilage listed farmhouse which is to be demolished to allow for a suitable access to be provided into the site.

These dwellings comprise of two storey detached 3, 4 & 5 bedroom properties, with varied garden/amenity areas. Parking is typically provided on driveways to the front of the properties, albeit some parking is shown to the side or within attached/detached garages. The site is accessed via The Village to the north whereby a 'cul-de-sac' style arrangement has been provided.

A number of representations have been received in respect of the proposed new builds, these typically relate to the scale, size, layout, design and materials to be used within the properties. Whilst some of these issues are assessed below, a further discussion on these topics can be found within the allied application for full planning permission, application reference 2021/93006.

The Council's Conservation & Design Officer notes that the Beech Farm and Manor Farm developments are assumed to have been used as precedents to inform the design of this development however, Yew Tree Farm is quite different as it is situated in the heart of the historic village and includes a compact group of listed farm buildings and cottages and an early C19 curtilage listed house with the remains of attached barn. This group is far more significant than the other two farms and is adjacent to other listed buildings at 51/53 The Village (1678) and St Lucius's Church. Due to the much higher level of significance these potential precedents are considered to have limited relevance in this instance.

Historic England raise objections in respect of the proposed new build dwellings within the site, stating that they would have a suburban character in their layout, scale and detached form. They believe that this element of the proposals would harm the character of the Conservation Area and the setting of the listed farm buildings and that it could be developed in a less harmful manner, or in a manner that would enhance the designated heritage assets. They therefore do not believe that this harm is justified. Furthermore, comments have been received from the Council of British Archaeology who highlighted that the proposals appear to give the greatest weight to the large new developments at the rear of the site rather than maximising the opportunities for interesting homes in the historic buildings at the front of the site. Resulting in a scheme with an unjustified level of harm to the listed buildings that would also harm the character and appearance of the Farnley Tyas Conservation Area.

Following several negotiations and amendments the external detailing of the new dwellings has been simplified which large omissions made to the originally proposed timber framing and glass which was deemed to be harmful to the vernacular character of the village, particularly when viewed across the fields to the south. Changes have also included the removal of 1 of the originally proposed new builds which has allowed for a reduction in the density of development, as well as creating additional space around the dwellings and retention of a protected tree to the south-east. C&D Officers consider this reduction in density to also result in a reduction in harm, this view is supported by Historic England who perceive this change as slightly improving the impact on views towards the Conservation Area from the south. The re-designed dwellings incorporate traditional references which reflect the local character of the village, although the design and layout of the development is still somewhat suburban in nature.

However, taking the above assessment into consideration, alongside objections raised by Historic England, Officers consider that on balance, the proposed new builds would result in less than substantial harm and that this harm would be outweighed by the public benefits of restoring an important group of listed buildings in the centre of the village, along with the demolition of modern agricultural buildings which make a negative contribution to the character of the Conservation Area. Should the application be supported, it is recommended that external material samples are submitted for approval to ensure a high-quality finish. Natural stone should be used for the roof slates, with pitched faced or tooled stone rather than tumbled and dyed stone for the external walling. This can be secured via a condition.

### *Landscaping*

The proposals seek to utilise a number of boundary treatments throughout the site, these include 1.2m high dry-stone walling, 1m high black metal estate railings and 1.5/1.8m high close boarded timber fencing.

The Council's Conservation & Design Officer welcomes the use of 1m high metal estate railings within the farmyard at the north-eastern corner of the site as there is evidence of former subdivision within this yard although the details are unclear. The metal estate railings will ensure that the openness of this space is retained as will provide a lightweight permeable boundary treatment which is characteristic of a historic farmstead and will allow the yard to be rear as an open space.

They also support the installation of dry-stone boundary walling throughout the site, specifically on the southern boundary facing towards the open fields. This type of boundary treatment is deemed to be suitable as this is the typical vernacular boundary feature found throughout the village.

However, they do still raise concerns in respect of the solid wood vertical boarded 1.8m high timber fencing which is found along the eastern boundary of the site and throughout the rear gardens of both the converted and new building dwellings, of which no justification has been provided. This should be omitted and replaced with lower boundary treatments such as low stone walls/railings or soft landscaping. Taking the above into account a condition in respect to the submission of details in respect of boundary treatments to be submitted prior to their installation should planning permission be granted. It is also noted that minimal details have been provided in respect of the existing (curtilage listed) and proposed dry stone wall which runs along the western boundary of the site. Therefore, a condition should be included which also requires further details of how the existing stone wall will be retained and protected during works, and how the new extended walling will match/be similar in appear to the existing.

To the front of the site off-street parking is to be provided for 13 vehicles, C&D Officers note that the creation of parking in this prominent location will cause harm to the setting of the farm group and whilst alternatives have been suggested the location/layout of this car parking area has not been amended due to site constraints. However, subject to suitable landscaping being proposed in this area, the location of the car park may be acceptable. Details of soft landscaping can be controlled via a condition.

## *Nos. 63 & 55 The Village*

No alterations are proposed to these cottages, we understand that these are in a separate ownership and therefore fall outside the scope of this project.

### *Castle Hill*

Of relevance, the application site is also wholly located within a dominant area of the Castle Hill Settings Study. Criterion 3 of LP35 of the KLP outlines that proposals should preserve the setting of Castle Hill where appropriate and where schemes will detrimentally impact on the setting of Castle Hill, these will not be permitted. The Council's Conservation & Design Officer was consulted on the proposals and noted that there is no impact on the setting of Castle Hill, which is some distance away to the north-west and obscured by the topography and previous development within the village. Therefore, Officers have no concerns with regards to this element of the scheme.

### *Archaeology*

The application site lies in an area of archaeological potential at the heart of a settlement recorded in the Domesday Book of 1086. The historic significance of the vicinity is recognised in its status as a Conservation Area and by the presence of 4 Grade II Listed Buildings within the application site. The West Yorkshire Archaeology Advisory Service (WYAAS) were consulted on the application and noted that the documents provided by the applicant do not adequately assess the application sites archaeological and historic significance nor the impact of the proposed development would have on these qualities and setting of the surrounding Conservation Area, village and other Listed Buildings. The WYAAS recommended that the application be deferred until an appropriate level of understanding at the site and its setting was undertaken and any necessary further work either carried out or identified. However, they did note that should planning permission is granted then a condition should be attached which requires an appropriate level of archaeological observation and recording (historic building recording, archaeological evaluation and potentially excavation) to be undertaken prior to commencement of works on site.

The Council's Conservation & Design Officers note that the applicant accepted a condition to secure a scheme of archaeological evaluation prior to commencement of works on site but did not accept this at pre-determination stage. Given the likely archaeological potential of the site referred to in the WYAAS letter dated 23 June 2021, C&D Officers recommend that this is carried out prior to the application being determined, with amendments made to the scheme accordingly. If this is not accepted at determination stage, they would support the proposed condition recommended by WYAAS for archaeological recording and excavation prior to commencement on site. This view is supported by the Council of British Archaeology.

### *Summary*

Taking the above assessments into account, C&D Officers conclude that whilst the proposals would result in less than substantial harm, the public benefits arising from the scheme as set out above would help bring vacant and dilapidated listed buildings back into full use and ensure the longevity of the well-established historic farm group. C&D Officers therefore consider the proposals on balance, to be acceptable to be in accordance with LP24 and

LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework as well as requirements set out within Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

### Design

- 10.24 As outlined above the site and its context have a relatively high degree of townscape, landscape and heritage sensitivity, due to it being located within the Farnley Tyas Conservation Area, including and adjacent to Listed Buildings, with an open and visible location to the southern boundary.
- 10.25 Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of a high quality and design and contribute to creating mixed and balanced communities.
- 10.26 Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:
- ‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’.*
- 10.27 Principle 2 of the Kirklees Housebuilders Design Guide SPD states that “*new residential development proposals will be expected to respect and enhance the local character of the area by:*
- *Taking cues from the character of the built and natural environment within the locality.*
  - *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
  - *Illustrating how landscape opportunities have been used to promote a responsive, appropriate approach to the local context”.*
- 10.28 Principle 8 of the Housebuilders’ Design Guide SPD outlines that the transition from urban to open land should be carefully considered where development is located on the edge of the urban area. Proposals should therefore demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design.
- 10.29 Regarding the layout and siting of the proposed new build dwellings, Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front onto the street. On this occasion, as the proposals include the conversion of existing listed buildings into 8 no dwellings, the layout and siting of these units is already set and therefore their orientation and location is deemed to be acceptable. In respect of the new build dwellings, given the restricted nature of the site, a cul-de-sac arrangement is to be created behind the existing listed buildings, therefore the proposed dwellings would be set back from the public highway, and would form their own building line to the rear of the retained Listed Buildings.

- 10.30 Furthermore, whilst it is acknowledged that some of the new build dwellings do have a somewhat larger footprint and that the majority of dwellings within the village relate to terraced/semi-detached properties, the context of the area does begin to change the further out of the centre you travel, whereby larger detached properties are introduced, most specifically down Manor Road. The larger dwellings on this site are to be located to the south and are to replace existing large agricultural buildings, whilst they will be openly visible from Farnley Road when entering the village, they will be viewed alongside properties located on Park Farm Court and therefore on balance, these properties are not considered to appear as alien features within the landscape.
- 10.31 Principle 15 of the Housebuilders Design Guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types. In this instance the proposed new builds are to utilise a mix of pitched and lean-to roof designs. These designs are considered to be reflective and sympathetic of adjacent buildings within the immediate vicinity and throughout the village. Turning to the heights of the buildings, given the nature of the proposed conversions the heights of these dwellings are to remain as is and is therefore acceptable.
- 10.32 However, in respect of the new builds, these are all to be two-storeys in height, with varying ridge heights throughout, this is likely due to the sloped topography of the site, whereby there is a slight difference in land levels throughout. Properties located adjacent to the site do differ in both scale and size albeit the majority of these dwellings are two-storeys in height. Looking specifically at plots 10, 11 and 12 which are located to the south of the site, these dwellings are to have a staggered approach and whilst large in scale, they are set to replace existing bulky agricultural buildings found at the site, whilst the introduction of residential properties in this location will alter the character of this portion of land and the views into the site, the dwellings will be viewed amongst existing development and similar dwellings constructed at Park Farm to the east. Officers therefore deem this element of the proposals to be acceptable on balance, and to be in accordance with Principle 15 of the above SPD.
- 10.33 Principle 14 of the above SPD states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. In relation to the converted dwellings and new build properties, C&D Officers have requested further details in respect of the proposed windows and doors to be provided prior to their installation, this will be secured via a condition. Subject to the submission of these details, Officers deem this element of the proposals to be acceptable and in accordance with Principle 14 of the above SPD.
- 10.34 Principle 13 of the Housebuilders SPD seeks to ensure that consideration is given to the use of locally prevalent materials and finishing to reflect the locality. In terms of materials to be used within the conversions of listed buildings and the construction of the 'replica' farmhouse. It is proposed that reclaimed Yorkshire Walling stone and stone slate roof tiles be used within the properties. For the new build dwellings, the submitted drawings show the use of tumbled and dyed Yorkshire walling stone with stone slate roof tiles in the colour buff. Following discussions with the Council's Conservation & Design Officer it is considered that the use of tumbled & dyed stone would be inappropriate, and it is recommended that either pitched face or tooled stone is used, this is to be

controlled via a condition requiring samples to be submitted to the LPA for approval prior to their use. Subject to the above details being submitted and having regard to the materials approved to the east (Park Farm) the proposed materials to be used within the new dwellings is considered to be acceptable.

- 10.35 In conclusion, while Officers acknowledge that additional details/samples will be required prior to the construction of both the new build dwellings and converted listed buildings, and that concerns have been raised by Conservation & Design, Historic England and the Council of British Archaeology, subject to these details the proposals are on balance, deemed to be appropriate in size, scale and design in this location and it is reiterated that the benefits arising from the scheme as set out previously would help bring vacant and dilapidated listed buildings back into full use and ensure the longevity of the well-established historic farm group. The proposals are therefore considered to accord with Chapters 12 and 16 of the National Planning Policy Framework, Local Plan Policies LP11, LP24 and LP35 of the Kirklees Local Plan and Principles 2, 5, 8, 13, 14 and 15 of the Housebuilders Design Guide SPD.

#### Housing Mix and Density

- 10.36 Policy LP11 of the Local Plan requires consideration of housing mixture. Policy LP11 requires a proposals housing mix to reflect the proportions of households that require housing, achieving a mix of house sizes (2, 3, 4+ bed) and typologies (detached, semi-detached, terrace, bungalow). The starting point for considering the mixture of housing types across the district is the Kirklees Strategic Housing Market Assessment (SHMA). The following housing mixture is proposed:

- 2 bed: 6 (35%)
- 3 bed: 6 (35%)
- 4 bed: 4 (24%)
- 5 bed: 1 (6%)

- 10.37 Within this, the proposal includes a proportionate mixture of semi-detached, terraced and detached units. The proposed housing mixture is welcomed and is considered to be representative of the needs of the area. Accordingly, the proposal is considered consistent with the expectations of LP11.

#### *Affordable housing*

- 10.38 Local Plan Policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate affordable housing, with a minimum of 25% of the affordable housing being First Homes which are an intermediate form of affordable discounted housing for sale.
- 10.39 Within the recently adopted Affordable Housing and Housing Mix SPD (2023) paragraph 2.3 notes that First Homes are a new type of discounted market sales housing, whereby these are intermediate tenure homes that are discounted 30% below market value, with the initial sale capped at a £250,000 price point (after discount) and have an eligibility criterion for buyers, more information on First Homes can be viewed [here](#).



10.40 Paragraph 64 of the NPPF identifies that where proposals are to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution should be reduced by a proportionate amount that is equivalent to the existing gross floor space of the existing buildings. However, this does not apply to buildings which have been abandoned. This is further supported by the Government's Planning Practice Guidance.

10.41 The applicant's agent has outlined their calculations in respect of vacant building credit. This is shown below.

*'The existing buildings on site (excluding the agricultural buildings which are to be demolished) have a total of 30,189sq ft (2804sqm), which are to be converted to residential use as part of the current proposals. The scheme proposes a total of 51,338sq ft (4769sqm), which is to be made up from the conversion of the existing buildings on site (30,189sq ft) plus 21,149sq (1964sqm) ft new build. 30,189sq ft (existing buildings to be converted) represents 59% of the total of 51,338sq ft floor space to be provided. This means that the affordable housing provision applicable for the scheme should be 41% of the affordable housing element which is sought through policy. Current planning policy requires 20% affordable housing for a scheme of this nature. 20% of 18 dwellings proposed is 4 dwelling (rounded up). 41% of the 4 dwellings is 1.64 dwellings (rounded up to 2 dwellings). We therefore consider that the application of VBC will result in an affordable housing requirement of 1.64 dwellings (rounded up to 2 dwellings).'*

10.42 Looking at the above, it is noted that since this calculation there has been the loss of 1 new build dwelling from the scheme and therefore the amount of new build footprint will be reduced somewhat as 20% of 17 units is equivalent to 3.4 units, and 41% of 3 dwellings (rounded down) is 1.23 dwellings. However, the applicant's agent has since clarified that they would still be happy to provide 2 affordable units on site.

10.43 The Council's Strategic Housing team were consulted on the proposals and confirm that they would be happy with 2 x First Homes to be provided on site, a time limit of 12 months will be provided for the developer/Council to find a Registered Provider, should no interested buyer be found after 12 months the developer can sell the affordable homes on the open market and pay the Council a commuted sum. It is noted that these first homes/balance of affordable housing should be delivered/paid before 50% of any of the dwellings on site are occupied.

10.44 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. However, due to the size of the proposed development (and given that only 2 affordable units are required), it is accepted that opportunities for pepper-potting affordable housing around the site are limited. All units should be of an appropriate design, with the same materials and similar detailing proposed for all dwellings, to help ensure the affordable units would not be visually distinguishable from the development's market units.

## Residential Amenity and Quality

- 10.45 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.
- 10.46 Principle 6 of the Housebuilders Design Guide 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.
- 10.47 The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:
- 21 metres between facing windows of habitable room;
  - 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
  - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land;
  - for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.
- 10.48 Existing residential properties neighbour the application site to the north and east. Acceptable separation distances are proposed between the new build dwellings and existing neighbouring properties of at least 21m between facing habitable rooms. Whilst plot 15 (the farmhouse) only provides a separation distance of approximately 18.7m given the dwellings orientation to no 65 The Village Officers consider that there would be no direct views into any habitable room windows. Moving on to the proposed conversions, whilst the majority of the conversions would meet the above standards, Officers do note that a habitable room window is proposed within the ground floor eastern elevation of plot 5 however, given its location and relationship with windows within no. 55, it is not considered that there would be any direct views into these adjacent windows to raise any significant concerns with respect of loss of privacy. Furthermore, plots 7 & 8 are located ~15m away from the rear of no. 53 The Village which does benefit from habitable rooms within its rear elevation. However, to provide suitable living accommodation and a viable re-use of this listed building habitable room windows are required within the rear elevation of the former dairy. Whilst the separation distance does fall short of the recommended 21m, 15+ metres is still considered to be a sizeable separation distance. It is also noted that along the eastern boundary of the site a 1.5m high closed boarded timber fence is proposed, this will help to screen the ground floor of these dwellings from no. 53 at ground floor level. It is therefore concluded that on balance, there are no significant concerns with respect of overlooking from the proposed dwellings to recommend refusal of this application.
- 10.49 As set out above the Council's Housebuilders Design Guide SPD recommends a separation distance of 10.5m between any habitable room windows and the boundary of any undeveloped land. In this instance, given the sites semi-rural location and the restricted nature of the site, which is bounded by undeveloped land to the south, these minimum separation distances would be difficult to meet. Plots 10, 11 and 12 which are sited towards the south of the site are

located adjacent to open, undeveloped land and do contain habitable room windows within their rear elevations. Plot 10 would have a separation distance of around 7.4m, plot 11 would be around 7.8m away and plot 12 would have a separation distance of just 3.8m. Whilst the proposals would not be in line with this recommendation, it is noted that land to the south is located within the Green Belt and is not presently allocated for housing within the Kirklees Local Plan.

10.50 Following on from the above assessment in respect of outlook Officers note that the converted listed buildings all seek to maintain their existing heights and built form (excluding plots 1-4 and the former dairy which will see a reduced footprint due to the proposed demolitions outlined on the submitted demolition plan), therefore the conversion into a residential dwelling is not considered to appear significantly overbearing, or overly dominating when compared to what currently exists at the site. Looking at the proposed new builds, given the relationship with neighbouring properties the dwellings of most concern are Plots 9 and 16 and plot 10's detached garage. In terms of the detached garage at Plot 10, whilst it is noted that there is a difference in land levels between this plot and adjacent neighbouring properties no. 51 The Village and New Lane Barn, the detached garage is to be single storey in height, and would be stepped back from the boundary by approximately 1.5m, given the scale, size and location of this garage Officers have no significant concerns in respect of this element of the scheme appearing overbearing on adjacent neighbouring properties. Moving on to Plot 9, this dwelling is to be located approximately 6.9m away from the adjacent garden of no. 51 The Village, and whilst it is noted that there is a difference in land levels between the application site and this neighbouring property this dwelling is set back a sufficient distance and is to replace existing large and vacant agricultural buildings, Officers therefore consider that the replacement of such buildings with this new dwelling would not have a significantly different impact on this neighbouring property. Finally, Plot 16 is located adjacent to no. 65 The Village to the south. Whilst this dwelling will be located just 1.5m away from the boundary of no. 65, given its orientation and that it is to replace several existing large and vacant agricultural buildings on balance Plot 16 is acceptable and that it would not appear overly dominant or overbearing on this neighbouring property.

10.51 Finally, in terms of overshadowing and the loss of light, again as discussed above, the proposed conversions will not see an increase in bulk and massing and therefore no additional overshadowing is considered to arise from these elements of the scheme. Although it is noted that Plots 1-4 do propose the installation of black estate railings to the rear to delineate amenities spaces between the dwellings. Whilst Officers acknowledge that these boundary treatments will be located in close proximity to no. 63 The Village and habitable room windows, the railings are lightweight in appearance and measure just 1m in height, therefore they are not considered to be overly dominant or imposing in this location. Furthermore, boundary treatments are also proposed with regard to the new builds, the boundary treatments which may impact on adjacent neighbouring properties the most relate to plots 7, 8, 9 and 10. At plots 7 & 8 a 1.5m high close boarded timber fence is proposed along the eastern boundary adjacent to no. 53 The Village. Whilst it is acknowledged that there is a difference in ground levels of approximately 0.9m, and that there are habitable room windows within the rear elevation of no. 53, the proposed boundary fence is to be stepped back from the existing boundary treatment by approximately 0.9m and would be set just 0.3m higher than the existing boundary treatment that runs adjacent to no. 53 therefore any impact arising from this new boundary

treatment is not considered to be significant. In addition, Officers do note that the owners of the farm could have erected a fence under permitted development which would be higher than that proposed, the proposed boundary treatment is therefore considered to be acceptable in this location. Looking at plots 9 & 10, 1.8m high close boarded timber fencing is proposed along the rear boundaries of these plots, which sit adjacent to neighbouring properties 51 The Village and New Lane Barn. Whilst these dwellings are set at a lower ground level to the application site, again as outlined above the owner could put a 2m high fence up under permitted development and given the existing boundary treatments and screening, any impacts arising from the fencing is not deemed to be significant enough to recommend refusal of this application. Finally, looking at Plot 16, given its location to the south of no. 65 The Village, it is acknowledged that there would be some overshadowing arising from this new property across the rear garden of no. 65 during the early/late afternoon however, this would not be for a delayed period of time and would not cover the whole of the garden and therefore there would be a large portion of the garden out of shade throughout the day. Officers therefore conclude that any impacts arising from Plot 16 would not be sufficient to recommend refusal on this occasion.

- 10.52 Should planning permission be granted a planning condition should be imposed that removes permitted development rights from all new build and converted dwellings to ensure that no large, overly dominant extensions, outbuildings, or dormers would be constructed which could have an adverse harmful impact on the character and setting of the development as a whole, result in overdevelopment of the site or create significant amenity issues to adjacent occupiers. Restricted PD rights should also be proposed in regard to boundary treatments in the interests of visual and residential amenity.
- 10.53 Paragraph 185 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development. Policy LP52 of the Kirklees Local Plan is also considered to be of relevance and sets out that development which has the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals or other forms of pollution must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.
- 10.54 A number of objections were received with regards to light pollution. Having discussed this with Environmental Health Officers no concerns were raised in respect of this as the proposals seek to provide standard domestic lighting throughout the estate. Officers therefore conclude that this element of the scheme is acceptable.
- 10.55 In terms of the potential amenity impacts of construction work at this site, including dust management and noise, this could be controlled by planning conditions requiring the submission and approval of a Construction Environmental Management Plan as already requested by the Council's Environmental Health officers.

*Amenity of future occupiers*

- 10.56 Consideration must also be given to the amenity of future residents of the proposed dwelling.
- 10.57 Although the Government's Nationally Described Space Standards (March 2015) are not adopted planning policy in Kirklees, Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015), and it is noted that they provide useful guidance which applicants are encouraged to meet and exceed. 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.
- 10.58 In terms of amenity space, Principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character / context of the site is provided.

<b>Plot</b>	<b>Unit Size</b>	<b>Proposed (GIA, m<sup>2</sup>)</b>	<b>NDSS (GIA, m<sup>2</sup>)</b>
1	2bed4person	76	79
2	2bed4person	73	79
3	2bed4person	72	79
4	2bed4person	100	79
5	3bed6person	190	102
6	3bed6person	140	102
7	2bed4person	91	79
8	2bed4person	91	79
9	4bed8person	216	124
10	5bed8person	266	128
11	4bed8person	235	124
12	4bed8person	280	124
13	3bed6person	134	102
14	3bed6person	146	102
15 - Farmhouse	3bed6person	121	102
16	3bed6person	124	102
17	4bed8person	196	124

- 10.59 The majority of the above units all exceed the NDSS minimums. However, it is noted that plots 1, 2 and 3 do fall below these minimum guidelines albeit they are reasonably close to the standards. Furthermore, it is borne in mind that this proposal is for the conversion of a Listed Building, which must be undertaken sensitively but will, nonetheless, result in its viable re-use and therefore on this occasion the space standards for plots 1, 2 and 3 are deemed to be acceptable. Furthermore, it is also noted that some units notably exceed the minimums; this in itself is not an issue, unless it causes design concerns. This has been considered within the urban design and heritage section of this committee report and has been found to be acceptable.

- 10.60 In terms of all habitable rooms having access to at least 1 window, the majority of the dwellings proposed have dual aspect and/or access to at least 1 window. However, it is noted within plots 1, 2, 4, 6, 7 and 8 several of the bedrooms proposed only have access to natural light and outlook from the installation of roof lights. Whilst this is not typically a standard which the Council would rely on, given that these plots relate to Listed Buildings which are to be converted into a viable use and that they would benefit from some light and outlook from the proposed rooflights, as well future occupiers having access to a number of other rooms within the dwellings which do benefit from suitable natural light and outlook, on this basis the proposals are considered to be acceptable.
- 10.61 All units proposed are to have a garden and outdoor amenity space; however, it is accepted that these spaces are not all commensurate to the scale of the respective dwellings. Kirklees Local Plan does not include garden size standards. Policy seeks a balanced appreciation of the amenity standard future occupiers would have. While it is acknowledged that the gardens would be comparatively small to the dwellings, given the restricted nature of this site due to the constraints within it and adjacent to it, and that the majority of the dwellings are sizable and would provide a high level of amenity Officers on balance, consider the proposals to be acceptable. Furthermore, the site will be served by public open space that will be accessible to all, as well as being located within a rural environment and adjacent to a Public Right of Way Finally, it is acknowledged that any future residents will be aware of a dwellings outdoor space prior to purchase, and it is therefore their choice. Considering these factors, while the smaller garden sizes are noted it is not deemed to result in a materially harmful standard of amenity for future residents.
- 10.62 In terms of pollution arising from noise and dust, the Council's Environmental Health Officers were consulted on the proposals and have recommended that a be imposed, should planning permission be granted, which requires the submission and approval of a Construction (Environmental) Management Plan (C(E)MP). The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. ENVH officers have also recommended an informative regarding hours of noisy construction work.
- 10.63 To summarise, the proposed development is not considered detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Council's adopted Housebuilders Design Guide SPD.

#### Highways

- 10.64 Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking.
- 10.65 Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant

impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 10.66 Principle 12 of the Housebuilders Design Guide sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear. Principle 19 of the Housebuilders Design Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.
- 10.67 In terms of accessibility, as the site is allocated for housing in the Local Plan the principle of its suitability for residential development and the relative accessibility of the site was assessed as part of this process and was found to be acceptable.
- 10.68 A single point of access is proposed onto The Village. This access will provide a new T-junction at the northern boundary of the site, adjacent to the existing farm access which is proposed to be closed as part of the proposals.
- 10.69 The existing dwelling that is currently served from the existing farm access onto The Village is proposed to be incorporated into the new-build area and will continue to be accessed from The Village via the new site access. The 2 no. existing dwellings that are currently served by private accesses to the east of the site onto The Village remain unaffected by the proposals.
- 10.70 The Council's Highways Officers and Section 38 team were consulted on the proposals and whilst a number of their original concerns were overcome during amendments made throughout the lifetime of this planning application, Officers did still have concerns with regard to the junction radii at the site access, which was recommended to be 10m in width, not 6m as proposed within the submitted plans. This was to ensure that parking opposite the junction would not make refuse vehicle access/egress difficult in the future should planning permission be granted. However, the applicant's agent has confirmed that this road would not be adopted and therefore this request was not deemed to be necessary in this instance. Highways Officers have confirmed this to be acceptable.
- 10.71 In terms of parking provision, the Kirklees Highways Design Guide outlines that Kirklees Council has not set local parking standards but notes that as an initial point of reference for residential development, 4+ bedroomed dwellings should provide at least 3 off-street parking spaces, with 3 bedroomed dwellings providing at least 2 spaces, and 1-2 bedroomed dwellings providing at least 1 space. In most circumstances one visitor space per 4 dwelling is considered appropriate.
- 10.72 In this instance it is considered that sufficient off-street parking has been provided for both new build and converted dwellings, as well as visitor parking within the site.

- 10.73 Several representations have been received in respect of the location of the new access, parking of construction vehicles, sight lines, increase in traffic onto The Village and the reinstatement of the unfinished access road off Farnley Road. Highway Officers have assessed the proposals and note that visibility splays of 2.4 x 43m is to be provided in both directions, this is considered to be acceptable and therefore no objections have been raised. In respect of the location of the access and increase in traffic, a Transport Statement and Stage 1 Road Safety Audit has been submitted whereby Officers agree with the conclusions and recommendations made. Furthermore, a condition is recommended in respect of the submission of a Construction Environmental Management Plan which will deal with such things as site and transport arrangements, site storage and wheel washing/good housekeeping. Finally, with regard to the unfinished access road off Farnley Road, this road falls outside the red line boundary and does not form part of this planning application. Should residents have concerns regarding this access road it is recommended that this is raised with the Council's Planning Enforcement team.
- 10.74 For the above reasons it is considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Chapter 9 of the National Planning Policy Framework and Principles 12 and 19 of the Housebuilders Design Guide SPD.

#### *PRoW*

- 10.75 Public Right of Way (PROW) KIR/59/10 runs along the site's western boundary between the application site and St Lucius Church. The Council's PROW Officers were consulted on the proposals and raised no objections subject to the existing stone walls along the PROW being retained, with no increase in the wall height. They wish to see the path to remain as open and safe and possible, and to ensure that the character of the area would not be spoilt.
- 10.76 The PROW falls outside of the allocation / red-line boundary, and no works are proposed to it. However, it is noted that the proposed works will bring structures closer to the right of way in some locations and would change its setting for users walking up the PROW. Nonetheless, this is not considered materially harmful to the amenity of the path's users as no new structures would be unduly close and would not create a tunnelling effect or safety concerns on the PROW. A note advising the applicant to not interfere or block the PROW is recommended. In addition, a condition in respect of the proposed boundary treatments along the PROW shall be included should planning permission be granted. This is to ensure that the boundary treatment is sympathetic to its location and retains the open and safe aspect of the Public Right of Way.

#### Flood Risk and Drainage

- 10.77 Local Plan policies LP24, LP27 and LP28 are relevant to flood risk and drainage, as is chapter 14 of the NPPF.
- 10.78 NPPF paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies within Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required.



- 10.79 As outlined within the submitted Bright Young Drainage Strategy Report the development site appears to currently drain surface water mostly via private drains into the public sewer network adjacent to the north and eastern sides of the site, with some areas draining to soakaways within the southern side.
- 10.80 The soakage tests results contained in the Drainage Strategy Report indicate good infiltration results in the eastern part of the site with poor results on the western side. The report indicates that the surface water from roof, access roads and hardstanding within the site is proposed to be drained to several soakaway pits spread mostly across the eastern part of the site where good infiltration rates were recorded by the soakage testing.
- 10.81 The application and submitted drainage report has been reviewed by the Lead Local Flood Authority (LLFA) who support the proposal to drain surface water to soakaways subject to confirmation of the suitability following further infiltration testing at the final locations during the detailed design stage, and submission of calculations determining the soakaway sizing where soakage through the base of the soakaways should be discounted to account for long term blinding with silts of the ground below the soakaway. If disposal of surface water to soakaways is found not to be feasible over parts of the site and drainage of these areas to proposed soakaways elsewhere within the development is proven to be impractical, discharge to sewer at an attenuated rate on the basis of 30% betterment of current discharge rates for areas proven to drain to the sewer network may be considered, subject to a minimum flow control diameter of 75mm.
- 10.82 LLFA request that plans be submitted at detailed design stage indicating the flood route during exceedance events and proposals for the temporary drainage of the site during construction activities prior to the commissioning of the permanent drainage. Conditions are recommended in regards to providing drainage details, overland flow routing, and a construction phase surface water risk and pollution prevention plan to be submitted prior to works commencing on site.
- 10.83 Furthermore, it is proposed at this stage that the surface water drainage will remain private and will not be offered for adoption by Yorkshire Water, it is therefore recommended that the maintenance and management of the surface water drainage system is secured via a Section 106 agreement. This is to ensure the long-term maintenance of the surface water drainage system is carried out.
- 10.84 Yorkshire Water were also consulted on the proposals and were in support of the scheme subject to conditions relating to separate systems of drainage for foul and surface water and that no piped discharge of surface water from the development should be undertaken prior to the completion of surface water drainage works.
- 10.85 Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the S106, the proposal is considered by officers and the LLFA to comply with the aims and objectives of LP24, LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

## Trees and Biodiversity

- 10.86 Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.
- 10.87 Whilst the Council's Tree's Officer did have initial concerns with respect of the loss of T1 and T4 protected trees, and direct/indirect impact on protected trees located along the western boundary of the site belonging to the adjacent church. Since the original submission of this application amended plans have been received which have sought to retain protected trees T1 and T4. The application is supported by an Arboricultural Impact Assessment, Arboricultural Method Statement and a Tree Planting Scheme undertaken by JCA Limited, on behalf of the applicant.
- 10.88 The Council's Trees Officer does welcome the amendments made during the life of the application, whereby the originally suggested removal of T1 to the front of the site has now been overcome. This has been made possible by the retention of the immediate soils/wall adjacent to the boundary which will have restricted the tree's root growth to the east/into the site. Therefore, access as shown on the submitted plans could be provided without detrimentally impacting on the life of this protected tree.
- 10.89 In addition, T4 located to the rear of the site along the eastern boundary is now also to be retained. To do this the layout has been amended with the removal of 1 new build dwelling from the scheme, the design of dwellings along the western boundary have also been amended allowing for more space between the buildings and the adjacent church yard which houses several protected trees along this boundary.
- 10.90 However, it is noted that the submitted Arboricultural Impact Assessment is no longer suitable given the significant changes to the layout. It is therefore recommended that a condition be attached, should planning permission be granted, requiring the submission of a revised Arboricultural Method Statement prior to works commencing on site. The Council's Tree's Officer also requests the removal of permitted development rights for extensions and outbuilding for plots adjacent to the protected trees (plot nos. 10, 12, 13, 14 and 15) to afford the LPA some control over future changes to residential plots.
- 10.91 Taking the above assessment into account, subject to conditions, the proposals are considered to accord with LP24(i) and LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
- 10.92 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.
- 10.93 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Through LP30, development proposals are expected to:
- (i) *result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory*

- measures secured through the establishment of a legally binding agreement;*
- (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;*
  - (iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;*
  - (iv) establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and*
  - (v) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone*

10.94 A Bat Emergence and Re-Entry Survey Report has been submitted alongside the application. The Council's Ecologist was consulted on the proposals and states that the submitted report details that although the site provides suitability for roosting bats, during the course of the surveys undertaken in 2022, no roosting bats were observed at the site and only a low level of foraging and commuting bats were observed. Officers therefore recommend that the recommendations laid out in the report be adhered to throughout the development of the site to ensure that bats are protected throughout, in particular the recommendations surrounding the lighting provisions. They raise no concerns in respect to the proposals subject to a condition for the installation of 11 bat boxes, which will ensure there is a biodiversity net gain at the site, in line with policy LP30 of the Kirklees Local Plan.

#### Land Contamination

10.95 The application is supported by a Phase 1 Geoenvironmental Investigation report. The report concludes that due to the agricultural use of the land a Phase II intrusive investigation is recommended. KC Environmental Health concur that the Phase II investigation is necessary and highlight that the Council's records indicate that the site is situated on potentially contaminated land (site ref: 64/16) due to an electricity substation on-site. The site is also classified as a major development and therefore ENVH recommend contaminated land conditions to ensure that the proposals is in accordance with LP53 of the Kirklees Local Plan.

#### Landscape/Open Space

10.96 Kirklees Local Plan Policy LP63 states that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area. New open space should be provided in accordance with the Council's local open space standards or national standards where relevant. This is supported by Chapter 8 of the National Planning Policy Framework.

10.97 Principle 7 of the Housebuilders Design Guide SPD relates to green infrastructure and open space. It notes that open space, particularly for recreation, should be located at the heart of the site and designed to help create identity.

10.98 An area of public open space for informal recreation and/or amenity is to be provided to the front of the site adjacent to Plot 15 and the existing sub-station.

- 10.99 Given the nature of the scheme the Council's Landscape officers were consulted.
- 10.100 Landscape officers also note that the greenspace on site is welcomed however, they wished further clarification as to whether there will be any access for use and will the space provided meet the needs of the widest possible range of users, be easily accessible and enjoyed by all people, regardless of their visual, physical and cognitive ability, mobility or age. The applicant's agent confirmed that the POS will be managed (by a management company appointed to maintain the communal areas) as amenity greenspace and will be accessible for all.
- 10.101 Landscape officers also sought clarification as to whether the gardens of plots to the south (within the Green Belt) would remain open as Green Belt or whether they would be filled with domestic paraphernalia associated with domestic rear gardens. Whilst a condition could be imposed restricting the construction of outbuildings, hardstanding or fencing, the use of children's play equipment, washing lines etc. could not be controlled and therefore there may be some form of visible domestic use to the rear of these dwellings.
- 10.102 It was also noted that new streets should be tree-lined and therefore the proposals for street tree planting could be improved, this could also help the development comply with other policies and guidance in relation to design, biodiversity, and health and well-being. Particularly given the setting of the listed church and PROW to the western boundary. Species of planting is important, especially given the proximity to the Green Belt. Preference is for native and proven beneficial to pollinators where possible for this location. A management plan for the landscaping scheme should be provided to ensure that the scheme successfully establishes. However, this could be dealt with via a condition.
- 10.103 With respect to planning obligations, the number and type of dwellings proposed within the site would trigger amenity greenspace in LP63 but would not be required for allotments/community growing, and therefore would result in a shortfall/POS requirement from development (rounded) at a sum of £31,289 and a contribution towards a Local area for Play. This sum takes into account the 285sqm of onsite POS discussed above. Landscape officers state that there are existing facilities in the vicinity within the recommended 720m for accessibility of the site, which would require enhancement in lieu of on-site provision, potentially, but not limited to those at Farnley Tyas. Consultation with the local community and local councillors will be undertaken when monies are received to meet the priorities for enhancement of typologies. Delegated approval would also be sought for the locations for the off-site lump sums, this would be post planning permission when Section 106 planning obligations are paid, and schemes can become live. This will include consultation with the local community and local councillors post planning permission when Section 106 planning obligations are paid, and the scheme can become live.

#### Planning Obligations

- 10.104 Paragraph 57 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.

10.105 Based on the information provided to date, should planning permission be granted, the following planning obligations would need to be secured via a Section 106 agreement to mitigate the impacts of the proposed development:

- 1) Affordable Housing – Two affordable housing units (both to be intermediate/first homes) to be provided in perpetuity.
- 2) Public Open Space - £31,289 off-site contribution to enhance existing facilities within the vicinity, this will also include a 285sqm on site contribution to the front of the site adjacent to the existing substation.
- 3) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

10.106 The developer contributions outlined above are considered to be directly related to the scheme at hand as well as necessary to make the development acceptable and fair and reasonable in scale and kind to the development, as required by Paragraph 57 of the NPPF.

#### Other Matters

##### *Crime Mitigation*

10.107 The Designing Out Crime Officer has made a number of comments and recommendations, particularly with regards to boundary treatments, external lighting, trees and vegetation, CCTV, bin stores, intruder alarms, car parking, motorcycle and cycle storage, garages, windows, secure mail delivery, door sets, internal partition wall construction, public spaces and access gates to rear gardens. All of the comments made are advisory, with no objections raised with respect to the principle of development. It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with Local Plan Policy LP24(e).

##### *Air Quality*

10.108 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment to be undertaken.

10.109 Notwithstanding the above, in accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, policies LP24(d) and LP51 of the Kirklees Local Plan and the West Yorkshire Low Emission Strategy Planning Guidance which seeks to mitigate against Air Quality harm. Given the scale and nature of the development Officers seek the provision of electric vehicle charging points, one per dwelling, on new development that includes car parking. The purpose of this is to promote modes of transport with low impact on air quality.

10.110 Subject to a condition requiring this provision, the proposal is considered to comply with LP24(d) and LP51 of the Kirklees Local Plan and Chapter 15 of the NPPF.

## *Climate Change*

- 10.111 Set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.112 Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.
- 10.113 The application site is located within the centre of Farnley Tyas within an existing established settlement, close to various local amenities and facilities such as The Golden Cock Public House, St Lucius C of E Church, Farnley Tyas Church of England First School, Farnley Tyas Bowling Club and Guest Dining (restaurant). Whilst not all of daily, economic, social and community needs of residents can be met within Farnley Tyas, at least some can or can be accessed within the area surrounding the application site. Furthermore, the site is allocated within the Local Plan for housing and therefore this site can be regarded as being sustainable.
- 10.114 Regarding climate change, a development at this site which is entirely reliant on residents travelling by private car and did not provide opportunities to encourage modes of sustainable travel is unlikely to be considered sustainable. It is therefore reasonable to propose that each new dwelling should provide 1 electric vehicle charging point within their designated parking areas. Furthermore, Officers do note that the site is within walking distance to several bus stops of which buses 911, 341, K82 and K85 provide sustainable transport to Meltham, Huddersfield Town Centre and Almondbury.
- 10.115 The applicant has submitted a Climate Change Statement. This statement outlines that whilst opportunities are limited due to the listed status of the conversions and the site's positioning within the Conservation Area, the new build homes will be constructed to a better rating than the minimum required standards under building regulations. The converted buildings external fabric will also be improved with insulation and air tightness works to provide a more sustainable and energy efficient building. Materials are also to be locally sourced where possible. Finally, the statement notes that the new build homes will benefit from storm water storage tanks in gardens for their domestic use. Taking the above into consideration, Officers consider it reasonable to include a condition should planning permission be granted, to ensure that only natural/local materials were used within the construction of the dwellings. Given the above the proposed development is considered to be in accordance with Local Plan Policies LP27 and LP28 of the Kirklees Local Plan, Chapter 14 of the NPPF and Principle 18 of the Housebuilders Design Guide SPD.

## 11.0 CONCLUSION

- 11.1 To conclude, the proposals have been subject to a series of negotiations between the applicant and Officers. Whilst the application site is partially allocated for residential development under housing allocation HS198, and therefore the principle of residential development at this site is considered acceptable, part of the site is designated as Green Belt and as discussed within the report would result in inappropriate development. However, Officers consider that on this occasion very special circumstances have been provided to outweigh the harm. For the reasons set out in this report, the proposals are considered acceptable on this sensitive site and would provide additional housing in a sustainable location whilst bringing public benefits associated by ensuring the vacant and dilapidated listed buildings within a conservation area are brought back into full use to ensure the longevity of the well-established historic farm group.
- 11.3 Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.4 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. CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development).**

- 1. TCPA Standard 3 Year Time Limit for Commencement;**
- 2. Development in Accordance with Approved Document List;**
- 3. Phase II Intrusive Site Investigation Report;**
- 4. Remediation Strategy;**
- 5. Implementation of Remediation Strategy;**
- 6. Verification Report;**
- 7. Submission of a Construction Environmental Management Plan;**
- 8. Noise Report;**
- 9. Electric Vehicle Charging Points;**
- 10. Detailed Design Scheme detailing Foul Surface Water and Land Drainage;**
- 11. Assessment of the Effects of 1 in 100 Year Storm Events;**
- 12. Temporary Surface Water Drainage;**
- 13. Site shall be developed with separate systems of drainage for foul and surface water on and off site;**
- 14. No piped discharge of surface water from the development should be undertaken prior to the completion of surface water drainage works;**
- 15. Arboricultural Method Statement;**
- 16. Drainage and Surfacing of car parking spaces;**
- 17. Installation of 11 bat boxes to provide a biodiversity net gain;**
- 18. Removal of Permitted Development Rights for extensions, outbuildings, alterations to the roof and boundary treatments;**
- 19. Restrict Access to the south of the site (off of Farnley Road);**

20. The existing farmhouse should be recorded prior to demolition to enable external detailing of the new 'replica' dwelling (plot 15);
21. Details and design of the garage door for the new 'replica' dwelling (plot 15) shall be submitted for approval and should be in timber.
22. The demolition of the farmhouse must not be allowed to proceed unless the larger development goes ahead.
23. Reclaimed natural stone slate roofing in diminishing courses must be specified, with a sample submitted for approval – farmhouse (plot 15);
24. Existing stone taken from the farmhouse shall be reclaimed and re-used where possible. Any replacement stone must match the existing in terms of stone type, tooling, coursing etc. with sample panels provided to show coursing and points, and ashlar stone samples submitted for approval. Tumbled and dyed stone will not be permitted.
25. External material samples for all new build dwellings are to be submitted for approval, including roof slates and ashlar stonework, with sample panel of external walling including pointing and mortar colour. Pitched faced or tooled stone shall be specified rather than tumbled and dyed stone.
26. Window and door details for all new builds shall be submitted for approval (scale 1:5 sections and 1:20 elevations)
27. Landscaping details shall be provided to the Council prior to their use on site, these details should include surface treatments.
28. Implementation of a programme archaeological and architectural recording, in accordance with a written scheme of investigation prior to works commencing on site.
29. Further details of the proposed hard and soft landscaping throughout the site shall be provided prior to occupation of the dwellinghouses. Most specifically details shall be provided in respect of the car parking area to the north of the site.
30. Obscurely glazed windows in the interests of residential amenity – Plot 4 first floor en-suite, Plot 12 first floor en-suite to rear, Plot 11 first floor en-suites and bathroom to the front.
31. Remove permitted development rights for the conversions of garages to additional residential accommodation.
32. Maintenance of all planted materials for five years;
33. Details of boundary treatments shall be submitted to the LPA for approval prior to their installation – most specifically relating to the stone wall adjacent to the PROW and timber fencing;
34. Details of temporary arrangements for the management of waste collection points to be submitted and approved by LPA;
35. Phased approach to ensure that all Listed Buildings are repaired/converted before all of the new build dwellings are occupied.

### **Informatives**

1. PROW unobstructed at all times.
2. Contamination report undertaken by a competent person.
3. Noise assessment undertaken by a competent person.
4. Electric Vehicle Charging Points.
5. Restriction on hours of noisy construction related activities.



## **Background Papers:**

Application and history files.

[Planning application details | Kirklees Council](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/93006>

Certificate of Ownership – Certificate B signed: Notice served on no. 63 The Village, Farnley Tyas, Huddersfield, HD4 6UQ and 5 The Bridge Chamber, Esplanade, Rochester, ME1 1QE.

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## Report of the Head of Planning and Development

### STRATEGIC PLANNING COMMITTEE

Date: 11-May-2023

**Subject: Planning Application 2021/94061 Reserved matters application pursuant to outline permission 2022/91849 for variation condition 21 (highways and occupation) on previous permission 2021/94060 for 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) to include the discharge of conditions 17 (site investigations), 29 (Noise attenuation) and 31 (electric vehicle charging points) Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET**

#### APPLICANT

Interchange LLP 26

#### DATE VALID

22-Oct-2021

#### TARGET DATE

21-Jan-2022

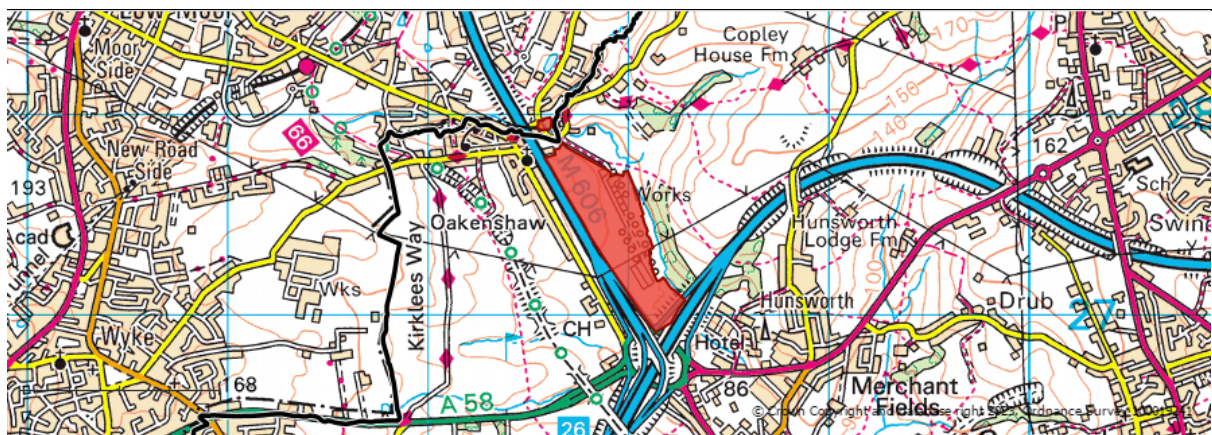
#### EXTENSION EXPIRY DATE

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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

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**Electoral wards affected:** Cleckheaton

**Ward Councillors consulted:** Yes

**Public or private:** Public

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## **RECOMMENDATION**

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

### **1.0 INTRODUCTION**

- 1.1 This is a reserved matters application to outline application 2022/91849 which approved the construction of 41,191m<sup>2</sup> of B1, B2 (limited to 51.9% of total space), and B8 floor space across the application site. Application 2022/91849 is a S73 Variation of Condition to application 2021/94060, which in turn was a S73 application to the original permission 2016/92298.
- 1.2 This reserved matter application seeks approval of the reserved matters of Scale, Appearance, Layout, and Landscaping.
- 1.3 The application also seeks to discharge condition 6 (Biodiversity Enhancement Management Plan) conditions 17 (Site Investigations), 29 (Noise Attenuation) and 31 (Air Quality), which require the submission of details at Reserved Matters stage.
- 1.4 The application represents the fourth phase of development at the former North Bierley Waste-Water Treatment Plant. Each previous phase has had a separate respective Reserved Matters application (as detailed in paragraphs 2.2 and 4.1).
- 1.5 The application is brought to the Strategic Planning Committee in accordance with the committee's previous request that any reserved matters application following the determination of 2021/94060 be returned to the committee for consideration.

### **2.0 SITE AND SURROUNDINGS**

- 2.1 The application site (the original outline's red-line boundary) extends to approximately 23 hectares and originally consisted of the area of the former North Bierley Waste Water Treatment Works (WWTW) and adjacent 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. To the east is Hanging Wood, separated from the site by Hunsworth Beck. Access to the site is via Cliff Hollins Lane, using a newly constructed road. Cliff Hollins Lane 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 Following approval of application outline application 2016/92298 and the subsequent associated reserved matters, the site has been developed in phases and currently hosts three commercial buildings. The phases were as follows:

- Phase 0: Demolition works of part of former Waste Water Works
- Phase 1: Construction of access road and plateaus for later phases via Reserved Matters application ref. 2020/91807.
- Phase 2: Erection of 21,367 m<sup>2</sup> building, via Reserved Matters application ref. 2020/91807.
- Phase 3: Erection of 10,067m<sup>2</sup> across two buildings, via Reserved Matters application ref. 2021/91932.
- Phase 4: This phase of development, seeking 9,755 m<sup>2</sup>, as fully detailed in section 3.0 of this report.

2.3 In total the units approved across phases 2, 3, and the proposed phase 4 would provide 41,189m<sup>2</sup> of the total approved 41,191m<sup>2</sup>.

2.4 For information purposes an additional and separate outline application for another 12,078m<sup>2</sup> of floor space has been submitted relating to the south portion of the site and is pending determination.

2.5 At the time of writing the portion of the site dedicated to phase 4 is used for purposes ancillary to construction (of the earlier phases), including material storage, site cabins, and contractor parking.

2.6 The surrounding area is broadly residential in character. The site is positioned between 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.

### **3.0 PROPOSAL**

3.1 The application is Reserved Matters, seeking approval of all matters, namely Access, Appearance, Layout, Landscaping, and Scale.

3.2 The proposal is for a single industrial unit, to be occupied for purposes within Use Classes B1c/B2/B8, as permitted by the outline planning permission. The proposed building would have a ground floor of 9,290sqm, with 465sqm of mezzanine to host an ancillary office for a total of 9,755 m<sup>2</sup>.

3.3 The building would have a rectangular footprint. The roof would consist of twin hipped roofs, with a maximum height of 18.0m, set behind a parapet with a maximum height of 16.7m. Walls and the roof would be faced in metal cladding, including flat and trapezoidal profiles, in contrasting shades of grey. Glazing would be predominantly on the south-west elevation with a small amount on the north-west. No glazing would be located on the north-east or south-east. Rooflights would be sited in the hipped roofs. Vehicle service / loading bay doors would be located on the south-west elevation.

- 3.4 The building would be set back within the site. Access would be taken from the currently unnamed new access road through the site. The service yard would be sited in the south-west portion of the site, with car parking to the north. A total of 95 parking spaces are proposed, with five twin Electric Vehicle Charging Points (EVCP), serving 10 spaces, are proposed along with 12 cycle parking spaces.
- 3.5 Landscaping is proposed around the edges of the site and includes the provision of 25 standard trees, hedgerow, and grass / wildflower planting. The site would be encompassed by a 2.4m high paladin fence perimeter.
- 3.6 This application also seeks to discharge Condition 17 (Site investigations), Condition 29 (Noise attenuation) and Condition 31 (Electric vehicle charging points) of 2022/91849 as they relate to this phase. These are detailed in the assessment section below.
- 3.7 It is also noted that a range of other matters, including drainage, are still subject to conditions on the outline permission and will be dealt with via separate discharge of condition applications in due course.

## 4.0 RELEVANT PLANNING HISTORY

### 4.1 Application Site

2016/92298: Outline application for redevelopment 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

**Note:** The following applications all stem from application 2016/92298, which was an outline application for commercial development covering the application site plus additional land to the north.

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 redevelopment 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 6021m<sup>2</sup> and 4046m<sup>2</sup>) 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) – Approved

**Note:** while referred to as phase 4, this development was implemented as phase 3. For consistency, throughout this application the above application is referred to as phase 3 and the current application under assessment as phase 4.

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) – Pending determination (approved at committee, pending S106 being signed)

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), B2 and B8) – Pending determination (approved at committee, pending S106 being signed)

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 – NMA Approved

2022/92824: Non material amendment to previous permission 2021/91932 for 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 6021m<sup>2</sup> and 4046m<sup>2</sup>) 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) – NMA Approved

**Note:** Discharge of condition applications not listed due to substantial numbers.

#### 4.2 Surrounding Area

*Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Oakenshaw, BD12 7ET*

2021/94208: Outline application for redevelopment of former waste water treatment works, including demolition of existing structures to provide employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8) – Awaiting determination

*land west of M62, south of, Whitehall Road, Cleckheaton, BD19 6PL*

2021/92603: Erection of storage and distribution unit (Use Class B8) with ancillary offices, car parking, servicing, landscaping and access (amended and further information received) – Refused

#### 4.3 Enforcement History

COMP/20/0238: Alleged breach of conditions – Resolved

COMP/20/0268: Material start on permission in breach of conditions – Resolved

A Temporary Stop Notice (TSN) was served on the site on 10th July 2020. It was issued as a result of construction works pursuant to Phase 1 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 as a consequence 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 The application was delayed pending the determination of applications 2021/94060 and 2022/91849, to ensure the Reserved Matters was applied to the most up to date version of the original outline permission. Following assessment, amendments were sought to the height of the building to lower it to 18m, as expected at Outline Stage, and clarification from technical consultees. These amendments / requests were complied with, allowing officers to support 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 27<sup>th</sup> February 2019).

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

6.2 The application site is an employment allocation (ES7) in the Kirklees Local Plan.

6.3 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP21** –Highways and Access
- **LP24** –Design Policy
- **LP28** – Drainage
- **LP30** –Biodiversity and Geodiversity
- **LP32** –Landscape
- **LP33** –Trees
- **LP52** –Protection and improvement of environmental quality
- **LP53** –Contaminated and unstable land
- **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*

- Highways Design Guide SPD (2019)

#### *Guidance documents*

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

#### National Planning Guidance

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20<sup>th</sup> July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6<sup>th</sup> 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 6** – Building a strong, competitive economy
- **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

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 16<sup>th</sup> 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 12<sup>th</sup> 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 Reserved Matters application 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 for public comments is 4<sup>th</sup> of May, 2023, the day this report is published. At the time of writing, no public representations have been received. Should any public representations be received on or after the 4<sup>th</sup> of May they will be reported within the update.

7.3 The site is within Cleckheaton Ward, where members are Cllr A Pinnock, Cllr K Pinnock, and Cllr J Lawson. Members were notified of the proposal, with no comments received.

## **8.0 CONSULTATION RESPONSES**

### **8.1 Statutory**

Bradford MDC: No comments received.

K.C. Highways: The proposal is consistent with the outline and other reserved matters. No objection.

K.C. Lead Local Flood Authority: Advised no drainage details provided to comment on. However, matters of drainage and flood risk were considered and addressed at Outline stage and via conditions.

Northern Gas Network (NGN): Expressed initial concerns given the presence of gas pipes under the site. However, on confirmation that the applicant and NGN have an agreement in place over the phased development, confirmed no objection.

The Coal Authority: No objection, with the details submitted demonstrating no risk from nearby historic coal works.

The Environment Agency: No objection.

### **8.2 Non-statutory**

K.C. Crime Prevention: No objection, with conditions advised.

K.C. Ecology: No objection.

K.C. Environmental Health: No objection.

K.C. Landscape and Trees: Advise that further tree planting can be accommodated on site, however no objection subject to conditions.

National Highways: No objection.

Yorkshire Water: Expressed initial concerns over works near existing drainage infrastructure, with insufficient details provided. Further details were provided and Yorkshire Water have confirmed no objection.

## **9.0 MAIN ISSUES**

- Land use and principle of development
- Access and Highways
- Appearance, Scale, Layout
- Landscape
- Reserved Matters Summary
- Other matters
- Discharge of Conditions
- Representations

## 10.0 ASSESSMENT

### Land use and principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.
- 10.2 The site is allocated for employment use (E5) in the Kirklees Local Plan. The parent outline permission 2022/91849 (the latest S73 variation of condition to the original outline application on the site, ref. 2016/92298) established the principle of development upon the whole site for the following, with all matters reserved:
- Variation of condition 21 (highways and occupation) of previous permission 2021/94060 for variation of condition 32 of previous outline permission 2016/92298 for **redevelopment of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8)**
- 10.3 The current application is for the fourth and final planned phase of development submitted pursuant to the outline 2022/91849. As a summary of the past phases:
- Phase 0: Demolition works of part of former Waste Water Works
  - Phase 1: Construction of access road and plateaus for later phases via Reserved Matters application ref. 2020/91807.
  - Phase 2: Erection of 21,882m<sup>2</sup> building, via Reserved Matters application ref. 2020/91807.
  - Phase 3: Erection of 10,067m<sup>2</sup> across two buildings, via Reserved Matters application ref. 2021/91932.
  - Phase 4: This phase of development, seeking 9,755 m<sup>2</sup>, as fully detailed in section 3.0 of this report.
- 10.4 In total the units approved across phases 2, 3, and the proposed phase 4 would provide 41,189m<sup>2</sup> of the total approved 41,191m<sup>2</sup>. Therefore, the proposed development would not conflict with any of the principles or parameters established within the parent outline permission.
- 10.5 Having been considered and determined as part of the outline planning permission, no further assessment of the principle of development is appropriate or necessary as part of this application. It is considered that this Reserved Matters is fully compliant with the outline permission. The development will be subject to the relevant outstanding conditions set out in the outline permission.

- 10.6 Accordingly, an assessment of the Reserved Matters applied for is required, followed by assessment of any other material considerations.

#### Access and Highways

- 10.7 Access is defined as:

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

- 10.8 The construction of the means of access into the site, from Cliff Hollins Lane, and the details of the estate road was approved in accordance with the Reserved Matters application pursuant to Phase 1 (2020/91488). The accesses into the current phase would be taken directly from this new road. The plans indicate that the required visibility splays of 2.4m x 43m are achievable from the new access. A security gate is shown across the access; however, it is well set back into the site, enabling HGVs to turn into the site and await the gate to be opened without blocking the highway.

- 10.9 The provision of 95 parking spaces (inc. 7 accessible spaces) is considered proportionate to the scale of the building. It is noted to be a consistent ratio comparable to the buildings approved as part of phases 2 and 3.

- 10.10 In terms of pedestrians and cyclists, the main estate road would make provisions for a footway on both sides up to the site access. Cycle parking is also proposed within the site in the form of hoops and shelter for 12 bikes, which may be secured via condition.

- 10.11 On the basis that this Phase 4 scheme falls within the maximum floorspace approved under the outline permission, its impact on the surrounding highway network is considered acceptable. The proposal and its access arrangement would therefore comply with the requirements of Policy LP21 and guidance with the Framework.

#### Appearance, Scale, Layout

- 10.12 Appearance is defined as:

*the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.*

- 10.13 Scale is defined as:

*the height, width and length of each building proposed within the development in relation to its surroundings.*

- 10.14 Layout is defined as:

*the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.*

### *Visual Amenity*

- 10.15 The building's scale is in accordance with the floor space permitted via the parent outline. The outline also limited heights to 18m, which the proposal also complies with. Overall, the scale of the building is as expected at outline stage, and would sit comfortably alongside the other units approved on the site.
- 10.16 The layout of the site is characteristic of a large commercial unit, consisting of a large structure with a parking area and service bay. The unit would be set away from the shared access road, giving a suitable separation to prevent a cramped / visually overbearing appearance. The layout is consistent with the approved use of the site and considered to be acceptable as a result. In terms of the wider site, the development is set away from the outline's boundary lines and would not be unduly prominent when viewed from outside the site.
- 10.17 The site has a high-pressure gas pipeline running through it as well as water pipes. Both Northern Gas Network and Yorkshire Water offered an initial holding objection to the proposal, due to the siting close to the infrastructure. However, the applicant has been in discussions with each of these parties and provided sufficient details to overcome their concerns. Therefore, both Northern Gas Network and Yorkshire Water have withdrawn their original objections.
- 10.18 The appearance of the building is typical for contemporary industrial units: the design proposed would mimic that found on the three existing buildings on site, approved as part of phases 2 and 3. It would be constructed in a modern cladding system in shades of grey. Grey is considered an appropriate colour, as seen on the other buildings on site. The use of grey, over a coloured considered more natural, such as green, is preferable as green cladding does not necessarily sit comfortably within the natural landscape. Instead, being an artificial green colour set against a natural green, it can contrast with it and be more visible as a result. Typically, when viewed from a distance, the colour finish should be of a tonality that is equal to, or a degree darker than, the dominant background tonality to avoid any adverse visual effects arising from contrast and reflection. A dark grey can therefore be effective in reducing the impact of the building on the surrounding area in terms of visual dominance. The introduction of glazing details, and small areas of brick, to the front elevation and around the edges of the building is particularly welcomed as it would add an appropriate level of visual interest.
- 10.19 The material pallet and overall appearance of the building would replicate the previous phases approved and built on site and would therefore harmonise well. A condition for material samples is required, to ensure suitable high quality end products are utilised.
- 10.20 Taking all these matters into account, the layout, scale and appearance of the building would represent a sufficiently good design to accord with the principles of Policy LP24 of the Kirklees Local Plan and guidance within the NPPF.

### *Residential amenity*

- 10.21 New development has the potential to harm the amenity and living standards of neighbouring residents, with Policy LP24 seeking to protect established amenity standards.

- 10.22 In this case, the proposed use of the Phase 4 building is wholly consistent with the principles established by the outline planning permission. This assessment is limited to considering the submitted details in the context of the Reserved Matters.
- 10.23 The proposed building would be in excess of 300m from the nearest properties to the north (those accessed from Cliff Hollins Lane) and 270m from those to the west (accessed from Bradford Road). While the size of the building in question is noted, the substantial separation distance is sufficient to ensure no detrimental harm through overbearing, overshadowing, or overlooking.
- 10.24 Matters of noise, air pollution etc. were considered at outline stage and address via condition. Several of these conditions required details, including noise mitigation, to be provided at Reserved Matters stage. These are considered in paragraphs 10.? – 10.?.
- 10.25 Concluding on the above, officers are satisfied that the matters of layout, scale, and the appearance of the proposed development would not result in material harm to the amenity of neighbouring residents. Furthermore, it would not lead to harmful pollutants that harm amenity, with security offered by the conditions imposed at outline stage (some of which are considered further below). The proposal is therefore deemed to comply with LP24 and LP52 of the Kirklees Local Plan.

#### Landscape

- 10.26 Landscape is defined as:

*the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;*

- 10.27 Landscaping is to consist of a mixture of low-level planting (wildflower / grass), hedging and trees encircling the site. This would have the dual benefit of adding attractive planting to the area while reducing the prominence of the buildings (and associated parking etc).
- 10.28 K.C. Landscape welcome the landscaping, subject to requested conditions on ensuring it is implemented and managed thereafter. K.C. Trees stated the principles shown are acceptable, however requested that larger tree species be sited alongside the road. This was discussed with the applicant; however, they stated it would not be feasible: the road has been implemented, and trees species larger and closer than expected to the road would cause management issues. This has been discussed with K.C. Trees and accepted.

- 10.29 The application also includes the provision of a boundary treatment plan. A 2.4m high balance fence would surround each site, including along the frontage. Such fencing is typical for industrial buildings such as that proposed, and has been implemented for the earlier phases. The fencing along the frontage would be behind parts of the landscaping, making it less prominent from the street. Accordingly, the proposed fencing is considered appropriate.
- 10.30 The proposed landscaping scheme and boundary treatment are considered to be acceptable to meet the requirements of Policy LP32. The permission will be subject to a condition that the landscape scheme be implemented in accordance with the plan prior to first occupation of the development, or within the first planting season following first occupation.

#### Reserved Matters Summary

- 10.31 The proposals submitted for Phase 4 regarding the reserved matters of access, layout, appearance, scale and landscaping comply with the outline permission and for the reasons set out above, are considered to comply with relevant policies within the Kirklees Local Plan and guidance within the NPPF. These reserved matters are therefore considered acceptable for this phase of development.

#### Other matters

##### *Climate change*

- 10.32 The outline planning permission, to which this RM application relates, predates the Council's declaration of a climate change emergency in 2019 and the target of achieving "net zero" carbon emissions by 2038. Nevertheless, the applicant has applied to discharge Condition 31 of the outline planning permission, which requires details of on-site, low emission mitigation strategies and electric charging points, which is considered below. Condition 31 is considered further in paragraphs 10.? – 10.? .
- 10.33 As part of this, it is noted that the applicant intends to construct the building to achieve a BREEAM rating of 'Very Good'. This includes a consideration of matters such as sustainable procurement, energy performance, visual comfort (daylighting/views), ventilation, energy monitoring, water consumption and travel measures. Whilst this BREEAM rating does not specifically include any requirements in relation to low or zero carbon technologies (limited to buildings that seek to a achieve a rating of excellent or outstanding), it does at least demonstrate a commitment to considering the environmental impact of the building and addressing it as far as practicable for a building of this type.
- 10.34 The building is also designed to host solar panels, allowing their simple installation should they became optimal.
- 10.35 It is also noted that the proposal includes the provision of electric vehicle charging points and extensive tree planting. In combination, these elements will serve to make some positive contribution to the building's impact on climate change.



### *Flood Risk and Drainage*

- 10.36 Guidance with the NPPF advises at Paragraph 163 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This approach is reinforced in Policy LP27 of the KLP, which confirms, amongst other matters, that proposals must be supported by an appropriate site-specific Flood Risk Assessment (FRA) in line with National Planning Policy. Policy LP28 of the KLP relates to drainage and notes a presumption for Sustainable Drainage Systems (SuDs) and also, that development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be coordinated to meet the demand generated by the new development.
- 10.37 With regard to drainage matters, Phase 4 is still subject to the drainage conditions imposed on the outline planning permission. These include Conditions 14 (piped discharge of surface water), 23 (residual uncertainty) and 24 (site wide drainage strategy). These conditions, which have been part discharged for earlier phases, have to be applied for separately to ensure compliance with the outline.
- 10.38 With regard to Flood Risk, Condition 15 of the outline permission requires that the development be carried out in accordance with the mitigation measures contained within the approved Flood Risk Assessment. That is a stand-alone condition to which the current phase would need to comply independent of this application.

### *Ecology*

- 10.39 Ecological assessments for the whole site were undertaken as part of the parent outline application, which established the development areas. The proposal complies with the parameters of the outline, and therefore no further ecological survey / assessment is required, and the proposal complies with Policy LP30 of the Kirklees Local Plan.
- 10.40 Condition 6 of the outline requires the submission of a Biodiversity Management Plan (BEMP) with each Reserved Matters. This is considered below.

### Discharge of Conditions

- 10.41 Outline application 2022/91849 was approved with 32 planning conditions. Of those, three conditions (as amended by Non-Material Amendment application 2020/91436) require the submission of specific information as part of each phase's reserved matters. These conditions, and an assessment of the details provided, are outlined below:

#### **Condition 6 (Biodiversity Management Plan (BEMP))**

*6.Detailed plans and particulars of the Reserved Matters for the first phase of development shall include a Biodiversity Enhancement and Management Plan (BEMP) for the entire site. The content of the BEMP shall include the following:*

- a) Description and evaluation of the features to be managed.*

- b) *Ecological trends and constraints on site that might influence management.*
- c) *Aims and objectives of management.*
- d) *Appropriate management options for achieving aims and objectives.*
- e) *Prescriptions for management actions.*
- f) *Details of initial aftercare and long-term maintenance;*
- g) *Details of the body or organisation responsible for implementation of the plan.*
- h) *Details for on-going monitoring and remedial measures.*

*The approved plan and particulars shall be implemented in accordance with the approved details and timescales pre, during and post construction.*

**Reason:** *In the interests of the biodiversity of the area and to accord with Policy EP11 of the Kirklees Unitary Development Plan, PLP30 of the Publication Draft Local Plan and guidance within chapter 15 of the National Planning Policy Framework. This is a pre- commencement condition in order to ensure that adequate mitigation and enhancement measures are incorporated into the development at the appropriate stage of the development.*

- 10.42 The applicant has submitted the Biodiversity Enhancement Management Plan to discharge condition 6 which has been reviewed by K.C. Ecology. K.C. Ecology consider the submitted information to be acceptable, and satisfactorily addresses all requirements of condition 6 for this phase: the submitted BEMP is also consistent with the BEMP submitted to discharge Condition 6 during the other Reserved Matters applications.
- 10.43 Condition 6 can therefore be discharged for Phase 4 subject to advice that to secure full compliance with Condition 6 the development shall be implemented in accordance with the approved plan and particulars and in accordance with the approved details and timescales pre, during and post construction as set out in the approved BEMP.

### **Condition 17 (site investigations)**

*17. Detailed plans and particulars of the reserved matter (layout and landscape) pursuant to conditions 1 and 2 above shall include:*

- *A report of the findings following intrusive site investigations carried out in relation to condition 16;*
- *The results of any gas monitoring undertaken;*
- *A layout plan which identifies appropriate zones of influence for the recorded mine entries on site and the definition of suitable 'no build' zones;*
- *A scheme of treatment for the recorded mine entries for approval;*
- *A scheme of remedial works for the shallow coal workings for approval;*
- *Details and how the above two matters are to be undertaken; and*
- *Written verification that the remediation works shall be carried out in accordance with the approved details.*

*Thereafter the development shall be carried out in accordance with the approved details. Prior to the first use of the approved development, written confirmation shall be submitted to the Local Planning Authority, verifying*

*the works have been fully completed in accordance with the approved details.*

**Reason:** *In the interest of health and safety, to ensure any pollution/risk identified is dealt with appropriately, to ensure the users of the new development are protected from being put at unacceptable risk and to accord with Policies LP52 and LP53 of the Kirklees Local Plan as well as guidance in the National Planning Policy Framework.*

- 10.44 This condition was requested by The Coal Authority and seeks to ensure each phase of development adequately considers local coal legacy and shallow coal works on or near the (original outline's) redline boundary.
- 10.45 The Coal Authority state that their records indicate that there are no coal mining features present at surface or shallow depth within this phase's site boundary. As such, they have confirmed that they have no objection to the discharge of Condition 17 for this phase of development. Accordingly, condition 17 is adhered to in relation to this phase and officers recommend that it may be discharged (pursuant to this phase only).

#### **Condition 29 (Noise attenuation)**

*29. Detailed plans and particulars of the reserved matter (layout & landscape) pursuant to conditions 1 and 2 above, shall demonstrate how proposals will achieve a level of 5dB attenuation measures through the provision of screening and land features as predicted in Table 21 of the Noise & Vibration Report by AECOM, dated December 2017. Thereafter the development shall be completed in accordance with the approved details, before occupation of any building on site or in agreement with a phasing of the development to which the buildings relate to and thereafter retained.*

**Reason:** *In the interest of residential amenity of nearby residents and to accord with Policy LP52 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.*

- 10.46 This condition was advised by K.C. Environmental Health, who have reviewed the submitted Noise Impact Assessment. They confirm that the submitted details demonstrate that adequate noise mitigation (in excess of 5dB reduction) has been proposed. As such, they offer no objection to the discharge of condition 29, which officers recommend (pursuant to this phase only).

#### **Condition 31 (air quality)**

*31. Detailed Plans and particulars of the Reserved Matters (layout and landscape) pursuant to conditions nos. 1 and 2 shall include:*

- *on site, low emission mitigation strategies; and*
- *details of electric charging points which shall be installed on the basis of 1 charging point per 10 spaces. Thereafter the development shall be completed in accordance with the approved details/mitigation strategies before occupation/use of any building on site or in agreement with a phasing of the development to which the buildings relate and thereafter retained.*

**Reason:** To offset and mitigate the impact from the development, equivalent to the identified damage costs and to accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policies LP21 and LP24 of the Kirklees Local Plan.

10.47 A total of 10 (10% of total spaces) parking bays would be served by Electric Vehicle Charging Points, of an acceptable specification. This is welcomed.

10.48 On the matter of low emission, the applicant has stated:

*I can confirm the building will meet BREEAM Very Good – this is a requirement of the funder to the applicant and written into the development agreement and included in the contract particulars that will be appended to the build contract. On that basis, it is a guarantee to be delivered to the Very Good standard.*

*Likewise in respect of the EPC Assessor. All M&E is to be of low emission nature to ensure they hit the strict EPC target required by the funders.*

*Furthermore, the building is also structurally future proofed to allow for a retrospective installation of solar without any improvements to the roof or steel work.*

These criteria are welcomed and deemed sufficient to discharge condition 31 (pursuant to this phase only).

## **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 principle of development has been established by outline app 2022/91849. The proposed Reserved Matters for this phase of development comply with the description of development and conditions imposed by 2022/91849. The reserved matters details, of access, appearance, layout, scale and landscaping, are deemed acceptable and comply with the policies of the Kirklees Local Plan.

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.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications
3. Cycle parking spaces to be provided
4. Material samples
5. Landscaping to be implemented prior to occupation, unless other phasing agreed.
6. Landscaping management and maintenance strategy to be provided.

And discharge of conditions (pursuant to this phase only):

- Condition 6 (BEMP)
- Condition 17 (Coal Legacy)
- Condition 29 (Noise Mitigation)
- Condition 31 (Air Quality)

**Background Papers**

[Application and history files](#)

Available at:

[Planning application details | Kirklees Council](#)

Certificate of Ownership

Certificate B signed.





Originator: Nick Hirst

Tel: 01484 221000

## Report of the Head of Planning and Development

### STRATEGIC PLANNING COMMITTEE

Date: 11-May-2023

**Subject: Planning Application 2021/94208 Outline application for re-development of former waste water treatment works, including demolition of existing structures to provide employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8) Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Oakenshaw, BD12 7ET**

#### APPLICANT

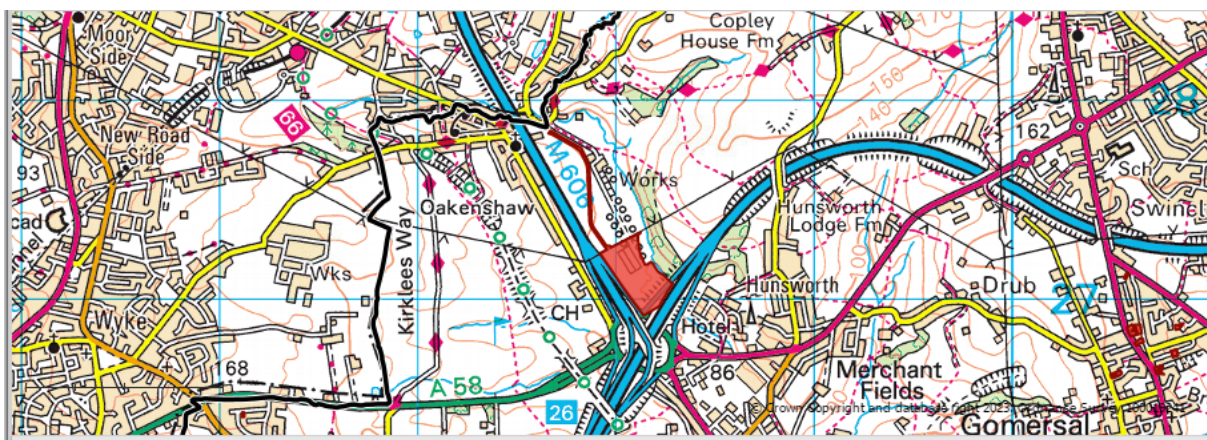
KeyLand Developments  
Ltd

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
09-Nov-2021	08-Feb-2022	

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

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**Electoral wards affected:** Cleckheaton

**Ward Councillors consulted:** Yes

**Public or private:** Public

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## **RECOMMENDATION**

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

1. Traffic monitoring and £30,000 (£15,000 x 2) towards potential traffic management schemes at Cliff Hollins Lane and Mill Carr Hill Road
2. £15,000 for Travel Plan monitoring (£3,000 x 5 years).

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 is an application for outline planning permission for commercial development (Use Classes E(g)(ii); E(g)(iii); B2 and B8). Under the delegation agreement it requires a Strategic Committee decision due to the proposal being for non-residential development with a site area exceeding 0.5ha.
- 1.2 This application seeks outline planning permission for employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8). Existing structures on site would be cleared. The proposal seeks a maximum floorspace of 12,078sqm (130,006.51sqft). All matters, namely access, appearance, scale, layout, and landscaping, are reserved for later consideration under a subsequent Reserved Matters application.
- 1.3 The application was presented to the Strategic Planning committee held on the 2<sup>nd</sup> of March 2023. Officers recommended approval, subject to conditions and a S106 package. The original report may be found in Appendix A. The update to that report may be found in Appendix B.



- 1.4 The Committee resolved to refuse the application, on the following grounds:
- 1) the intensification of the access junction, and the impact on Cliff Hollins Lane and Mill Carr Hill Road and the junction with Bradford Road by the introduction of the predicted generation of traffic indicated in paragraph 10.37 of the officer's report is considered to be unacceptable as it would be detrimental to highway safety.
  - 2) Notwithstanding the position of National Highways (as set out in paragraphs 8.1 and 10.6 of the officer's report), building upon safeguarded land (for highways improvements) would unacceptably remove potential future opportunities to improve the strategic highways network, namely connections between the M62 and M606, which in turn would benefit the local network at Junction 26 / Chain Bar Roundabout.
- 1.5 Officers expressed concerns on the reasonableness of these reasons for refusal in the meeting. Considering that the second reason for refusal is against the advice of National Highways, the body which requested that the land be safeguarded as part of the Local Plan, officers reached out to them. This was to request if they had any comment, information, or evidence to support committee's resolution. Officers also sought to confirm whether National Highways would be willing to support the Council in an appeal situation.
- 1.6 In response National Highways stated they have no further information to provide and were unequivocal that they would be unwilling to support the Council's decision. They reiterate their position; that they have no objection to development on the safeguarded land, notwithstanding its original purpose and they currently have no plans that require the land. Any previous plans have been dropped as they were considered overly expensive and would offer limited benefit. Furthermore, they would be unwilling to support the Council in an appeal situation. This, and the potential implications on the reasonableness of the decision, are detailed further within this report's assessment. Please see paragraphs 3.7 – 3.13.
- 1.7 During the time officers were seeking comments from National Highways, the applicant amended their proposal by agreeing to omit B8 Last Mile Parcel Distribution as a potential use. This use is, using the national TRICS vehicle movement database, a substantial contributor to vehicle movements as consists of high volumes of small vehicle movements. Its removal, securable via condition, would reduce vehicle movements attributed to the development, and therefore the impact on the roads identified in reason for refusal one.
- 1.8 The above is a material change in circumstances that is considered a betterment which may affect the committee's decision.

- 1.9 Considering the strong comments received from National Highways, who disagree with the Committee's reason for refusal and would be unwilling to support the Council at appeal, and the material change of circumstances the omission of Last Mile Parcel Distribution, officers consider it reasonable and necessary to return the application to the committee to notify members of the updated circumstances.
- 1.10 Officers' recommendation remains as per that previously recommend, plus the inclusion of the additional condition preventing Last Mile Delivery Use. Notwithstanding officer's recommendation and the material change in circumstances, for the avoidance of doubt it remains the Committee's prerogative to determine the application as they deem reasonable. However, officers advise is that this application could be supported with this updated information.
- 1.11 This report is a concise update addressing the matter of the safeguarded land and material changes of note only. It should be read in conjunction with the full report available in Appendix A.

## **2.0 RELEVANT PLANNING HISTORY UPDATE**

- 2.1 The following relates to applications and decisions that have materially changed since the previous application. For the full list please see section 4.0 in Appendix A.

### Application Site

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) – Approved

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), B2 and B8) – Approved

**Note:** The above were previously recorded as "Pending determination (approved at committee, pending S106 being signed)"

### Surrounding Area

*land west of M62, south of, Whitehall Road, Cleckheaton, BD19 6PL*

2021/92603: Erection of storage and distribution unit (Use Class B8) with ancillary offices, car parking, servicing, landscaping and access (amended and further information received) – Refused

**Note:** When the application was presented to committee 2<sup>nd</sup> March 2023 the above application was previously “pending determination”. The application was presented to the Strategic Planning Committee held on the 15<sup>th</sup> of March 2023 where members resolved to refuse the application. This decision has now been issued.

### **3.0 APPRAISAL**

#### Reason for Refusal 1: Traffic Impacts

3.1 Within the meeting’s minutes, committee’s first reason for refusal was recorded as:

*1) the intensification of the access junction, and the impact on Cliff Hollins Lane and Mill Carr Hill Road and the junction with Bradford Road by the introduction of the predicted generation of traffic indicated in paragraph 10.37 of the officer’s report is considered to be unacceptable as it would be detrimental to highway safety.*

3.2 The application is speculative in regards to the end user, and therefore seeks a variety of approved uses: Class E(g)(ii) (Research and development); E(g)(iii) (Industrial, that may be done in a residential area); B2 (General Industrial) and B8 (Storage and Distribution).

3.3 Given the unknown end user and definitive operation of the site, and therefore exact traffic impacts, the traffic impacts and vehicle movements assessed in the original report (paragraphs 10.37 – 10.46) where based on an assumed ‘worse case’ occupation scenario of 50% General Industrial (B2) and 50% Last Mile Delivery (a subcategory of B8). Following the committee’s decision on the 2<sup>nd</sup> of March 2023 the applicant has omitted the Last Mile Delivery (controllable via condition). Therefore, the new ‘worse case’ occupation would be 100% industrial. The following table details the impact of this change (next page):

Weekday AM Peak Two-way Flows											
Route to/from study area	Trip Distribution (%)		Southern Site Traffic Flows - Jan 2023 (with 50% Parcel Distribution & 50% Industrial Use)			Southern Site Traffic Flows - Apr 2023 (with peak traffic from 100% Industrial Use)			Net Change associated with removal of Parcel Distribution use		
	Light	Heavy	Light	Heavy	Total	Light	Heavy	Total	Light	Heavy	Total
Bradford Road (North)	15%		11	0	11	10	0	10	-1	0	-1
Mill Carr Hill Road (East)	11%		8	0	8	7	0	7	-1	0	-1
Cliff Hollins Lane (East)	8%		6	0	6	5	0	5	-1	0	-1
Bradford Road (South)	66%	100%	49	10	59	46	7	53	-3	-3	-6
<b>Total</b>	100%	100%	74	10	84	68	7	75	-6	-3	-9

Weekday PM Peak Two-way Flows											
Route to/from study area	Trip Distribution (%)		Southern Site Traffic Flows - Jan 2023 (with 50% Parcel Distribution & 50% Industrial Use)			Southern Site Traffic Flows - Apr 2023 (with peak traffic from 100% Industrial Use)			Net Change associated with removal of Parcel Distribution use		
	Light	Heavy	Light	Heavy	Total	Light	Heavy	Total	Light	Heavy	Total
Bradford Road (North)	15%		12	0	12	8	0	8	-4	0	-4
Mill Carr Hill Road (East)	11%		9	0	9	6	0	6	-3	0	-3
Cliff Hollins Lane (East)	8%		6	0	6	4	0	4	-2	0	-2
Bradford Road (South)	66%	100%	51	7	58	38	3	41	-13	-4	-17
<b>Total</b>	100%	100%	78	7	85	56	3	59	-22	-4	-26

**Note:** ‘totals’ circled as data of principal importance.

- 3.4 The above tables demonstrate that through the removal of a Last Mile Delivery use, the highest network peak development trips generated by the development would produce -9 (-11%) and -26 (-31%) two-way trips fewer during the AM and PM periods respectively compared to the previous worst-case assessments. Without any parcel distribution use at the site, the highest network peak development trips that are now proposed (e.g., for 100% Industrial use) equate to 75 and 59 two-way trips during AM and PM periods respectively, which equate to approximately 1 vehicle per minute across the whole network.
- 3.5 The above figures are two-way trips across all identified routes to and from the site. When the data is split between the four routes to/from the study area, the impact on a single junction / area is reduced: most of the traffic (66% light vehicles, 100% heavy vehicles) are expected to utilise Bradford Road (South), i.e., traveling towards Chain Bar roundabout. At Chain Bar, there would be a peak of 53 and 41 two-way movements attributed from the proposal, below 1 per minute within the peak.
- 3.6 As set out in paragraphs 10.37 – 10.46 of the previous committee report, planning officers, K.C. Highways, and National Highways considered the original traffic generation ‘worse case’ (50% B2 / 50% Last Mile B8) to not result in a severe impact and to be acceptable. The now proposed removal of a potential Last Mile Delivery use at the site, therefore changing the ‘worse case’ (to 100% B2), would represent a betterment from a traffic generation position over that previously assessed by officers and considered by members at the previous committee. Notwithstanding committee’s previous decision, officers, and K.C. Highways (National Highways have not been reconsulted given their previous position) maintain their professional view, strengthened via the reduced ‘worse case’ traffic generation, that the proposal would not result in a severe highway impact and is considered by officers to be acceptable, in accordance with Policies LP19, LP20, and LP21 of the Local Plan.

#### Reason for Refusal 2: Loss of Safeguarded Land

- 3.7 Within the meeting’s minutes, the committee’s second reason for refusal is recorded as:
- 2) Notwithstanding the position of National Highways (as set out in paragraphs 8.1 and 10.6 of the officer’s report), building upon safeguarded land (for highways improvements) would unacceptably remove potential future opportunities to improve the strategic highways network, namely connections between the M62 and M606, which in turn would benefit the local network at Junction 26 / Chain Bar Roundabout.*
- 3.8 During the committee officers expressed concerns on whether the above reasons for refusal could be considered reasonable. In seeking to gather an evidence base to support such a reason for refusal, officers sought comment from National Highways. Their position remains as set out within paragraphs 10.5 – 10.11 Of the main report available in appendix A, which is reiterated as:

- National Highways confirm, in their formal recommendations on behalf of the Secretary of State for Transport, that since 2019 they have consistently offered no objection to development on the safeguarded land. This has been confirmed via several emails, sent across 2019 – 2022, to both the Local Planning Authority and the developer in their own discussions.
- While the safeguarded land was required for a proposal in their Road Investment Strategy 1 (2010 – 2020), on re-review for Road Investment Strategy 2 (2020 – 2030) it became clear as assessments were progressed that due to the nature of the junction, a complex solution would be required, which raised projected costs.
- Furthermore, capacity constraints between junctions 26 and 27 on the M62 would also impact the potential benefits derived from this scheme and other solutions on the M62 would need to be looked at as such the scheme was placed into review for consideration as part of future road investment planning.
- Such constraints remain and therefore the likelihood of such works coming forward in a future RIS is limited.

3.9 To summarise, National Highways are clear that there are no current plans for the use of the land in their 2020 – 2030 Road Investment Strategy (RIS). Furthermore, the likelihood of such a proposal coming forward is also low. Therefore, the reason of the safeguarded land, in their view, no longer exists. For the sake of clarity, the Council, as Highways Authority has no authority to do works directly to the strategic network and the land is private. Therefore, the Council could not do any works within the safeguarded land.

3.10 While the concerns expressed by committee are acknowledged, planning decisions must be based on the available evidence. The information before us indicates that the probability of a scheme requiring the safeguarded land in any reasonable time, such as within the Local Plan's period of 2013 – 2031, frame is low. The identified potential impact of the loss of this land (i.e., not being able to implement the motorway improvement), and the probability of it coming forward (low), must therefore be weighed against the public benefits of the proposed use of the land. Public benefits include the creation of jobs and re-developing a brownfield site.

3.11 Officers are of the view that the probability of the land being required is so low, based on the information provided by National Highways, that to include it as a reason for refusal would be unreasonable. Based on the available information, officers are of the view that they would struggle to articulate, evidence, and reasonably justify the reason for refusal at appeal.

3.12 Acting unreasonably, such as reasons for refusal without a substantiated position, may open the Council to an award of costs against them in an appeal situation. Such a potential outcome should not put the committee off from making its own decision and, for the avoidance of doubt, the committee is entitled to make any decision they deem to be correct. However, it is officers' role to advise on the reasonableness and provide a professional commentary on such matters.

3.13 Concluding on the above, there has been no technical evidence identified to support or justify the reason for refusal as reached by committee. Giving due regard to this information and reiterated position from National Highways, officers therefore advise members reconsider the issue.

#### **4.0 CONCLUSION**

4.1 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.

4.2 The site is an Employment Allocation, where employment generating uses such as that proposed are to be welcomed in principle. While the proposal falls within land safeguarded at the time the Local Plan was drafted, the reason for safeguarding is no longer present. Therefore, there are no principle concerns over the proposal.

4.3 The application is outline with all matters reserved. Nonetheless due regard has been given to the proposal's material planning impacts, such as upon local ecology, highways, and drainage, and consideration of whether any prohibitive reasons would prevent acceptable details coming forward at reserved matters stage.

4.4 Officers acknowledge the concerns raised by committee previously, although concerns on the reasonableness of the reasons for refusal remain. In looking to substantiate and defend the reason for refusal, discussions with National Highways provided no assistance and confirmed officers' concerns. While this took place, the applicant proposed a material change to the proposal which would lower the traffic impact, affecting reason for refusal one. Based on these points, officers consider it reasonable for the proposal to be returned to committee.

4.5 Officers' conclusion remains that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications
3. Reserved Matters (layout, scale, appearance, landscape) to include updated Sustainability Statement, built upon indicative provisions detailed in outline Sustainability Statement
4. Building not to exceed 18m in height.
5. Construction Environmental management Plan (CEMP)
6. Noise impact assessment to be provided at RM stage
7. Control on plant equipment noise level
8. Development to be done in accordance with dust mitigation measures

9. **Limit on development floor area (max. 12,077m<sup>2</sup> GFA), with restriction to prevent Parcel Distribution / 'Last Mile Delivery' use.**
10. Design and the implementation of cycle / footway improvement on Cliff Hollins Lane and Mill Carr Hill Road.
11. No development to be occupied, prior to completion of the site access and off-site highway improvements Bradford Road (approach to M62 Junction 26 Chain Bar, providing an improved alignment to the junction, changes to signage, and a third lane for direct access to the M606)
12. Detailed Travel Plan to be submitted / implemented.
13. Delivery and Servicing Management Plan (DSMP) to be submitted / implemented.
14. Construction Traffic Management Plan (CTMP) to be submitted / implemented.
15. Highway condition survey and remediation.
16. Development be undertaken in accordance with the submitted FRA (and supporting document), specifically that the finished floor levels be set above (92.0mAOD)
17. Detailed drainage strategy, to include management and maintenance arrangements, to be provided at Reserved Matters stage (layout)
18. Surface water flood routing strategy to be provided at Reserved Matters stage (layout)
19. Details of temporary surface water drainage arrangements, during construction (pre-commencement)
20. Oil separator to be installed within hard surfaced areas / car park (pre-commencement)
21. No development within easement of sewers within the site (unless diversion agreed)
22. Arrangement for ensuring permanent access to the Moorend Combined Sewer Overflow and the associated syphon sewer
23. Foul water arrangement details to be provided.
24. Details of surface water outfall to be approved.
25. measures to protect the public sewerage infrastructure that is laid within the site to be provided.
26. The site shall be developed with separate systems of drainage for foul and surface water on and off site
27. EVCP (1 per 10 spaces)
28. Contaminated Land (Phase 2, Remediation, Validation)
29. Arboricultural Reports to be provided at Reserved Matters (layout and landscape) stage.
30. Ecological Design Strategy, to secure 10% net gain based on provided baseline.
31. No site clearance within bird breeding season (unless survey undertaken)
32. Lighting Strategy for Ecology
33. CEMP: Biodiversity
34. Invasive species management plan



## **Background Papers**

Application and history files

Available at:

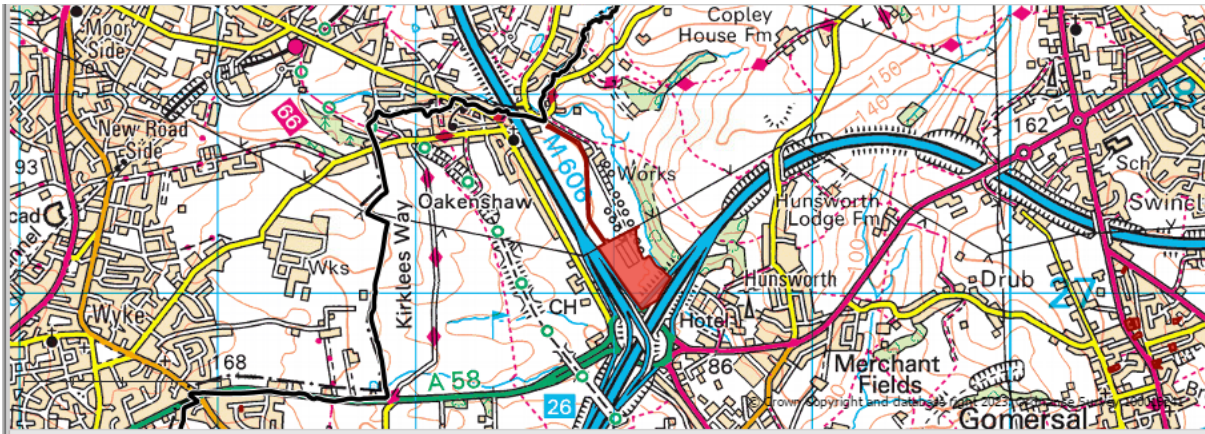
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<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f94208>

Certificate of Ownership

Certificate B signed.

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected:** Cleckheaton

**Ward Councillors consulted:** Yes

**Public or private:** Public

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**RECOMMENDATION**

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

1. Traffic monitoring and £30,000 (£15,000 x 2) towards potential traffic management schemes at Cliff Hollins Lane and Mill Carr Hill Road
2. £15,000 for Travel Plan monitoring (£3,000 x 5 years).

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**

1.5 This is an application for outline planning permission for commercial development (Use Classes E(g)(ii); E(g)(iii); B2 and B8).

- 1.6 This application is brought to Strategic Planning Committee in accordance with the Delegation Agreement as the application has a site area exceeding 0.5ha and seeks non-residential development.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The site has an area of 7.7ha. It hosts a mixture of structures associated with the former waste water treatment use and open grassland. Land levels fall from west to east. To the immediate east of the site is Huntsworth Beck and woodland, before progressing to open countryside. To the west is the M606 and the south the M62, with their junction (junction 26) being to the south-west.

- 2.2 To the north of the site is land, also formerly party of the waste water works and adjacent open land, currently being developed into a commercial park. 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. Various subsequent Reserved Matters (and other applications) have followed. At the time of writing three commercial buildings have been substantially completed. Further north are the settlements of Oakenshaw and Woodlands.

## **3.0 PROPOSAL**

- 3.1 This application seeks outline planning permission for employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8). Existing structures on site would be cleared. The proposal seeks a maximum floorspace of 12,078sqm (130,006.51sqft). All matters, namely access, appearance, scale, layout, and landscaping, are reserved.

- 3.2 Notwithstanding all matters being reserved, an indicative site plan has been provided to establish how the site may be developed. It demonstrates a singular rectangular building, sited roughly central within the site, with access to the west, parking facilities to the north, and service area to the south.

## **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

**Note:** The following applications all stem from application 2016/92298, which was an outline application for commercial development covering the application site plus additional land to the north. All the subsequent applications (reserved matters, non-material amendments etc.) relate to the land to the north only and do not include works within the application site. However, as they stem from the extensive red-line from 2016/92298 that covers this application site they do procedurally fall within this 'application site'.

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

2021/94060: 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) – Pending determination (approved at committee, pending S106 being signed)

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), B2 and B8) – Pending determination (approved at committee, pending S106 being signed)

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 – NMA Approved

2022/92824: Non material amendment to previous permission 2021/91932 for 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 6021m<sup>2</sup> and 4046m<sup>2</sup>) 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) – NMA Approved

**Note:** Discharge of condition applications not listed due to substantial number.

#### 4.2 Surrounding Area

*land west of M62, south of, Whitehall Road, Cleckheaton, BD19 6PL*

2021/92603: Erection of storage and distribution unit (Use Class B8) with ancillary offices, car parking, servicing, landscaping and access (amended and further information received) – Pending consideration

#### 4.3 Enforcement History

COMP/20/0238: Alleged breach of conditions – Resolved

COMP/20/0268: Material start on permission in breach of conditions – Resolved

A Temporary Stop Notice (TSN) was served on the site on 10th July 2020. It was issued as a result of construction works pursuant to Phase 1 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 as a consequence 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 The applicant sought pre-application advice from the Local Planning Authority (ref. 2021/20584) in June 2021.

5.2 Prior to submitting their pre-application enquiry the applicant had been in discussions with National Highways regarding the safeguarded land within allocation ES7 and had, via email, received confirmation that National Highways that they would not oppose the development in principle (i.e. the loss of the safeguarded land). For full details on this please see paragraphs 8.1 and 10.5 – 10.10. This information from National Highways, which was independently verified by officers at the time, informed the applicant's pre-application. Officers provided commentary on other material planning considerations. A response was issued in October 2021.

5.3 The current application was submitted in November 2021. Various discussions have taken place between the applicant and LPA. These principally related to highways, with further details for review provided by the applicant on request. This included demonstrating cycle improvements off-site are feasible and ensuring the provision of appropriate turning facilities. Discussions on reasonable contributions via S106, namely travel plan monitoring and potential improvements to local traffic management, were 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 27<sup>th</sup> February 2019).

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

6.2 The application site is part of land allocated for employment development in the Local Plan (site allocation ref: ES7).

6.3 Site allocation ES7 identifies the following constraints relevant to the site:

- Land to be safeguarded for M62/M606 widening scheme
- The access road will require widening into the site as well as improvements to its junction with Cliffe Hollins Lane
- Additional mitigation on wider highway network may be required
- Public right of way in close proximity to the north of the site
- Part of the site is within flood zone 3
- Surface water issues
- Potentially contaminated land
- Potential for noise impact
- Potential for odour impact
- Site affected by hazardous installation / pipelines
- Proximity to a Local Wildlife Site
- Part/all of the site is within a High-Risk Coal Referral Area
- Power lines cross the site
- 

6.4 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP9** – Supporting skilled and flexible communities and workforce
- **LP13** – Town centre uses
- **LP19** – Strategic transport infrastructure
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design

- **LP26** – Renewable and low carbon energy
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP34** – Conserving and enhancing the water environment
- **LP38** – Minerals safeguarding
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP64** – Employment allocations

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

#### *Supplementary Planning Documents*

- Highways Design Guide SPD (2019)

#### *Guidance documents*

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

#### 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 20<sup>th</sup> July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6<sup>th</sup> 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 6** – Building a strong, competitive economy
- **Chapter 7** – Ensuring the vitality of town centres
- **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

6.7 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)

#### Climate change

6.8 The Council approved Climate Emergency measures at its meeting of full Council on the 16<sup>th</sup> 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 12<sup>th</sup> 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 for public comments was the 5<sup>th</sup> of January 2022. Eight public representations were received in response to the advertisement. The following is a summary of the comments made:

- The road network around this site (specifically Mill Carr Hill Road and Cliff Hollins Lane) is not acceptable for the type of HGV movements, or volume, associated with this development. This makes the area dangerous to residents and nearby school children.
- The proposal will result in more noise and disruption for residents, causing harm to amenity.
- The continued development of the site has harmed the character and setting of Oakenshaw, from '*small village surrounded by beautiful fields, now we are a small village DROUNDED by industrial sites.*'
- Vehicles accessing the site have caused damage to the road and require no vehicles to be parked opposite the junction between Mill Carr Hill Road and Cliff Hollins Lane.
- The proposal will harm local air quality, to the detriment of local residents and school children.



- The land is Green Belt and should not be developed
- Bradford Road and Chain Bar roundabout are heavily congested, which this proposal will exacerbate.
- The proposed development would result in the coalescence of Bradford and Cleckheaton, contrary to the Inspector's comments at the Local Plan hearings, specifically relating to the release of Green Belt land.
- The land has been preserved by Highways for motorway / roundabout improvements.
- The original approval was for lighting industrial, but has changed to transport and warehousing.
- The developer of the site has breached planning conditions several times.
- Access should be directly from the M606 or Chain Bar roundabout.
- The applicant's report is based on 2011 traffic data / census data which should be considered out of date.
- The proposal will create greater runoff into the adjacent watercourse. The approved drainage strategy is insufficient and tying into that is not appropriate.
- Applications 2021/94060 and 2021/84208 would cumulatively result in a 50% increase in floor space above that approved by 2016/92298.

7.3 The site is within Cleckheaton ward. Local ward members were also notified of the proposal. Cllr A Pinnock requested to be kept informed of the process of the application.

## 8.0 CONSULTATION RESPONSES

### 8.1 Statutory

National Highways: On the matter of the safeguarded land, National highways have stated:

*"it is acknowledged that this development is proposed on land that the Council have previously safeguarded in the Local Plan in anticipation of a government led Road Investment Strategy (RIS) announcement, which looked at the feasibility of bringing forward a scheme in that locality.*

*However, due to the nature of the junction a complex solution will be required, which raised projected costs. Additionally capacity constraints between junctions 26 and 27 on the M62 would also impact the potential benefits derived from this scheme and other solutions on the M62 would need to be looked at. As such the scheme was placed into review for consideration as part of future road investment planning.*

*In March 2020 the RIS2 announcement was published, this did not include this scheme for consideration/delivery during the 2020 to 2030 road periods. Therefore, the probability of National Highways progressing a scheme within the remainder of this local plan period is unlikely. As such, this application has been considered on its own merits and it remains a matter for the Council to consider if they are minded to grant a planning consent."*

On the matter of the proposal's impact on the strategic network (i.e., the motorways), giving due regard to traffic generation National Highways offer no objection.

K.C. Highways: Have been involved in discussions between the case officer and applicant to understand the highways implication of the proposal. This is covered in detail within the main report. In conclusion, subject to conditions and S106 requirements, it is considered that the proposal would not cause severe harm to the local (or strategic) highway network.

K.C. Lead Local Flood Authority (LLFA): No objection subject to conditions.

The Coal Authority: The site is within a Risk Coal Risk Area. The application is supported by a Coal Mining Risk Assessment which has been reviewed by the CA. No objection subject to conditions.

The Environment Agency: Offered initial objection due to inadequate details being provided. Further details were provided and, subject to conditions, no objection is now offered.

Yorkshire Water: No objection subject to conditions.

## 8.2 **Non-statutory**

Bradford MDC: No comments received.

K.C. Crime Prevention: Advise offered to the planning officer. Advise also offered to the applicant, on matters which fall outside of planning's remit.

K.C. Ecology: No objection subject to conditions.

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

K.C. Landscape: An informal discussion was held and advise offered on expectations for Reserved Matters stage.

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

National Grid: No comments received.

West Yorkshire Archaeology Advisory Service (WYAAS): the site has been intensively used during the later 20th century and that there is no significant known archaeological potential within it. Therefore, no objection or conditions requested.

## 9.0 **MAIN ISSUES**

- Principle of development
- Urban design
- Residential amenity
- Highway
- Drainage

- Planning obligations
- Other matters
- Representations

## 10.0 APPRAISAL

### Principle of development

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

### *Land allocation*

- 10.2 The site is allocated for employment use within the Kirklees Local Plan. Regarding such land, Policy LP64 (Employment Allocations) states:

*The sites listed below are allocated for employment uses (as defined above) 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. Proposals for office use on these allocations, that are not considered as ancillary would need to comply with Policy LP13 of the Local Plan.*

- 10.3 The intended use class of the site (Use Classes E(g)(ii); E(g)(iii); B2 and B8) fall within the defined 'employment uses' and are acceptable on the site.
- 10.4 ES7 has an indicative capacity of 35,284sqm (379,793.82sqft), which the proposal would exceed. The indicative capacities on the Local Plan are not hard caps and may be exceeded (or gone below) subject to due regard of material planning considerations, as set out elsewhere within this assessment.
- 10.5 As per the policy requirements due regard must be given to the ES7 site box information contained within the Local Plan. These are listed in paragraph 6.3 and will be considered where relevant within this assessment. However, of principle consideration is the following:
- Land to be safeguarded for M62/M606 widening scheme

The application site, and proposed building (indicative layout), fall within the referenced safeguarded land. Policy LP19 also states that Proposals that may prejudice the future development of the strategic transport network will not be permitted.

- 10.6 The reason for the safeguarded land is that the land was identified within the Department for Transport's Road Investment Strategy 2015/16 – 2019/20 (RIS1) to potentially host a new connection between the M62 and M606, as follows:

*provision of a direct link from the M62 westbound to the M606 northbound and removing significant congestion from the main part of the existing junction*

The scheme was intended to provide a new link that would prevent traffic on the M62 heading into Bradford having to use Chain Bar roundabout to get onto the M606, in the interest of improving highway efficiency.

- 10.7 The RIS1 was the most up to date document at the time the Local Plan was being drafted and informed National Highways (then Highways England) input into the drafting of the document. National Highways therefore requested that the above criteria be included, which was accepted.

- 10.8 The RIS1's plans for the direct link between the M62 and M606 never materialised and, since the Local Plan was published, the RIS1 has been superseded by the Road Investment Strategy 2020 to 2025 (RIS2). The RIS2 has omitted the plans for the direct link between the M62 and M606 and does not propose it for the 2020 to 2030 period. National Highways have given the reasoning as:

*due to the nature of the junction, a very complex solution is required, which has raised projected costs. Additionally capacity constraints between junctions 26 and 27 on the M62 are impacting the potential benefits derived from this scheme. Therefore, other solutions on the M62 will need to be looked at and we have put this scheme into review for consideration as part of future road investment planning.*

- 10.9 Therefore, the initial reason for the safeguarded land – namely planned highway infrastructure by National Highways – has been removed. National Highways offer no objection to building upon this land. In terms of the application as a whole, they seek to comment only on its own merits (i.e., traffic generation) which are considered later in this report.

- 10.10 As the purpose of the safeguarded land has been removed, with no objection from the body responsible for its inclusion (nor K.C. Highways), there are considered no in-principle conflicts. The proposal seeks employment development upon an employment allocation and is welcomed in principle. Accordingly, there are considered no conflicts with Policy LP19 or 64. Due regard must be given to the local impact, as far as feasible at outline stage, which is outlined below.

- 10.11 No dedicated office uses (E(g)(i)) are proposed as part of this application. The inclusion of offices, at this out of centre location, would be a cause for concern and contrary to policy. While no dedicated officers are proposed, once built planning permission is not required to change a use within a use class (i.e., within the wider E use class). While the likelihood of a purpose-built commercial unit being converted to office is limited, given the potential harm that could arise at such a large amount of office floor space, it is deemed reasonable to remove the right to change via condition to avoid conflict with policy LP13.

### *Sustainable development and climate change*

- 10.12 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions
- 10.13 The application is supported by a sustainability statement which details potential measures that could be employed at the site to promote sustainable development. The sustainability statement is structured under a number of themes, and summarises how the sustainability aspirations may be delivered by a series of strategies to address key environmental, social and economic issues.
- 10.14 The measures detailed within the document are welcomed, however as the scheme is outline with all matters reserved many of the details are indicative. A condition is therefore recommended requiring a Climate Change statement at RM stage which details specific measures, built upon the sustainability statement submitted at OL stage.
- 10.15 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change. These factors will be considered where relevant within this assessment.

### Urban Design

- 10.16 Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; 'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.
- 10.17 The application is made at outline with all matters reserved for a subsequent Reserved Matters application. However, while specific details are not available for consideration, officers must consider whether any prohibitive reasons exist why appropriate details could not be provided later. The application is supported by a Landscape Visual Impact Assessment and indicative block plan which demonstrates how the site may be developed.
- 10.18 At present the site hosts unused wastewater structures and small area of pasture field. Due to topography and existing manmade structures / infrastructure views towards the site are limited; the M62 and M606 screen distance views from the south and west respectively. Near views from the motorways, which sit higher than the site, would be limited and fleeting. Furthermore, commercial units along the motorway corridor would not appear

unusual. Rising topography and Hanging Wood screen distance views from the east, with no close public access, while from the north the proposal would be seen in the context (and likewise largely screened) by the new commercial units. The most prominent viewpoints, other than from within the site, will be close / moderate distance from Chain Bar roundabout (and the slip roads off the M606 onto the roundabout) immediately to the south.

- 10.19 The applicant's LVIA makes the following conclusion on the setting of the proposal:

*The proposed development is of a similar scale and design to the approved development and it is therefore considered that the proposed development will be in context with its surroundings as a part of the wider approved development envelope. Proposed mitigation planting of native trees and hedgerows around the southern and western boundaries will help to assimilate the built form in its setting when it starts to reach maturity. It is not considered that this land makes an important contribution to the character and setting of any identified settlement or historical asset*

- 10.20 Officers concur with the above assessment. The site has low impact on the wider environment with limited views, from both near and far viewpoints, into it. While all design matters are reserved, the design is expected to replicate the other modern commercial units on the site. It would not be the largest structure within the wider re-developed site and is expected to sit on a lower ground level than those already build, with the plateau indicated to be dug into the land when viewed from the south / west viewpoints. Appropriate screening / planting via landscaping would be required to assist in softening the land between the commercial structure and highway network, but there are no prob
- 10.21 Notwithstanding the above, application 2016/92298 sought a maximum height of the units of 18m which has been adhered to by the other units (based on the LIVA submitted at that time). In the interest of design, coherency, and in accordance with master-planning principles, continuing this stipulating is deemed reasonable and may be secured via condition.
- 10.22 Subject to this condition, there are considered no prohibitive reasons why an appropriate design, specifically layout, appearance, scale, and landscaping, could not be provided at Reserved Matters stage to ensure compliance with the relevant policies. As such, the proposal is deemed to comply with Policies LP2 and LP24 of the Kirklees Local Plan.

#### Residential Amenity

- 10.23 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.
- 10.24 The nearest property to the application's red-line boundary is circa 190m away, with the M606 and Bradford Road interceding. However, the indicative plan indicates a buffer / landscaped area which would increase the building-to-building separation distance to over 300m. Other residential properties, to the north, are in excess of 500m from the site as well as having the other new

commercial units sited between. Based on these separation distances officers consider there to be no fundamental concerns that harmful overbearing, overshadowing, or overlooking would be caused, to be fully assessed at Reserved Matters stage (layout, scale, appearance).

- 10.25 The application is supported by a Noise Impact Assessment which has been reviewed by K.C. Environmental Health. As all matters of specific design are reserved, the report highlights the limitation of certainties at this time, however the report makes reasonable assumptions to reach its conclusion.
- 10.26 While not disputing the conclusion, K.C. Environmental Health consider it premature without the actual particulars being provided. However, they accept there is no fundamental noise concern by virtue of the separation distance. A condition is therefore recommended for a further noise impact assessment, at Reserved Matters stage, once details on the particulars are known. A condition relating to mechanical plan and limiting noise it may produce is also recommended.
- 10.27 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.28 To summarise, the proposed development is considered not to be detrimental to the amenity of neighbouring residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan.

#### Highway

- 10.29 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.30 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.

- 10.31 The application is outline with all matters, including access, being reserved. Therefore, details relating to the development's internal layout (such as parking, servicing, and other development specific matters) are to be determined at the Reserved Matters stage. Based on the size of the site and indicative plans there are no fundamental concerns that appropriate internal arrangements could not be accommodated.
- 10.32 Notwithstanding the above, due regard must be given to the impacts in the wider area, which can be considered based on a 'worse case' scenario of the proposed use and floor area, plus the existing road network.

*Access and off-site works arrangements*

10.33 Access is a reserved matter; however, given the limited options available it would inevitably be taken from the new road (currently unnamed) serving the northern units. This road itself takes access from Cliff Hollins Lane. Site allocation ES7 notes that the access road will require widening into the site, as well as improvements to the junction with Cliffe Hollins Lane and that additional mitigation on the wider highway network may be required. However, as part of 2016/92298, or the 'northern site', a suite of highway improvements was secured, both around the new junction and wider network. These improvements were:

1. works on the Bradford Road approach to M62 Junction 26 Chain Bar, providing an improved alignment to the junction, changes to signage, and a third lane for direct access to the M606
2. Mill Carr Hill Road/Bradford Road junction improvements for the widening of Mill Carr Hill Road to provide a right turn facility at the junction, new pedestrian footways, pedestrian refuge
3. Re-alignment of the Carr Hill Road/Cliff Hollins Lane junction to give priority to vehicles travelling towards Cliff Hollins Lane and the development site, new pedestrian footways, pedestrian refuge
4. Site access- realignment of Cliff Hollins Lane
5. 7.5 tonne lorry bans to Wyke lane and Cliff Hollins Lane

**Note:** For the avoidance of doubt the above works do not form part of this planning permission and have been previously secured as part of 2016/92298. They are listed here for information purposes only.

10.34 Given they have the same access arrangements, to ensure appropriate arrangements the above works are also required to facilitate the current development on the now proposed 'southern site' (see the following section for the assessment on proposal's traffic generation). Plans for points 2 – 4 are advanced, with works having started and bonds being paid to the Council to ensure they are completed. Therefore, there is considered no reasonable likelihood of them not being completed before the 'southern site' development comes forward and it is not considered necessary to impose a condition for those works as part of this application. For point 1, the improvements have



been fully designed (agreed between the applicant, Highways Authority, and National Highways) and are currently out to tender. Until the tender is agreed the bond and S278 agreement cannot be completed; while it remains secured as part of 2016/92298, as there is a less definitive timeframe for the delivery of the works in point 1, it is deemed necessary to include a similar condition on this development: to ensure the improvements are in place before this development comes into use.

- 10.35 In addition to the already secured highway improvements, following further discussions with the applicant, they have now agreed to provide an improved cycle/footway link that would connect from the site access along the west side of Cliff Hollins Lane, up to the Cliff Hollins Lane/Mill Carr Hill Road junction and then west along the south side Mill Carr Hill Road, before terminating on the far side of the M606 overbridge (it is noted that no improvements can be provided beyond this point, due to highway boundary constraints). This improvement would be achieved by widening the existing footway and would link to the cycle/footway that is already being provided within the 'Northern' site access S38 road. This extended cycle/footway will provide an additional 250m of off-carriageway cycling provision, enabling development cyclists (and other users) to be separated by turning traffic at the Cliff Hollins Lane/Mill Carr Hill Road junction, which accords with the principles set out in LTN 1/20. This may be secured via condition (It should be noted that this would be subject to Traffic Regulation Order applications, which are subject to separate public consultation and assessment processes. Should the TRO applications be refused, it would demonstrate that the works are unfeasible. Highway improvements should only be implemented to the extent that they are reasonable).
- 10.36 Given the scale and nature of the development officers recommend a Construction Traffic Management Plan (CTMP) be secured via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works. K.C. Highways DM have also advised that a 'highway condition survey' be undertaken, via condition. This would include a review of the state of the local highway network before development commences and a post completion review, with a scheme of remediation works to address any damage attributed to construction traffic. This request is considered reasonable and a condition is proposed by planning officers.

#### *Traffic Generation and Impact on the network*

- 10.37 The proposal has been assessed against the potential for either 100% B2, 100% B8, or 50% B2 (6,077 m<sup>2</sup>) / 50% B8 'Parcel Distribution' (6,000m<sup>2</sup>) type uses, with the latter being the highest peak hour traffic generating uses that would be proposed. Based on the trip rates for the highest peak hour traffic generating uses (50% / 6,077 m<sup>2</sup> B2 Industrial use & 50% / 6,000m<sup>2</sup> B8 Parcel Distribution use), the 'Southern site' is estimated to generate the following 'worse case' weekday network peak hour vehicle trips:

		<b>Traffic Generations - North Bierley - Southern site</b>					
		<b>AM Peak (0800-0900)</b>			<b>PM Peak (1700-1800)</b>		
		<b>Arr.</b>	<b>Dep.</b>	<b>Total</b>	<b>Arr.</b>	<b>Dep.</b>	<b>Total</b>
Parcel Distribution (6,000sq.m)	Total Vehicles	23	23	46	27	28	55
	OGV's	1	6	7	4	2	6
Industrial (6,077sq.m)	Total Vehicles	32	6	38	4	26	30
	OGV's	2	1	3	1	0	1
<b>Total</b>	<b>Total Vehicles</b>	<b>55</b>	<b>29</b>	<b>84</b>	<b>31</b>	<b>54</b>	<b>85</b>
	<b>OGV's</b>	<b>3</b>	<b>7</b>	<b>10</b>	<b>5</b>	<b>2</b>	<b>7</b>

**Note:** OGV = Ordinary Goods Vehicle

- 10.38 The above is predicated on the 'worse case' scenario having a 50% use of the site as Parcel Distribution. As the greater traffic generator, a greater than 50% Parcel Distribution use would be expected to have higher than assessed impacts on the network. Therefore, should planning permission be granted for this development, it would be necessary to restrict by condition the level of B8 'Parcel Distribution' use to 6,000m<sup>2</sup>.
- 10.39 The generated traffic would be dispersed across the surrounding network; using traffic modelling the junctions most affected have been identified and the proposal's impact on their capacity assessed. These junctions are:
- Cliff Hollins Lane / Access Junction
  - Cliff Hollins Lane / Mill Carr Hill Road Junction
  - Bradford Road / Mill Carr Hill Road Junction
  - Chain Bar Roundabout
- 10.40 The applicant's technical submission has demonstrated that these junctions would operate satisfactorily post development. K.C. Highways Development Management (HDM) have reviewed the applicant's submission and conclude that the 'Southern' site development traffic can be accommodated on the local highway network (following completion of the improvements associated with the 'Northern' site (considered further below)) in terms of junction capacity, based on the highest peak hour traffic generating uses that are proposed at the 'Southern' site (e.g. 50% / 6,077m<sup>2</sup> B2 Industrial use & 50% / 6,000m<sup>2</sup> B8 Parcel Distribution use).
- 10.41 Specific to Chain Bar Roundabout as part of the Strategic Road Network, National Highways were consulted. They have no objection to the proposals, subject to a condition being imposed that requires a Construction Traffic Management Plan (CTMP) to be agreed and implemented that minimises impact on the SRN, (securing a CTMP has already been recommended by officers in paragraph 10.36).

- 10.42 Notwithstanding the above, local concerns have been raised regarding the additional traffic that may be generated from the entire development site (both the Northern and Southern sites) that could access the site via Cliff Hollins Lane and Mill Carr Hill Road to/from East Bierley and Bierley respectively, due to the nature and alignment of these roads.
- 10.43 To address these concerns, the consented Northern site development is required to fund the promotion of a 7.5T weight restriction on Cliff Hollins Lane to the east of the development site (as well as Wyke Lane to the west), to prevent large commercial vehicles from using these routes to access the site, to complement the similar restriction that is already in place on Mill Carr Hill Road. These new restrictions have now been approved and the necessary Traffic Regulation Orders are due to be come into effect shortly once the appropriate signage has been installed.
- 10.44 To further discourage commercial development traffic from the proposed 'Southern Site' from utilising Cliff Hollins Lane and Mill Carr Hill Road, it is recommended that a Delivery and Service Management Plan (DSMP) is secured by condition, which should include measures to discourage commercial light van (e.g., those below 7.5T) traffic from using these routes.
- 10.45 HDM have also consulted with the Council's Road Safety Team and their HDM counterpart at Bradford MDC to determine whether any additional measures could be introduced on Cliff Hollins Lane and Mill Carr Hill Road. However, given that there is no recent history of Personal Injury Collisions (PIC) on these routes (there has been a single slight incident on Cliff Hollins Lane and none on Mill Carr Hill Road over the latest 5 year period) and as traffic flows are now lower than assessed in the original Transport Assessment undertaken for the 'Northern Site' approval (the 2017 TA identified two-way peak hour flows of up to 266 & 359 vehicles on Cliff Hollins Lane and Mill Carr Hill Road respectively, following completion of the 'Northern Site' development), then no additional measures are considered to be appropriate at this time.
- 10.46 However, it has been agreed with the Councils Road Safety Team and Bradford MDC that if traffic flows were to increase in future on Cliff Hollins Lane and Mill Carr Hill Road, beyond the levels that have previously been accepted (e.g. up to 266 & 359 two-way hourly flows on Cliff Hollins Lane and Mill Carr Hill Road), then consideration could be given to providing additional/amended Traffic Regulation Orders (TRO) or other suitable measures (e.g. lining/signing improvements) on these routes, which could include the introduction of 'No Motor Vehicle - Access Only' TRO restrictions. Therefore, it is recommended that a S106 obligation is secured to monitor traffic flows on these routes, and if necessary, provide funding for the additional/amended Traffic Regulation Orders (TRO) or other suitable measures, should these be deemed necessary/appropriate by the Local Highway Authorities. A summary of the suggested S106 obligation is as follows:
1. The landowner to procure (at their expense) an annual 1 week automatic traffic count on Cliff Hollins Lane and Mill Carr Hill Road (date and location to be agreed), and provide the data to the Local Planning Authority for review. This monitoring would be required for a

- period of up to 5 years following full occupation of the sites (both the 'Northern' and 'Southern' sites).
2. Should the annual monitoring data identify that the peak hourly traffic flow exceed 266 two-way movements on Cliff Hollins Lane or 359 two-way movements on Mill Carr Hill Road, consideration will be given by both Local Highway Authorities to decide whether to proceed with any additional/amended Traffic Regulation Orders (TRO) or other suitable measures on these routes.
  3. Should a decision be made to not proceed with any new measures at that time, Stages 1 and 2 would be repeated the following year.
  4. However, should the Local Highway Authorities decide to promote the new measures, the landowner would be required to fund the necessary measures. To fund the additional/amended Traffic Regulation Orders (TRO) or other suitable measures on these routes, including any signing/lining improvements, a financial contribution of £15,000 for each route will be required, which equates to a total contribution of **£30,000**.

#### *Accessibility, Sustainable Transport and Travel Plan*

- 10.47 Due to the site's location at the end of a circa 700m long industrial estate road, the extent to which the local areas are accessible on foot is relatively low, which is confirmed on the walking isochrone plan provided by the applicant. The M606 and M62 to the south and west form barriers to movement. The isochrone plan also confirms that Low Moor Railway station is not within walking distance of the site. As such, it is clear that pedestrian accessibility is poor and few staff are likely to walk to the development site.
- 10.48 As walking is likely to be an unattractive option for most staff, cycling offers a viable alternative. As such, the provision of the extended cycle / footway that has now been proposed by the applicant along Cliffe Hollins Lane and Mill Carr Hill Road is welcomed, and will help to encourage cycle use to both the Northern and Southern development sites.
- 10.49 The nearest bus stops on Bradford Road are circa 1.2km walk from the development site and Low Moor Railway station is over 2km from the development site. Therefore, public transport is unlikely to be an attractive option for staff at the development. However, it is noted that the nearest bus stops on Bradford Road are due to be upgraded with real-time displays, via funding from the 'Northern' site development (funding to be provided prior to first occupation), which will enhance the existing level of provision.
- 10.50 A Framework Travel Plan has been provided in support of the development, which is proposed to be developed further once an end user has been identified. This approach is acceptable, and a suitably wording planning condition can be used to secure this. Kirklees Council require Travel Plan monitoring fees to be secured as part of the S106 agreement. For a development of this scale (classed as a 'Large Scale Major Development' that is in excess of 10,000m<sup>2</sup>) the fee is **£15,000** (£3,000 per year for 5 years) and should be secured via a S106 agreement

### *Highways, summary*

- 10.51 While access is a reserved matter, the proposal is expected to use the access as approved via 2016/92298, which is considered acceptable. That application included various improvements to the local highway network which this development would benefit from. The traffic generation of the proposal has been assessed and could be accommodated on the local and strategic network (as improved via 2016/92298) without issue. Options to improve sustainable travel to and from the site have been explored, including securing the provision of a cycle lane (subject to TRO) and travel plan.
- 10.52 In light of the above, officers are satisfied that the proposal would not harm the safe and effective use of the highway network, in accordance with the aims and objectives of Policies LP19, LP20, and LP21 of the Local Plan.

### Drainage and Flood Risk

- 10.53 The application is supported by a Flood Risk Assessment, which includes indicative Surface Water Drainage details. These documents have been reviewed by the Lead Local Flood Authority (LLFA), the Environment Agency (EA) and Yorkshire Water.
- 10.54 The site is primarily within Flood Zone 1, however parts of the redline do extent into Flood Zone 2 and 3 adjacent to Hunsworth Beck along the east of the site (and partly to the north, presumably following artificially levelled land). The indicative details however demonstrate that the development can comfortably be fitted entirely within Flood Zone 1 and there is no fundamental reason why works will be required within either Flood Zone 2 or 3. The Environment Agency have requested a condition that development be undertaken in accordance with the submitted FRA (and supporting document), specifically that the finished floor levels be set above (92.0mAOD) and that no works take place within Flood Zone 3. Given the details provided, this is considered a reasonable approach to ensure the development neither suffers from, or exacerbates, flood risk.
- 10.55 Progressing to surface water drainage, as an outline application with all matters reserved a fully detailed drainage strategy cannot be expected at this time. However, sufficient detail to demonstrate the fundamentals of such a scheme are required, such as demonstrating discharge points and that appropriate attenuation is feasible.
- 10.56 In terms of discharge point the applicant has followed the drainage hierarchy. It has been demonstrated that infiltration is not feasible, so it is proposed to discharge into Hunsworth Beck, which is acceptable. The proposal seeks a discharge rate of 12.15 l/s, which would represent a comparable greenfield runoff rate (based on 5.0 l/s per ha for a 2.42 ha developable area site). An indicative attenuation strategy, consisting of a tank and basin, has been provided to show demonstrate feasible attenuation arrangements.

10.57 The discharge point and rate are considered acceptable to the LLFA. The indicative attenuation details are not objected to, although further details would be required to undertaken full assessment. However, as an outline application with all matters reserved such detail cannot be sought at this time. Nonetheless, based on the details provided, the LLFA and officers are satisfied that appropriate details may be provided at Reserved Matters stage, to be secured via the following conditions:

- Detailed drainage strategy, to include management and maintenance arrangements, to be provided at Reserved Matters stage (layout)
- Surface water flood routing strategy to be provided at Reserved Matters stage (layout)

10.58 In addition, the LLFA have requested the following conditions, which would be required pre-commencement:

- Details of temporary surface water drainage arrangements, during construction (pre-commencement)
- Oil separator to be installed within hard surfaced areas / car park (pre-commencement)

10.59 Officers support the inclusion of the above conditions and recommend their inclusion. Subject to these, the LLFA offer no objection.

10.60 The proposal has also been reviewed by Yorkshire Water, and the site is a former Yorkshire Water facility which retains some function. Yorkshire Water have therefore requested the following conditions:

1. Development to be done in accordance with the submitted Flood Risk Assessment
2. No development within easement of sewers within the site (unless diversion agreed)
3. Arrangement for ensuring permanent access to the Moorend Combined Sewer Overflow and the associated syphon sewer
4. Foul water arrangement details to be provided.
5. Details of surface water outfall to be approved.
6. measures to protect the public sewerage infrastructure that is laid within the site to be provided.
7. The site shall be developed with separate systems of drainage for foul and surface water on and off site

Except for the requested conditions 1 and 5, which would replicate the details required by the EA and LLFA, the above conditions are considered reasonable to ensure adequate drainage and foul water arrangements and protected existing infrastructure.

10.61 Considering the above, subject to the proposed conditions, the proposal is considered by officers to comply with the aims and objectives of policies LP28 and LP29 of the Local Plan.

## Other Matters

### *Air quality*

- 10.62 The application is supported by an Air Quality Assessment which has been reviewed by K.C. Environmental Health. The assessment details the impact the development will have on existing air quality, and how this will impact existing sensitive receptors by considering dust emissions during the construction phase, and air pollution from the additional traffic travelling to and from the development during the operational phase.
- 10.63 First considering the additional traffic generation, having assessed the report, K.C. Environmental Health agree with the overall methodology and approach undertaken. They concur with the conclusions of the report that for the operational phase of the development concentrations of the relevant pollutants would not be exceeded at any of the modelled receptor locations. Therefore, no concerns are raised.
- 10.64 For the construction phase, it is accepted that there is a potential impact from fugitive dust upon nearby dwellings. The report concluded that there is the potential for air quality impacts as a result of fugitive dust emissions from the site, from earthworks, construction and track-out, but that these impacts could be controlled by the implementation of good practice dust control mitigation. Site specific mitigation measures are provided to prevent this, which are accepted by K.C. Environmental Health, and are recommended to be secured via condition.
- 10.65 Notwithstanding the above a condition is recommended for provision of Electric Vehicle Charging Points (1 per 10 parking spaces). The purpose of this is to promote modes of transport with low impact on air quality. Subject to this, the proposal is considered to comply with the aims of Policies LP24(d) and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance

### *Coal legacy*

- 10.66 The site falls within the Coal High Risk Zone. The applicant has provided a Coal Mining Risk Assessment which has been reviewed by the Coal Authority.
- 10.67 The Coal Authority do not object to the proposal, subject to the imposition of conditions. These include appropriate site investigations taking place to inform the Reserved Matters proposals and, if needed, appropriate remediation measures. This is to avoid future complications / issues between the new building and historic coal workings. Subject to the imposition of the requested conditions' officers are satisfied that the proposal complies with the aims and objectives of LP53.

### *Contamination*

- 10.68 Due to its past use the site, and adjacent land, has the potential to include contaminated land. The application is supported by Contaminated Land investigation reports, which have been reviewed by K.C. Environmental Health.

- 10.69 The applicant has submitted Phase 1 and Phase 2 ground investigation reports which have been reviewed by K.C. Environmental Health. The Phase 1 has been accepted; however, the phase 2 has not due to insufficient information. Nonetheless, this would not form a prohibitive issue for development. Accordingly, Environmental Health recommend conditions relating to further ground investigations. Subject to the imposition of these conditions' officers are satisfied that the proposal complies with the aims and objectives of LP53.

*Crime Mitigation*

- 10.70 K.C. Designing Out Crime have expressed no in-principle objections to the development, subject to appropriate crime mitigation measures coming forward. Given that such features would fall under the remit of Reserved Matters, this will be considered further during the subsequent application with no specific condition deemed necessary at this time.

*Infrastructure on site*

- 10.71 A High-Pressure Gas Pipeline and Overhead Powerlines cross allocation ES7 and the proposed building (based on indicative layout) is expected to fall within their zones of influence.
- 10.72 Northern Gas were consulted on the proposal and they issued an initial objection. This is commented to be standard procedure from Northern Gas when development is proposed within the hazard zone around one of its pipes. This led to a meeting between the developer and Northern Gas where the proposal was discussed in detail. Northern Gas remove their objection subject to a condition requiring that, if the building is within 140m of the gas pipe (the hazard zone) either;
- a) demonstrating that there are no significant safety or risk issues caused by the proposed building and its associated population increase; or
  - b) include a written management scheme, which seeks to minimise any safety and risk issues caused by the increased working population within proximity of the high-pressure gas pipeline.

Officers consider this to be a reasonable approach to resolve the matter.

- 10.73 On the matter of the Overbear Powerlines, National Grid were consulted but no response was received. National Grid have an advisory document 'Development near overhead lines', where the following is sated:

*Since it does not own the land, it [National Grid] cannot prevent development close to or under overhead lines (although, of course, safe electrical clearances must be maintained). It has sometimes been suggested that minimum distances between properties and overhead lines should be prescribed. National Grid does not consider this appropriate since each instance must be dealt with on its merits. However, it has always sought to route new lines away from residential property on grounds of general amenity. Since the only limitation on new development has been the statutory safety clearances (Appendix III), a large amount of residential and other development has been carried out subsequently beneath and adjacent to overhead lines.*



- 10.74 Compliance with the statutory safety clearances, and other matters relating to relationship with the powerlines, are considered a private matter for the applicant and National Grid. It is noted that the proposal is for employment use, and the new building would be no closer to the powerlines than the buildings elsewhere on the site.
- 10.75 In light of the above, officers are satisfied that the proposal would neither raise health and safety concerns, nor risk harm to existing infrastructure.

#### *Trees and Ecology*

- 10.76 Tree cover within the site is intermittent and, with none being close to the public realm, are of limited public amenity. Nonetheless based on the indicative layout the application's detailed Arboricultural Impact Assessment shows that there will be minimal impact on the existing trees on site. K.C. Trees offer no objection to the proposal.
- 10.77 The proposal is supported by an Arboricultural Method Statement and Tree Protection Plan which demonstrates how the trees on site would be protected. However, as layout is reserved and the submitted details are predicated on an indicative layout, it is considered premature to accept the submitted details. Nonetheless, they demonstrate no prohibitive issues relating to trees and the proposed development. A condition is therefore recommended requiring the Reserved Matters of layout and landscaping to include an updated Arboricultural Impact Assessment, Arboricultural Method Statement, and Tree Protection Plan, to reflect any changes to the layout.
- 10.78 Hanging Wood Ancient Woodland is to the south of the site. The application's redline has a minimum distance of 18m from the Ancient Woodland, although this is typically greater as the intervening Hunsworth Beck meanders on the boundary. The indicative layout of the building shows a separation in excess of 60m. Based on these distances and the presence of Hunsworth Beck there are no concerns over the impact on the ancient woodland.
- 10.79 Policy LP30 of the KLP states 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.
- 10.80 The application is supported by an Ecological Impact Assessment (EclA). This provides an overview of the site's ecological characteristics and considers the impact of the development. The site consists of a mixture of brownfield (vacant) land, neutral grassland, and mixed scrub. There is also Hunsworth Beck to the east of the site and a small unnamed watercourse that culverts under the site to the north-west. Part of the site, largely the areas of Grassland and Mixed Scrub, fall within the Council's Wildlife Habitat Network. Nonetheless, the habitats on site are deemed to have limited, local value only. Through introducing new development the proposal will result in a loss of habitat (not the identified water environment), however the impact of this may be offset through habitat enhancements on-site (or nearby).

10.81 The application is supported by a baseline assessment of the site's ecological value. As an outline, with all pertinent matters reserved (layout and landscaping), complete net gain calculations which show how a 10% improvement would be secured on site (or nearby) cannot be fully undertaken. Nonetheless, the applicant has undertaken an indicative assessment using reasonable expectations to demonstrate how 10% enhancement may be deliverable on site. This, plus the site's baseline calculations, establish starting point and identifies no prohibitive reason why future net gain cannot be secured. A condition is recommended requiring the Reserved Matters (of layout and landscape) to including an Ecological Design Strategy (EDS) which demonstrates how 10% ecological net gain would be secured on site.

10.82 Appropriate survey work has been undertaking relating to local species. The site has the potential to host bird foraging and nesting, with limited value for local bat species. Surveys have confirmed the likely absence of crayfish. Three conditions are considered necessary to ensure no direct harm to local species;

- a lighting designs strategy, to ensure lighting does not affect
- Restrict site clearance to outside of bird breeding season (unless appropriate surveys are undertaken)
- Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity), to ensure temporary construction processes are appropriately managed.

Subject to these conditions, plus the net gain / habitat improvements to be secured within the EDS, officers are satisfied there would be no undue harm to local species.

10.83 Invasive plant species (Himalayan Balsam and Japanese Knotweed) have been identified along Hunsworth Beck. Therefore, a condition for an invasive species management plan is recommended, to avoid spreading invasive species.

10.84 While an outline application with all matters reserved, the submitted Ecological Impact Assessment has appropriately demonstrated that it is possible to develop the site for commercial use without causing harm to local ecology and while providing the required biodiversity net gain. Accordingly, subject to the given conditions, the proposal is deemed to be in accordance with relevant local and national policy, including Local Plan policy LP30 and chapter 15 of the NPPF.

### Representations

10.85 The following are responses to the matters raised within the public representations received, which have not been previously addressed within this assessment.

- The proposed development would result in the coalescence of Bradford and Cleckheaton, contrary to the Inspector's comments at the Local Plan hearings, specifically relating to the release of Green Belt land.
- The land is Green Belt and should not be developed

**Response:** The land in question is Employment Allocation within the Local Plan. It was removed from the Green Belt through the Local Plan process. The following is extracted from the Inspector's letter, when considering whether it was approved to remove the site from the Green Belt:

*The site is brownfield land and has now gained outline planning permission for redevelopment for employment uses. The site is located in the M62 corridor, and development in this strategic location would help to meet the needs of businesses and generate new jobs. The site lies in part of the Green Belt gap between Hunsworth and Woodlands. However, the site is previously developed land which contains existing buildings and structures, and a clear physical gap would remain. The site is also contained by woodland and slopes to the east and by the M62 and the M606 to the west and south, and therefore has a limited relationship with the wider countryside. Taking account of these factors I conclude that exceptional circumstances exist to justify removal of the site from the Green Belt.*

An area of land to the north of this site was removed from the allocation and kept as Green Belt, to assist in keeping the settlements distinct.

- Vehicles accessing the site have caused damage to the road and require no vehicles to be parked opposite the junction between Mill Carr Hill Road and Cliff Hollins Lane.
- The original approval was for lighting industrial, but has changed to transport and warehousing.
- The developer of the site has breached planning conditions several times.

**Response:** The above refer to Outline application 2016/92298 and its subsequent Reserved Matters. That is a separate application with different land owner. Therefore, the above comments carry no weight in this application, although it is noted that 2016/92298 did permit both light industrial (B1(c) and B2) and transport / warehouse (B8) uses.

- Access should be directly from the M606 or Chain Bar roundabout.

**Response:** The site access from Cliff Hollins Lane has been established via 2016/92298. Expecting this single unit to be served from M606 or Chain Bar would be unreasonable and unnecessary. As part of 2016/92298 access from the M606 and Chain Bar was considered and discounted as being against national highway policy.

- The applicant's report is based on 2011 traffic data / census data which should be considered out of date.

**Response:** The 2021 census data has not been released yet and the 2011 is still the most up to date.

- The proposal will create greater runoff into the adjacent watercourse. The approved drainage strategy is insufficient and tying into that is not appropriate.

**Response:** The application has demonstrated appropriate drainage arrangements, including

- Applications 2021/94060 and 2021/94208 would cumulatively result in a 50% increase in floor space above that approved by 2016/92298.

**Response:** The floorspace cap referred to above was based on the details held at that time. Each application is assessed against its own merits, with this application (and the details provided with 2021/94060) sufficient to demonstrate an increased figure is acceptable.

## **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 site is an Employment Allocation, where employment generating uses such as that proposed are to be welcomed in principle. While the proposal falls within land safeguarded at the time the Local Plan was drafted, the reason for safeguarding is no longer present. Therefore, there are no principle concerns over the proposal.

11.3 The application is outline with all matters reserved. Nonetheless due regard has been given to the proposal's material planning impacts, such as upon local ecology, highways, and drainage, and consideration of whether any prohibitive reasons would prevent acceptable details coming forward at reserved matters stage.

11.4 No issues have been identified and the proposal is deemed to comply with the relevant local and national policies. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations 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)**

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications
3. Reserved Matters (layout, scale, appearance, landscape) to include updated Sustainability Statement, built upon indicative provisions detailed in outline Sustainability Statement
4. Building not to exceed 18m in height.
5. Construction Environmental management Plan (CEMP)
6. Noise impact assessment to be provided at RM stage

7. Control on plant equipment noise level
8. Development to be done in accordance with dust mitigation measures
9. Limit on development floor area (max. 12,077m<sup>2</sup> GFA), with specific restriction on Parcel Distribution/'Last Mile Delivery' use (max. 6,000m<sup>2</sup> GFA).
10. Design and the implementation of cycle / footway improvement on Cliff Hollins Lane and Mill Carr Hill Road.
11. No development to be occupied, prior to completion of the site access and off-site highway improvements Bradford Road (approach to M62 Junction 26 Chain Bar, providing an improved alignment to the junction, changes to signage, and a third lane for direct access to the M606)
12. Detailed Travel Plan to be submitted / implemented.
13. Delivery and Servicing Management Plan (DSMP) to be submitted / implemented.
14. Construction Traffic Management Plan (CTMP) to be submitted / implemented.
15. Highway condition survey and remediation.
16. Development be undertaken in accordance with the submitted FRA (and supporting document), specifically that the finished floor levels be set above (92.0mAOD)
17. Detailed drainage strategy, to include management and maintenance arrangements, to be provided at Reserved Matters stage (layout)
18. Surface water flood routing strategy to be provided at Reserved Matters stage (layout)
19. Details of temporary surface water drainage arrangements, during construction (pre-commencement)
20. Oil separator to be installed within hard surfaced areas / car park (pre-commencement)
21. No development within easement of sewers within the site (unless diversion agreed)
22. Arrangement for ensuring permanent access to the Moorend Combined Sewer Overflow and the associated syphon sewer
23. Foul water arrangement details to be provided.
24. Details of surface water outfall to be approved.
25. measures to protect the public sewerage infrastructure that is laid within the site to be provided.
26. The site shall be developed with separate systems of drainage for foul and surface water on and off site
27. EVCP (1 per 10 spaces)
28. Contaminated Land (Phase 2, Remediation, Validation)
29. Arboricultural Reports to be provided at Reserved Matters (layout and landscape) stage.
30. Ecological Design Strategy, to secure 10% net gain based on provided baseline.
31. No site clearance within bird breeding season (unless survey undertaken)
32. Lighting Strategy for Ecology
33. CEMP: Biodiversity
34. Invasive species management plan

## **Background Papers**

Application and history files

Available at:

[Planning application details | Kirklees Council](#)

Certificate of Ownership

Certificate B signed.

## **APPENDIX B - Original Committee Update Report**

**Planning Application 2021/94208**

**Item 12 – Page 81**

**Outline application for redevelopment of former waste water treatment works, including demolition of existing structures to provide employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8)**

**Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Oakenshaw, BD12 7ET**

### **Clarification on red-line boundary and land allocation**

The applicant's red-line boundary partly extends into the Green Belt. This includes the point of access to Cliff Hollins Lane, which is to be via a road previously approved via 2016/92298 and thus not part of this application. However, the red line also encroached on land to the east that is the Green Belt, across Hunsworth Beck (circa 0.6ha of land).

There is no intention for this land to be developed as part of the application. Its inclusion is for ecological enhancement and landscaping purposes only. This is reiterated via the applicant's 'development parameters plan', which shows the extent of the proposed developable area as being wholly within the Employment Allocation. Nonetheless, to offer reassurance and clarity for all, a condition is recommended which requires the Reserved Matters proposals to be in accordance with the 'development parameters plan' thus prohibiting any development within the Green Belt as part of this application.

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## Report of the Head of Planning and Development

### STRATEGIC PLANNING COMMITTEE

Date: 11-May-2023

**Subject: Planning Application 2022/93932 Change of use of Crown House to provide student-only living accommodation (sui generis) in the form of studios (198), with ancillary concierge and communal facilities including an open plan lounge, coffee bar and gym at groundfloor, with laundry, car parking, cycle store, parcel store and plant rooms at basement level and associated works including the installation of new cladding and fenestration to the elevations with a new roof garden atop the building Crown House, 12, Southgate, Huddersfield, HD1 1DE**

#### APPLICANT

**Ashley Ladson, Abode  
Manchester 2 Ltd**

#### DATE VALID

**31-Jan-2023**

#### TARGET DATE

**02-May-2023**

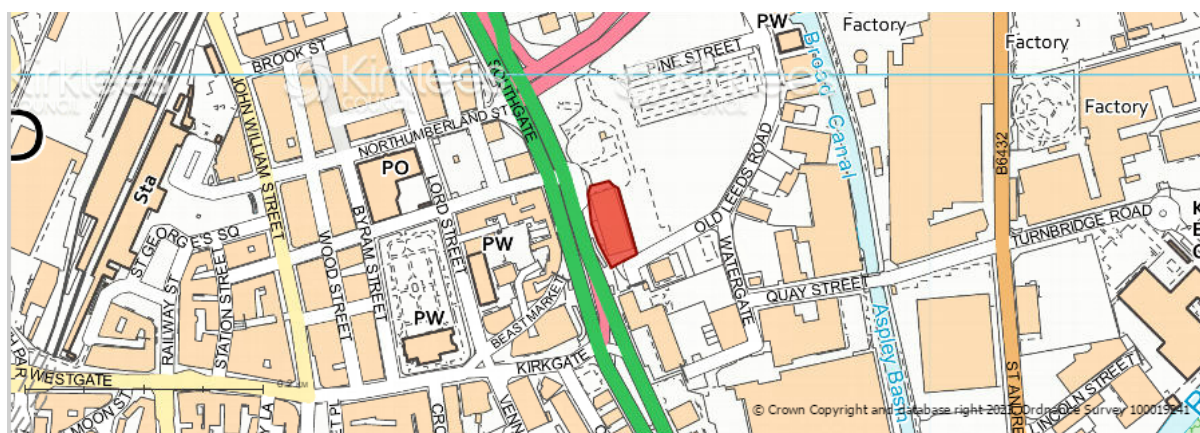
#### EXTENSION EXPIRY DATE

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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**

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**Electoral wards affected: Dalton**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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## **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) **Open space off-site contribution:** £283,173.00 towards enhancement to local Public Open Space.

b) **Metro enhancements:** £20,000 towards bus stop improvements

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 is an application for full planning permission for the change of use of an office building to a residential development of 198 student accommodate unit.
- 1.2 This application is brought to Strategic Planning Committee in accordance with the Delegation Agreement, as the proposal seeks a residential development of over 60 units.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The site is on the outer edge of the Huddersfield town centre ring road (Southgate). It has an area of circa 0.18ha which is predominantly occupied by a single building named Crown House.
- 2.2 Crown House is a substantial building and is ten storeys in height on the west elevation that faces onto Southgate and towards Huddersfield town centre. It is split level, with 11 storeys to the rear where it faces onto vacant land. The vacant land, which encompasses the land to the east and north of the site, previously hosted the former Huddersfield Sports Centre prior to demolition, and which now forms part of the Universities' Health Innovation Campus. To the south, across Old Leeds Road, is the six storey Telephone Exchange building.

- 2.3 Crown House, constructed in the 1970s, is brick faced with a large proportion of glazing which is arrayed horizontally in parallel lines along the width of the building. The building has a podium office design, with the ground and lower ground floors have a larger footprint than the upper floors.
- 2.4 Access is taken to the rear / south side of the site, via Old Leeds Road. There is a small external hard surfaced service area between the site and Old Leeds Road to the building's south, with the majority of the building's circa 50 parking spaces provided internally in the lower ground floor. Landscaping around the site is extremely limited, comprising low level planting along the frontage between the building's walls and Southgate's pavements.

### **3.0 PROPOSAL**

- 3.1 The proposal seeks a change of use of Crown House from office to student accommodation, consisting of 198 units and ancillary uses, with elevation alterations and external works.
- 3.2 The student accommodation units would be hosted on the first to ninth floors, with an identical layout per floor. Unit sizes would vary, with most being 19sqm, although the largest (one per floor) would be 29sqm. Each unit would host a bathroom / w.c. along with cooking and working facilities.
- 3.3 Beyond the access-controlled reception, the ground floor would host ancillary communal facilities for tenants, including lounge, gym, study area, and recreation areas. The lower ground floor would be predominantly service facilities, including car parking for 15 vehicles, laundry, and bike store (200 spaces using double stack storage solution).
- 3.4 The roof of the ground floor, where it is greater than the first floor's footprint, would be converted into a green roof. The 9<sup>th</sup> floor's roof would be used as an external communal space for residents.
- 3.5 External elevational works include the building being reclad and the introduction of brise soleil (a form of solar shading consisting of projecting panels). The fenestration / glazed openings would be reduced, replaced by war grey cladding with the brise soleil over. Sandstone coloured cladding would be installed to the podium, a band at roof level, and north side elevation tower.
- 3.6 Other works include the erection of a bin-store in the yard off Old Leeds Road. This would have an internal area of 44sqm, with a shallow pitched roof with a maximum height of 2.7m, and would be faced in metal cladding in colours to host the main building. While limited due to space constraints, landscaping where feasible is proposed externally.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history)**

#### **4.1 Application Site**

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

**Note:** 98 units.

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

**Note:** 133 units.

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

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

#### 4.2 Surrounding Area

*Land at, Southgate, Huddersfield, HD1 1TW (Former Huddersfield Leisure Centre / proposed University Health Innovation Campus)*

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

2021/91544: Outline application for erection of health and research innovation campus comprising: Class F1(a)-education; Class E(e)-medical/health-services; Class E(g)(i)-offices; Class E(g)(ii)-research/development of products/processes; multi storey car park; Class E(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness – Approved

2022/91412: Discharge of conditions 4 (phasing), 5 (masterplan), 6 (design code), 7 (CEMP), 8 (access), 9 (internal access), 10 (highway retention), 11 (highway drainage), 12 (drainage strategy), 13 (drainage assessment), 14 (temporary drainage), 18 (EclA), 19 (BEMP), 23 (phase II investigation), 27 (noise), 31 (cycle parking) and 32 (climate change) of previous Outline permission 2021/91544 for erection of health and research innovation campus comprising: Class F1(a)-education; Class E(e)-medical/health-services; Class E(g)(i)-offices; Class E(g)(ii)-research/development of products/processes; multi storey car park; Class E(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness – Approved

2022/91456: Reserved matter application pursuant to outline permission 2021/91544 for erection of health and research innovation campus comprising: Class F1(a)-education; Class E(e)-medical/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, and the discharge of conditions 5 (masterplan), 6 (design code), 8 (access), 9 (internal access) and 19 (BEMP) – Approved

*Harold Wilson Court*

2022/93450: Removal and replacement of existing external walling insulation, windows and curtain walling and balcony railings, installation of sprinkler system with associated sprinkler tank and housing – Ongoing

*Oldgate House, 2, Oldgate*

2013/90692: Change of use from offices (B1) to student accommodation (C2), installation of new fenestration, external lift shaft and bin/cycle store – Approved

*land adjacent, Manchester Road, Huddersfield*

2014/90411: Erection of 2 blocks of students accommodation – Approved

2016/91026: Erection of 168 student studios with communal areas – Approved

*Co-op Building, 103, New Street, Huddersfield, HD1 2TW*

2017/93886: Erection of extensions and alterations to convert existing building to student accommodation (within a Conservation Area) – Approved

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

5.1 The application was not subject to a formal pre-application submission. Prior to formal validation discussions between officers and the applicant took place on ensuring the correct description of development and application fee for development.

5.2 On review of the proposal officers expressed concerns over the external elevation treatments. This was due to the originally proposed design having a particular vertical emphasis in its arrangement, which both exacerbated the height of Crown House and conflicted with the more horizontal arrangements on adjacent buildings. Discussions took place which resulted in amendments which introduced more horizontality to the design features. Based on the amended design, officers welcomed the external works as an attractive enhancement to the building.

5.3 Discussions on the required S106 obligations took place. The applicant expressed concerns, being of the opinion that they were disproportionate to the scale and nature of the proposal. Officers confirmed that the calculation for the Public Open Space off-site obligation was correct and in accordance with policy. The applicant has now confirmed agreement to pay the full amount, although discussions are ongoing on the phasing of the payment, the outcome of which will be reported to members in the update. West Yorkshire Metro's initial request for £40,000 towards bus stop improvements was revised to £20,000 following discussions between officers, West Yorkshire Metro.

5.4 Other discussions took place, including seeking more ecological details and clarification on highway matters. The applicant has worked proactively with officers in resolving these issues.

## **6.0 PLANNING POLICY**

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

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

6.2 The application site is unallocated in the Kirklees Local Plan. It is outside, but immediately adjacent to, the Huddersfield Town Centre boundary.

6.3 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP35** – Historic environment
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP63** – New open space

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

### *Supplementary Planning Documents*

- Highways Design Guide SPD (2019)
- Open Space SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)

### *Guidance documents*

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

### National Planning Guidance

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20<sup>th</sup> July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6<sup>th</sup> 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 5** – Delivering a sufficient supply of homes
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

6.6 Other relevant national guidance 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 16<sup>th</sup> 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 12<sup>th</sup> 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 applicant did not undertake a pre-application public engagement exercise and a Statement of Community Involvement has not been provided.

7.2 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.

7.3 The application was amended during its lifetime and a period of re-consultation, via neighbour letters, was undertaken. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation.

7.4 The end date for public comments was the 26<sup>th</sup> of April 2023. In total two public comments were received. The following is a summary of the comments made:

- The use of the building for student accommodation is good in principle. The current building is an eyesore and detracts from a large area.
- Insufficient consideration has been given to connectivity between the building and the University's main campus.
- While overall the design is attractive and would complement the University's new campus, the blank stairlift section on the north of the building is unattractive.
- Insufficient details have been provided on how the development would support lower energy consumption.
- No details are provided on how residential waste will be managed, and concerns the external bin-store is too small.

**Note:** The above comments were received to the original proposal. No comments were received in response to the re-advertised amended proposal.

7.5 The site is within Dalton ward, where members are Cllr Tyler Hawkins, Cllr Musarrat Khan, Cllr Naheed Mather. Members were notified of the proposal.

7.6 Cllr Khan queried the application's provision for wheelchair users and people with disabilities. The applicant provided an Accessibility Statement, which confirmed:

- The building, including the roof area, has step-free access
- Automated sliding doors for the main entrance and through the building
- Doors are the appropriate size for wheelchair access.
- Two disabled parking bays are proposed.
- Communal facilities, including postboxes and study tables, will be adjustable to student needs.
- Areas provided to allow for wheelchair turning.
- 20 bedrooms (spread across all floors) to include kitchen and bedroom fitout to meet Building Regulations Part M, with accessible bathrooms.

The accessibility statement was sent to Cllr Khan, with no further comments received.

## 8.0 CONSULTATION RESPONSES

### 8.1 Statutory

Planning Gateway One (Health and Safety Executive: Fire): Noted two fire risks. The first noted that both staircases descended to basement level: one should stop at ground level and not descend to the basement. The second was the proximity of the bin-store to the building. The applicant has sought to address these changes following consultation with a fire specialist and provided amended details, which have been re-sent to the HSE. The due date for their response in the 2<sup>nd</sup> of May, and will be reported to members in the



update. Notwithstanding the outstanding comments from the HSE, officers are satisfied that these matters may be adequately addressed via condition.

K.C. Highways: The site is well sited in its proximity to the University and town centre. As student accommodation in a sustainable location, traffic impacts are expected to be minimal. No objection, subject to conditions.

K.C. Lead Local Flood Authority: The proposal would not materially change existing drainage arrangements. No objection, with no conditions required.

## 8.2 **Non-statutory**

K.C. Conservation and Design: The existing building has a negative impact on the adjacent heritage assets (Huddersfield Town Centre Conservation Area and various listed buildings) and their setting. The redevelopment is therefore welcomed and would be a net positive. Provided design advice due to concerns over the initial design, which were incorporated into the amended version.

K.C. Crime Prevention: Have, alongside the district Counter Terrorism Security Officer (CTSA) been involved in discussions with the applicant to ensure appropriate site security and crime mitigation. No objection subject to condition.

K.C. Ecology: No objection subject to conditions.

K.C. Environmental Health: No objection subject to conditions. Have assessed a variety of Environmental Health considerations, including; air quality, contaminated land, and noise pollution.

K.C. Highways (Waste): Provided advice and feedback on how best to manage waste storage and collection. This was complied with by the developer. Therefore, no objection, subject to conditions.

K.C. Landscape: Noted no landscaping proposed. However, confirmed that the proposed development is required to contribute towards local Public Open Space. As none is provided on site, which is not opposed given the specifics of the proposal, an off-site contribution of £283,173.00 is required.

K.C. Public Health: The applicant has undertaken a Health Impact Assessment. Public Health have no objection to the HIA undertaken; however, they have offered additional advice and guidance (outside the remit of planning) on how to further promote a healthy environment which has been shared with the applicant.

West Yorkshire Metro: Initially requested that £40,000 be secured towards improving x4 bus stops within the area. In discussions between officers, the applicant, and WY Metro, where this figure was debated, Metro concluded £20,000 was more reasonable given the site's proximity to the town centre. This would be put towards bus stops on Leeds Road, to promote movements in that direction.

## 9.0 MAIN ISSUES

- Principle of development
- Urban design
- Residential amenity
- Highway
- Drainage and flood risk
- Planning obligations
- Other matters
- Representations

## 10.0 APPRAISAL

### Principle of development

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

### *Land allocation and residential development*

- 10.2 The site is unallocated on the Kirklees Local Plan Policies Map and is therefore not identified for any specific use (i.e., housing or retail). When considering such sites, LP1 states that;

*Where there are no policies relevant to the proposal or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise – taking into account whether:*

*a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*

*b. specific policies in that Framework indicate that development should be restricted.*

- 10.3 Such material considerations will be assessed throughout this report.
- 10.4 Policy LP7 relates to ensuring the “efficient and effective use of land and buildings”. This policy promotes re-using brownfield / vacant buildings, particularly those in sustainable locations, which this building would wholly comply with. Specific to residential proposals, the policy also seeks to promote a density of 35 dwellings per ha, where appropriate. This is more than achieved as an apartment development, with the density proposed representing 1100 dwellings per ha. Officers therefore consider the proposal and effective and efficient use of land, in compliance with LP7.

10.5 Policy LP11 requires that:

*All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need*

The accommodation proposed is considered to be a suitably high quality, as will be further explored throughout this report. In terms of mixture, LP11 expects proposals of 10 units to include a mixture of unit sizes, as is elaborated upon with the Council's Affordable Housing and Housing Mix SPD. All 198 units proposed are 1-bed bedsits. However, as dedicated student accommodation, built to target a specific group, this is considered acceptable particularly given the location, so close to the town centre and university. Room sizes, while typically 19 / 20sqm, do vary up to 29sqm and include disability accessible rooms to promote a mixture of people. Furthermore, mixing student accommodation alongside large units that would presumably be for market accommodation, particularly at such density, is typically seen as undesirable to avoid social conflict.

10.6 In summary, bringing Crown House back into use for student accommodation is considered both an effective and efficient use of the land and is welcomed. The proposal is considered to be in accordance with the aims of both LP7 and LP11 of the Kirklees Local Plan.

*Huddersfield Town Centre*

10.7 The site is not within the Local Plan's formal boundary of Huddersfield Town Centre, although it is immediately adjacent to the boundary, which wraps around the site to the east, north, and west. Nonetheless, being outside the defined centre the Local Plan's dedicated town centre policies, specific LP15 (Residential use in town centres) and LP17 (Huddersfield Town Centre) are not applicable.

10.8 Notwithstanding the above, given the very close proximity, consideration on the impact with the town centre is reasonable. Officers are satisfied that the proposal would, if applicable, comply with the expectations and requirements of both LP15 and LP17. The development will promote activity in the town centre, both social and economic, from a sustainable location which is environmentally friendly. Likewise, the proposal will complement and support Huddersfield University.

10.9 The Council's Huddersfield Blueprint sets out a 10-year vision for the improvement of Huddersfield Town centre. It established five principles to promote (A vibrant culture, art, leisure and nightlife offer, thriving businesses, a great place to live, improved access, and enhanced public spaces) and six areas of focused development. Bringing Crown House back into a positive use, with an attractive re-design would comply with the five principles. The site is outside of the six focus areas, and would not conflict with their implementation.

10.10 Also of relevance is the Council's Huddersfield Station to Stadium Enterprise Corridor Framework Masterplan, as the site falls within its boundary. This document sets out objectives to promote the Station to Stadium Corridor as an economic development zone. Crown House does not feature within its plans or proposals specifically, although it is immediately adjacent to the important University Health Campus. No works are proposed which would prejudice the goals of the document. Conversely, the improved aesthetic design of the building and bringing it back into use, particularly a use which complements the University campus, is welcomed and would promote the broad aims and objectives of the framework masterplan.

*Sustainable development and climate change*

10.11 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.

10.12 The re-use of pre-existing buildings has various economic, social, and environmental benefits, including the conservation of energy and materials which is a positive of the proposal. The application is also supported by a climate change statement, which details how climate change has been considered through the design. Key elements include:

- A fabric first approach has been undertaken to the design, prioritises the energy efficiency of a property right from conception,
- Use of low energy appliances throughout and each unit to have smart energy metering, with advice offered to students on how to effectively use heating and lighting.
- The site is centrally located, with low reliance of private motor vehicles, with good public transport links and cycle storage.
- Sorting and the segregated management of waste streams during demolition and construction will maximise the recycling of waste material. This approach will maximise the quantity of waste material such as glass, timber, metal and masonry which can be recycled.
- Where possible construction materials will be recycled and where new materials are required materials which use lower levels of embodied energy will be considered.
- A green roof is proposed; this new planting will improve the heating and cooling characteristics of the building thus reducing the contribution of the building to increasing ambient air temperatures and therefore reducing the urban heat island affect.
- The habitable rooms are east / west facing, with north being circulation space, maximising daylight. The car parking area and other ancillary areas are located in the basement of the building, where there is a reduced amount of daylight. The use of brise-soleil panels will help prevent overheating.
- Baths, which use a large amount of water are not proposed. Units will be served by energy efficient showers and taps.
- A 10% ecology net gain will be provided and EVCP will be provided.

- 10.13 These provisions are welcomed and indicate that the re-development of the site may be considered sustainable development. These elements, and others, will be considered further where relevant in this assessment.

### Urban Design

- 10.14 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the Council's Housebuilders Design Guide and National Design Guide. Policy LP24 sets out that "*Good design should be at the core of all proposals in the district ...*" and that proposal should promote good design by ensuring "*the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape*".
- 10.15 The existing building is substantial in size and prominently visible from various areas in and round the town centre. The building's architectural form and overall appearance is dated in its design, being typical in appearance for an office building from the 1970s. The modern approach to design seeks to balance attractive design while building upon and respecting established characteristics of an area. In hindsight, officers consider that Crown House fails to achieve this, being unattractive in isolation and incongruous to the character established in the area. These issues are compounded by the building being not in use. It has been boarded up for the last 4 years, having visually deteriorated, broken into and attracted vandalism.
- 10.16 Considering the above, the re-design of the building is welcomed in principle and would be a positive element of the proposal, subject to the new design being suitably attractive and compliance with the expectations of LP24.
- 10.17 The applicant, in their design, has looked to the nearby University buildings for inspiration. The University hosts numerous examples of high-quality contemporary architecture that the proposal would be seen alongside, and are a welcome source of inspiration. While it is noted to be of a modern design, buildings such as the Oastler Building and currently under construction Daphne Steele Building (phase 1 of the Health Innovation Campus) balance the delivery of attractive contemporary design with due regard and respect to the nearby built and historic environments. Further assessment on the proposal's impact on nearby heritage assets is undertaken below.
- 10.18 It is proposed to use cladding to cover the building, which is considered appropriate in the context of re-developing the out of keeping and unattractive red-brick building. Colours for the cladding include sandstone, to reflect the prominent material in the area, on the lift tower, and upper and lower floors, with grey behind the soleil panels. The use of brise soleil panels adds visual interest and depth to the elevations, and has the dual benefit of breaking up the existing horizontal form of the building, while reflecting an interesting design feature present on many of the University buildings (Oastler and Daphne Steele included) to visually associate the development to the area. The panels are to be coloured a mixture of bronze and cream, which are appropriate colours, with new glazing running between groups of panels.
- 10.19 The use of the ground floor for communal facilities, with large glazed panels, will give the building an active frontage at ground floor level which, along with articulated bronze cladding, is a welcome feature.

- 10.20 The proposed re-design of the building would result in a substantial and welcome change to the appearance of Crown House. Offices consider the proposed alteration to be high quality and would improve both the building appearance, and the quality of design of the wider area.
- 10.21 Notwithstanding the above, samples and full details of colours of all proposed materials, including window frames, are to be secured via condition. This is to ensure suitably high-quality products are utilised and the final specific colours are appropriate.
- 10.22 In regards to landscaping, the site is mostly hard surface with only token and unmaintained planting along the frontage currently. However indicative planting details show that opportunities exist to deliver a reasonable and proportional planting strategy that would add to the attractiveness of the building and wider area. A condition for a detailed landscaping strategy to include its implementation and management, is recommended.
- 10.23 The proposed bin-store is a small scale, necessary utility building sited in an inconspicuous location and clearly subservient to the host building. By virtue of the retaining wall between Southgate and Old Leeds Road, and the mass of Crown House, it will only be visible from Old Leeds Road. The design is basic and functional, and the materials proposed to mimic the main building. Given these criteria, subject to a condition for samples of the materials and colour confirmation, it is not expected to harm the visual character of the area.

#### *Impact on Local Heritage Assets*

- 10.24 There are numerous listed buildings around the site, in excess of 30 This includes 29 Grade 2, three grade 2\* and one Grade 1. The Grade 1 is the Huddersfield Station. In addition to listed buildings, the site is adjacent to the Huddersfield Town Centre Conservation Area
- 10.25 Sections 16 and 66 of Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of conservation areas and listed buildings. In considering whether to grant planning permission for development which affects a heritage asset or it's setting the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.26 The proposed development will not affect the fabric of any of the identified heritage assets. This means, there will be no physical works upon, or in the case of the Conservation Area, within, the heritage assets. Nonetheless, due regard must be given to the setting of the heritage assets.
- 10.27 The proposed building will be prominently visible alongside many of the identified listed buildings, which is inevitable due to its scale and proximity to them. New, modern development within a town centre is to be expected and is not unreasonable, particularly given this building is outside the Conservation Area, which is well confined by the ring-road. Nonetheless, it must be accepted that such a large, modern intervention adjacent to historic buildings will affect their original setting.

- 10.28 As noted within paragraph 10.15, the existing building is considered unattractive in isolation and incongruous within the built environment. Its current appearance is considered harmful to the heritage value of nearby heritage assets by its presence within its setting.
- 10.29 For the reasons given in paragraphs 10.16 – 10.21 The proposal is considered a visual upgrade to that existing. While more modern in design, the proposal would be sympathetic to both nearby modern buildings and the historic environment. Giving due regard to the impact of the existing building's appearance, the proposal would not cause harm to the historic environment: the proposal is considered to have either a neutral or beneficial effect upon the historic environment. It is therefore concluded that the proposed development complies with S66 of the Act and LP35 of the Kirklees Local Plan.

#### Residential Amenity

- 10.30 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.
- 10.31 The proposal is seeking to convert an existing building. The proposed works would not materially increase its mass, thus preventing a material intensification in any potential overbearing and/or overshadowing which may already exist.
- 10.32 Due regard must however be given to overlooking. While the building could be occupied as an office, thus establishing an existing level of overlooking, a residential use would typically be considered more intense, with residents potentially having an outlook at all hours of the day (as opposed to a typical 9 – 5 office).
- 10.33 There are no residential properties within a reasonable proximity to the north, east, or south. To the west, across Southgate ring road, are flats above shops. These are circa 35m away from the building, raising to 40m from the first floor up (due to the ground floor podium). Notwithstanding the scale of the building in question and the number of units proposed, this separation, giving due regard to the open public land between them, is considered sufficient to prevent material harm through overbearing.
- 10.34 Consideration must also be given to the amenity of future occupiers.
- 10.35 The size 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.
- 10.36 Conversely, it must be acknowledged that the proposed units are to be student accommodation and therefore would not form 'primary' residences. The National Described Space Standards are not applicable to student accommodation.

- 10.37 Most of the units would be 19sqm, with a handful of larger units. A minimum of 19sqm is not dissimilar to unit sizes approved at other purpose built / converted student accommodation in Huddersfield Town Centre. Each would be served by the basic amenities (cooking, cleaning, bathroom facilities). All units would have a suitably sized window that provides a clear outlook and level of natural light. In addition, all students would have access to the communal facilities, including the study and amenity areas, as well as the roof-top garden.
- 10.38 The University's Phase 1 development for the campus due north and approved under application 2022/91456 (under construction at this time), would not be prominently visible nor unduly close from any proposed habitable room windows.
- 10.39 It is stated that all residents would have a clear outlook from their windows. For the avoidance of doubt, this is taking into account the future development expected at the former Huddersfield Leisure Centre site / University Health Innovation Campus to the immediate north and east. In their masterplan and indicative layout, the University considered the residential development of Crown House (which has extant residential permissions separate to this application). A buffer zone of 20m from the first floor to the Universities' indicative new building was proposed (11m from ground floor, bearing in mind the podium (to host no habitable units)). This distance is considered sufficient to prevent harmful overbearing / overlooking between the buildings, and would not unduly prejudice the University in any of their potential future applications.
- 10.40 Concluding on the above, weighing the elements of amenity, the size of the proposed units is considered acceptable and would not prejudice the amenity of student occupiers.
- 10.41 The site is adjacent to Southgate, a busy main road. A Noise Impact Assessment has been undertaken and confirmed a high level of noise pollution from the road. To mitigate this, units fronting Southgate are proposed to have suitably thick glazing. While the details provided are overall acceptable, the report fails to specify exactly which plots on which floors will require glazing and is imprecise.
- 10.42 The submitted Noise Impact Assessment fails to consider the approved development to the rear, namely the noise impacts of the University's Health Innovation Campus. While most units would not be expected to be noise pollutants, behind Crown House the University's campus masterplan proposes the 'strategic transport hub', which is expected to include a multi-storey car park that could be a noise pollutant. While the car park is not expected to generate near the level of noise of Southgate, and therefore is not considered a prohibitive issue nor one that requires resolution prior to determination, reasonable expectation and mitigation in response to an extant and part implemented planning permission is expected.
- 10.43 In light of the above, the Noise Impact Assessment is sufficient to establish that the surrounding noise pollution levels are manageable and may be mitigated. However, a report for a more detailed condition is considered reasonable and necessary, to ensure sufficient precision and enforceability.



- 10.44 Within the building residential units are to be sited above the gym, communal ground floor, and below the rooftop terrace: each of these are a potential noise pollutant. A condition is recommended for a Sound Insulation Assessment and Noise Management Plan, to ensure the party floor/ceiling between the apartments and non-residential areas are sufficient and the non-residential facilities are appropriately managed to avoid undue impacts on residential units.
- 10.45 The proposed development would not prejudice the amenity of neighbouring residents. Future occupiers can expect a high standard of amenity, subject to the given conditions. Accordingly, the proposal is considered to comply with policies LP24 and LP52 of the Kirklees Local Plan.

#### Highway

- 10.46 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.47 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 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.
- 10.49 No physical works, such as a new access or road, are proposed. Access to the site's existing lower ground floor car park is to be taken using that existing from Old Leeds Road, which is acceptable.
- 10.50 In regards to traffic generation, the proposed student accommodation would have a notably lower daily traffic generation (1 two-way movement in both the AM and PM peaks) than the site's existing office use (calculated at 80 two-way movements in the AM peak and 68 in the PM peak). Limiting the site, including the café / gym being for students is to be secured via condition. As such, the proposal would be a betterment in terms of traffic movements on the local network and is welcomed.
- 10.51 A total of 14 car parking spaces are proposed. These would be for staff, with a number allocated to students for a fee. However, most students are to be actively dissuaded from bringing a car. The applicant, who already operates several student accommodation sites, states the following clause is typically inserted within a Tenancy Agreement:

*“Unless I have paid for a car park space, I will not park at the building. I accept that any unauthorised vehicles may be clamped, requiring payment of a release fee.”*

Given the site's proximity to the University, where students will be enrolled, and Huddersfield Town Centre where all basic amenities may be sourced, a predominantly car free development is considered acceptable. Further consideration on walking / cycling is undertaken below.

10.52 Notwithstanding the above, vehicle movements for student accommodation peak on moving in / moving out days. The applicant has provided a summary of moving day arrangements, which is summarised as:

- Prior to moving day – students are notified of their allocated time slot and are provided with details of how to reach the site, where to unload and where to park subsequently.
- Moving day – Upon arrival at the unloading area, a marshal will check they have arrived at the correct time, before allowing them to park and unload. Belongings are then unloaded and placed in a central holding area of the accommodation i.e., the lobby of common room. Drivers leave the site to park off-site. Belongings are moved from holding area to student bedrooms.

The details provided demonstrate to officers that the traffic generation caused by moving / our day could be appropriately managed to not cause prohibitive harm. However, more specific details and the actual operation as proposed may be secured via a condition.

10.53 For waste, a dedicated external bin-store is proposed. This is typical for apartment buildings of this scale. The bin-store has been redesigned during the course of the application following feedback and advice from K.C. Waste. The size and number of bins it can accommodate is now considered acceptable, however a condition for specific details on how waste will be managed and maintained appropriate is recommended. The servicing route for waste collection vehicles is along Old Leeds Road which is served by a turning head adjacent to the waste collection point. There are waiting restrictions on the turning head, and swept path plans have been provided showing a refuse vehicle's turning being accommodated. Accordingly, the waste storage and collection arrangements are considered acceptable.

10.54 Given the nature of the site and surrounding area, a Construction Management Plan is required. This would set out the route of access to the site, parking for both contractors' vehicles and deliveries, storage of materials and details of any traffic management or use of a banksman if required. This may be secured via condition.

10.55 The site is on the edge of Huddersfield Town Centre. Two crossing points on Southgate are within less than 1 minute walk of the site and allow direct access into Huddersfield Town Centre. These include the recently improved Southgate / Leeds Road crossing point. Access to Huddersfield Town Centre will provide occupants will all necessary basic amenities, plus opportunities for social and economic activities.

10.56 The proposal includes cycle parking for 200 bikes in the basement, which is welcomed and may be secured via condition. This, plus local cycle infrastructure in and around the town centre, would help promote cycling as an option for occupiers.

- 10.57 As student accommodation, due regard must be given to connectivity to the University. The University is developing to have two main campuses, the new Health Innovation Campus is immediately to the north and east and would be less than a minute walk / cycle away. The Queensgate Campus is circa 400m away to the south. This may be accessed via the pavements on Southgate / Queensgate roads, or a slightly longer but more pleasant walk via the Town Centre. Cycle connection to the Queensgate Campus is also available, although are more difficult and lacking any direct dedicated route at this time. The direct route would be on the busy multiple laned Queensgate and Southgate, including a roundabout, or a longer and less direct route through the town centre (lengthened via one-way systems on Cross Church Street). Neither of these factors would be prohibitive to cycling connection, although are noted to be less than ideal. Nonetheless, the distances in question are not substantial, and for the purpose of this application the connectivity is considered acceptable and it would be beyond the reasonable scope of this application to require new cycle infrastructure.
- 10.58 In regards to public transport, a bus into the town centre from the site would be more circuitous than walking. However, local services (including Huddersfield train station, circa 5 minutes away, and Huddersfield Bus Station, circa 10-minute walk away) provide connection to most parts of Huddersfield as well as nearby cities and nationally. Following negotiations, West Yorkshire Metro advised that improvements to two local bus stops on Leeds Road should be provided, including Real Time Display at a cost of £10,000.00 per stop (£20,000 total). Leeds Road hosts numerous larger shops and amenities that are likely to be accessed via future residents, via bus given the length of the road. This contribution has been agreed with the applicant and may be secured via S106.
- 10.59 In light of the limited parking on site, which would be managed via the Car Parking Management condition, the strong connectivity to nearby amenities and the site's sustainable location, the provision of a Travel Plan would likely achieve little and would be superfluous. Therefore, a condition for one is not recommended.
- 10.60 Overall, it is concluded that the proposal is acceptable with regard to the matter of access and highway impact. Subject to relevant conditions it has been demonstrated that the proposed development can accommodate sustainable modes of transport and be accessed effectively and safely by all users. It is concluded that the development would not result in a severe cumulative highway impact given the proposed mitigation. It would therefore comply with Policies LP20 and LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

#### Drainage and flood risk

- 10.61 The nature of the development, and its location within Flood Zone 1, precludes the requirement for a Flood Risk Assessment. There are no concerns relating to flood risk for the development.
- 10.62 The proposal seeks a change of use of an existing building. While external works are proposed, these are minimal and do not represent material ground works. The proposed building conversion does not result in an increase in the drained area. Given this, the development will utilise existing drainage arrangements and a drainage strategy is not required.

- 10.63 The proposal is considered to comply with the aims and objectives of LP27 and LP28.

#### Ecology

- 10.64 The application is supported by appropriate ecological reports that have been reviewed by K.C. Ecology.
- 10.65 The site is situated within an urban setting and has low level of ecological interest. The site comprises entirely of sealed surfaces and buildings. Ecological features include a small patch of amenity-managed grassland with scattered trees, and a raised bed of introduced shrubs. The roof appears to be used by Peregrine Falcon as a perch, with no evidence of roosting.
- 10.66 Mitigation measures to be secured through appropriately worded conditions are recommended in order to ensure that nesting birds are protected throughout the construction and that opportunities for birds and invertebrates are integrated into the scheme. This includes retaining the site's use for Peregrine Falcon through ensuring a viable perch remains.
- 10.67 Regarding habitats and net gain, the scheme is predicted to deliver an uplift of 0.17 habitat units, which equates to a 11.01% net gain. This is partly achieved via the inclusion of green roofs on the ground floor podium roof. The proposals also include measures not quantified by the net gain metric, such as the installation of bat and bird boxes as well as insect hotels, bee bricks and brush piles on site where appropriate which will further increase the ecological gain of the site. The provision of these ecological features, along with details of their management and maintenance (for a minimum of 30 years) are recommended to be secured via condition.
- 10.68 The invasive non-native Wall Cotoneaster is present within the shrub beds. A condition relating to the control of non-native species is recommended.
- 10.69 Subject to suitably worded planning conditions it is anticipated that the proposed development would have no impact on protected species or habitats. Furthermore, the development is able to provide an acceptable uplift in biodiversity net gain. Accordingly, the proposal is deemed to comply with the aims and objectives of LP30 of the Local Plan.

#### Planning obligations

- 10.70 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.
- 10.71 Applications for student accommodation are exempt from providing affordable housing and education contributions, along with certain typologies of Public Open Space.
- 10.72 Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

### *Public Open Space*

- 10.73 In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.
- 10.74 Giving due regard to the characteristics of student accommodation, such development is exempt from providing towards local typologies of open space, namely allotments, children facilities, and outdoor sports.
- 10.75 No on-site open space provision is proposed. This is considered acceptable, given the nature and location of the development. However, this would put additional pressure on nearby open space. Therefore, an off-site contribution of £283,173.00 is required. This has been calculated in accordance with the Kirklees Public Open Space SPD. The contribution is recommended to be secured within the S106 to ensure compliance with policy LP63 of the Kirklees Local Plan.

### *Sustainable Travel*

- 10.76 The site is within walking distance of numerous bus stops that connect the development to the wider area. As considered in paragraph 10.58, a contribution of £20,000 is sought to improve local bus infrastructure on Leeds Road.
- 10.77 The provision of this contribution is considered to comply with the aims of LP20 of the KLP

### Other Matters

#### *Air quality*

- 10.78 The site is within an existing Air Quality Management Area (AQMA 9) and next to a road of concern. Although the development itself will not be adding to the local air pollution it will be introducing sensitive receptors into an area of existing poor air quality, where NO<sub>2</sub> concentrations are predicted to exceed the national air quality objective for that pollutant. In accordance with the West Yorkshire Low Emission Strategy – Technical Planning Guidance, a detailed Air Quality Impact Assessment will be required to determine the level of exposure of future sensitive receptors to concentrations of pollutants and to determine the mitigation measures required to offset that exposure. It is recommended that this be secured via condition.
- 10.79 Further to the above, a condition for Electric Vehicle Charging Points in the site's car park is recommended.
- 10.80 Subject to the given conditions, officers are satisfied that the proposal would not harm local air quality, nor would new residents suffer from existing poor air quality by virtue of mitigation measures, in accordance with policy LP51 of the Kirklees Local Plan.

### *Crime Mitigation*

- 10.81 The site would have a high volume of foot-traffic and attendees. Policy LP24(e) requires that proposals ensure that the risk of crime is minimised by appropriate and well-designed security features, amongst other considerations. The applicant has undertaken discussions with the local Designing Out Crime Officers (DOCO) and district Counter Terrorism Security Advisor (CTSA) through the application processes.
- 10.82 Neither the DOCO nor CTSA raise prohibitive concerns over the proposal. As a re-use of an existing building, the principal consideration is ensuring appropriate internal specifications and processes to protect occupiers. A condition is recommended requiring the applicant to detail such features, and implement them as approved.
- 10.83 Subject to this condition, the proposed development is deemed to comply with Policy LP53 and would benefit from the informative advisory notes provided by the DOCO and CTSA

### Representations

- 10.84 Officers consider that all the concerns raised in public representations, which were based on the proposal as originally submitted have been addressed via the amendments as outlined in this assessment. When readvertised, no further comments were received.

## **11.0 CONCLUSION**

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The proposal would bring a long vacant building back into a beneficial use in both an effective and efficient way. Therefore, the principle of development is acceptable. The re-cladding of the building would enhance its appearance and improve the quality of design in the wider area. The proposed development is not deemed harmful to the amenity of local residents, nor would it harm the safe and effective operation of the highway, subject to the recommended conditions. Other material considerations have been assessed, including drainage and ecology, and likewise have been demonstrated to have acceptable impacts.
- 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 planning obligations 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)

- Three years to commence development.
- Development to be carried out in accordance with the approved plans and specifications
- Full details of proposed materials (inc. cladding, panels, fenestration) and their colour to be submitted and approved.
- Landscape strategy to be submitted and approved.
- Binstore material and colour details.
- Revised Noise Impact Assessment (to include assessment of master planned University Car Park)
- Sound Insulation Assessment
- Noise Management Plan
- Student occupation only
- Student use of gym / café only.
- Car park management plan
- Waste management and maintenance plan
- Cycle parking to be provided as detailed.
- CMP
- Protection of nesting birds.
- Ecological Design Strategy to secure 10% net gain and other ecological mitigation / enhancements
- Removal of non-native species.
- Air Quality Impact Assessment to be undertaken
- EVCP to be provided.
- Crime mitigation measures to be detailed and implemented.

### Background Papers

#### Application and history files

Available at:

[Planning application details | Kirklees Council](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/93932>

#### Certificate of Ownership

Certificate B signed.

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