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Wednesday 28 August 2024

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 5 September 2024**.

(A coach will depart the Town Hall, at 10:00 a.m. 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 "S Lawton".

Samantha Lawton

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 James Homewood (Chair)
Councillor Ammar Anwar
Councillor Bill Armer
Councillor Andrew Pinnock
Councillor Paul Moore
Councillor Mohan Sokhal
Councillor Mark Thompson

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

D Bellamy
D Hall
J Taylor
C Holt

Green

K Allison
A Cooper
S Lee-
Richards

Labour

M Ahmed
S Ullah
B Addy
M Crook
J Rylah
A Sewell
H McCarthy

Liberal

Democrat
PA Davies
J Lawson
A Munro
A Marchington
A Smith
C Burke
D Longstaff
A Robinson

Community

Alliance
A Zaman
C Scott

Kirklees

**Community
Independents**
JD Lawson
A Arshad

Agenda

Reports or Explanatory Notes Attached

Pages

1: Election of Chair

To elect a Chair for the meeting.

2: Membership of the Committee

To receive apologies for absence from those Members who are unable to attend the meeting and details of substitutions and for whom they are attending.

3: Minutes of the Previous Meeting

1 - 8

To approve the minutes of the meeting of the Committee held on 1st August 2024.

4: Declaration of Interests and Lobbying

9 - 10

Members will be asked to say if there are any items on the agenda in which they have any disclosable pecuniary interests, any other interests, or been lobbied, which may prevent them from participating in any discussion of the items or participating in any vote upon the items.

5: Admission of the Public

Most agenda items take place in public. This only changes where there is a need to consider exempt information, as contained at Schedule 12A of the Local Government Act 1972. You will be informed at this point which items are to be recommended for exclusion and to be resolved by the Committee.

6: Public Question Time

To receive any public questions.

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

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

7: Deputations/Petitions

The Committee will receive any petitions and/or 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 submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, members of the public must submit a deputation in writing, at least three clear working days in advance of the meeting, and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

8: 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 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 2nd September 2024.**

To register, please email governance.planning@kirklees.gov.uk or phone the Governance Team on 01484 221000.

9: Site Visit - Planning Application 2023/90668

Planning Application 2023/90668 Demolition of existing buildings. Erection and operation of a single building comprising a Sui Generis land use limited to the purpose of storage, assembly, sale and distribution of custom- built computers, laptops and their components as well as any associated development (those being a replacement wind turbine, utility provision, drainage, access, hard and soft landscaping) within the red-line boundary alongside business operations pursuant to the effective administration of the Sui Generis use. Grange Moor Coachworks, Barnsley Road, Grange Moor, Huddersfield.

Ward affected: Kirkburton

Contact: Farzana Tabasum, Planning Services

Estimated time of arrival on site: 10:25 a.m.

10: Site Visit - Planning Application 2023/92887

Planning Application 2023/92887 Change of use of egg production unit to research and development or industrial uses falling within E(g)(ii) and (iii) Use Class, and associated elevational alterations and provision of access, gates, forecourt, parking areas and landscaping at Bradley Villa Farm, Bradley Road, Bradley, Huddersfield.

Ward affected: Ashbrow

Contact: Victor Grayson, Planning Services

Estimated time of arrival on site: 11:10 a.m.

11: Planning Application - Application No: 2023/90668

13 - 60

Planning Application 2023/90668 Demolition of existing buildings. Erection and operation of a single building comprising a Sui Generis land use limited to the purpose of storage, assembly, sale and distribution of custom- built computers, laptops and their components as well as any associated development (those being a replacement wind turbine, utility provision, drainage, access, hard and soft landscaping) within the red-line boundary alongside business operations pursuant to the effective administration of the Sui Generis use. Grange Moor Coachworks, Barnsley Road, Grange Moor, Huddersfield.

Ward affected: Kirkburton

Contact: Farzana Tabasum, Planning Services

12: Planning Application - Application No: 2023/92887

61 - 84

Planning Application 2023/92887 Change of use of egg production unit to research and development or industrial uses falling within E(g)(ii) and (iii) Use Class, and associated elevational alterations and provision of access, gates, forecourt, parking areas and landscaping at Bradley Villa Farm, Bradley Road, Bradley, Huddersfield.

Ward affected: Ashbrow

Contact: Victor Grayson, Planning Services

Planning Update

An update report providing further information on matters raised after the publication of the agenda will be added to the online agenda prior to the meeting.

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 1st August 2024

Present: Councillor James Homewood (Chair)
Councillor Ammar Anwar
Councillor Bill Armer
Councillor Andrew Pinnock
Councillor Mohan Sokhal

1 Membership of the Committee

No apologies were received.

**2 Minutes of the Previous Meeting
Resolved –**

That the minutes of the meeting of the Committee held on 20th June 2024 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillor Armer declared that he had been lobbied in respect of Application 2021/91507.

In the interests of transparency, Councillor Armer advised, in respect of Application 2023/93704, that in his role as Ward Councillor, he regularly attended meetings of the Grange Moor Community Association but had not commented on the application.

In the interests of transparency, Councillor Armer advised, in respect of Applications 2021/91507, 2021/92527 and 2023/93704, that he was a member of Kirkburton Parish Council but had not commented on the applications or voted on any decisions in respect of representations.

4 Admission of the Public

All items were considered in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Site Visit - Application No. 2021/91507

Site visit undertaken.

8 Site Visit - Application No. 2021/92527

Site visit undertaken.

9 Site Visit - Application No. 2023/93704

Site visit undertaken.

10 Planning Application - Application No: 2022/93306

The Committee considered Planning Application 2022/93306 for the erection of 11 dwellings, formation of new access road and associated landscaping and open space on land adjacent to 894 Huddersfield Road, Ravensthorpe, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Nick Willock (on behalf of the applicant).

Resolved –

- (1) That approval of the application and the issuing of the decision notice be delegated to the Head of Planning and Development in order to:
 - (a) complete the list of conditions, including those contained within the report, as set out below, subject to the amendment of Condition 6 as shown (as set out in the Planning Update), and an additional condition that the development not be gated:
 - 1) Three years to commence development.
 - 2) Development to be carried out in accordance with the approved plans and documents.
 - 3) Samples of facing materials.
 - 4) Details/samples of windows and doors.
 - 5) Window frames set back into the reveal by 100mm.
 - 6) Proposed details of internal adoptable roads *the proposed internal estate road*.
 - 7) Closure of access onto Huddersfield Road.
 - 8) A detailed scheme for the provision of a right turn lane from Huddersfield Road into the site and associated signing and white lining.
 - 9) Permeable surfacing to all vehicle parking areas.
 - 10) Submission of a Construction Environmental Management Plan (CEMP).
 - 11) Submission of an AIP for any new retaining walls/buildings adjacent to the adoptable highway
 - 12) Details of any drainage in the highway.
 - 13) Details of the private arrangement for waste collection.
 - 14) Details of temporary waste storage and collection (during construction).
 - 15) Submission of full drainage details.
 - 16) Assessment of the effects of a 1 in 100 year storm event.
 - 17) Submission of temporary drainage for surface water.
 - 18) Details of boundary treatment.

Strategic Planning Committee - 1 August 2024

- 19) Submission of all hard and soft landscape materials and their management and maintenance.
- 20) Submission of a Construction Environmental Management Plan (CEMP) (for biodiversity).
- 21) Tree protection measures in accordance with Arboricultural Method Statement.
- 22) Submission of a Phase 2.
- 23) Submission of a Remediation Strategy.
- 24) Implementation of Remediation Strategy.
- 25) Submission of Verification Report.
- 26) Submission of a Noise Assessment and Mitigation Scheme.
- 27) Details of electric vehicle charging points (EVCP's).
- 28) Details of measures to deter crime and anti-social behaviour.
- 29) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive.

- (b) secure a Section 106 agreement to cover the following matters, with all contributions being index-linked:
- (i) Biodiversity: An off-site contribution of £15,870.
 - (ii) Public Open Space: An off-site contribution of £9,161.
 - (iii) Management and maintenance: The establishment of a management company for the purpose of maintaining shared spaces, the private drive and drainage infrastructure serving the site.

- (2) 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 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 set out below:

For: Councillors Anwar, Armer, Homewood, Pinnock and Sokhal (5 votes)

11 **Planning Application - Application No. 2021/91507**

The Committee considered Planning Application 2021/91507 for Reserved Matters pursuant to outline permission 2014/91831 for the erection of 55 dwellings, formation of access public space and associated infrastructure on Cockley Hill Lane, Kirkheaton, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Laura Mepham (on behalf of the applicant).

Strategic Planning Committee - 1 August 2024

Resolved –

- (1) That approval of the application and the issuing of the decision notice be delegated to the Head of Planning and Development in order to:
 - (a) complete the list of conditions, including those contained within the report, as set out below:
 - 1) Samples of all facing and roofing materials.
 - 2) Full details finished floor and ground levels within the site relative to Ordnance Datum or an identifiable temporary datum.
 - 3) 1.8m screen fences to be erected and retained where shown on the plan.
 - 4) Details of junction of new estate road with Cockley Hill Lane.
 - 5) Scheme detailing the proposed internal adoptable estate roads.
 - 6) Full travel plan to be submitted.
 - 7) A scheme detailing the location and cross sectional information, proposed design and construction details for all new retaining walls adjacent to the existing/ proposed adoptable highways.
 - 8) A scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint.
 - 9) Before development commences, details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under development.
 - 10) Cross-sectional information and design details for retaining walls.
 - 11) Cross-sectional information and design details for surface water attenuation features within the proposed highway footprint.
 - 12) Highway defects survey pre-commencement, and post-development, with a scheme to rectify any subsequent defects.
 - 13) Before any new dwelling is first occupied, details of the design of enclosures for bin storage for the new dwellings.
 - 14) Details of cycle stores.
 - 15) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority.
 - 16) Full details of hard and soft landscaping to be submitted.
 - 17) Development to be implemented in full accordance with the approved Arboricultural Method Statement.
 - (b) secure a Section 106 agreement to cover the following matters, with all contributions being index-linked:
 - (i) Travel Plan monitoring contributions of £10,000.
 - (ii) Drainage infrastructure: Submission of a plan for the future maintenance and management of all drainage infrastructure.

Strategic Planning Committee - 1 August 2024

- (2) That, 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 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 set out below:

For: Councillors Anwar, Armer, Homewood, Pinnock and Sokhal (5 votes)

12 **Planning Application - Application No. 2021/92527**

The Committee considered Planning Application 2021/92527 for the erection of 29 dwellings, formation of access, public space, attenuation and associated infrastructure on land off Cockley Hill Lane, Kirkheaton, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Laura Mepham (on behalf of the applicant).

Resolved –

- (1) That approval of the application and the issuing of the decision notice be delegated to the Head of Planning and Development in order to:
- (a) complete the list of conditions, including those contained within the report and including an additional condition (29), 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) Materials.
 - 4) Phase 1 contamination report.
 - 5) Phase 2 contamination report if required.
 - 6) Remediation strategy to be submitted if required.
 - 7) Remediation to be carried out.
 - 8) Contaminated land verification report (if applicable)
 - 9) Detailed drainage design.
 - 10) Flow routing plans with assessment of the effects of 1 in 100 year storm events.
 - 11) Temporary drainage plan during construction.
 - 12) Detailed landscaping scheme.
 - 13) Landscaping management plan.
 - 14) Biodiversity enhancement and management plan.
 - 15) Visibility splays to be provided.
 - 16) Details of junction of new estate road with Cockley Hill Lane.
 - 17) Full travel plan to be submitted.
 - 18) Scheme of internal adoptable estate roads.
 - 19) Details of temporary waste collection arrangements.

Strategic Planning Committee - 1 August 2024

- 20) Cross-sectional information, design and construction details for new retaining walls.
 - 21) Cross-sectional information, design and construction details for surface water attenuation infrastructure within the proposed highway footprint.
 - 22) Defects survey pre-and post-development, with a scheme to remedy any subsequent defects.
 - 23) Electric Vehicle Charge Points scheme.
 - 24) Details of other climate change mitigation measures.
 - 25) Details of cycle storage.
 - 26) Details of design of bin enclosures.
 - 27) Construction Environmental Management Plan (biodiversity).
 - 28) Implementation in full accordance with the approved Arboricultural Method Statement.
 - 29) Full details finished floor and ground levels within the site relative to Ordnance Datum or an identifiable temporary datum.
- (b) secure a Section 106 agreement to cover the following matters, with all contributions being index-linked:
- i) Affordable Housing: On-site provision consisting of six units.
 - ii) Sustainable Transport: Provision of sustainable transport contributions to the total sum of £15,071.30 and Travel Plan monitoring contributions of £10,000.
 - iii) Public Open Space: Off-site contribution of £23,352.64 to address shortfall.
 - iv) Management and maintenance of drainage infrastructure: The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, of infrastructure (including surface water drainage until formally adopted by the statutory undertaker, and of the site's existing watercourse) and of street trees (if planted on land not adopted).
- (2) That, 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 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 set out below:

For: Councillors Anwar, Armer, Homewood, Pinnock and Sokhal (5 votes)

13 Planning Application - Application No. 2023/93704

The Committee considered Planning Application 2023/93704 for the erection of 10 dwellings and associated works at land northwest of Urban Terrace, Denby Lane, Grange Moor, Huddersfield.

Under the provisions of Council Procedure Rule 36(3), the Committee received representations from Councillor John Taylor.

Under the provisions of Council Procedure Rule 37, the Committee received representations from David Bolger (in support) and Michael Parham (on behalf of the applicant).

Resolved –

That consideration of the application be deferred to allow the Head of Planning and Development to undertake further negotiations with the applicant in respect of:

- The potential to achieve an increased density of development (with more houses being added).
- Identify the constraints within the site, namely coal mining legacy and any underground sewer pipes.
- The development not being gated.
- The provision of a design and layout that will permit acceptable waste collection arrangements.

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

For: Councillors Anwar, Armer, Pinnock and Sokhal (4 votes)

Against: Councillor Homewood (1 vote)

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<p>KIRKLEES COUNCIL</p> <p>DECLARATION OF INTERESTS AND LOBBYING</p> <p>Strategic Planning Committee</p>			
<p>Name of Councillor</p>			
<p>Item in which you have an interest</p>	<p>Type of interest (eg a disclosable pecuniary interest or an "Other Interest")</p>	<p>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]</p>	<p>Brief description of your interest</p>

LOBBYING

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

Lobbying

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

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

PLANNING POLICY

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

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023 the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

REPRESENTATIONS

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

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

EQUALITY ISSUES

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

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- 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 (as amended) 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 Committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 05-Sep-2024

Subject: Planning Application 2023/90668 Demolition of existing buildings. Erection and operation of a single building comprising a Sui Generis land use limited to the purpose of storage, assembly, sale and distribution of custom-built computers, laptops and their components as well as any associated development (those being a replacement wind turbine, utility provision, drainage, access, hard and soft landscaping) within the red-line boundary alongside business operations pursuant to the effective administration of the Sui Generis use. Grange Moor Coachworks, Barnsley Road, Grange Moor, Huddersfield, WF4 4DR

APPLICANT

PCS Property Solutions

DATE VALID

08-Mar-2023

TARGET DATE

07-Jun-2023

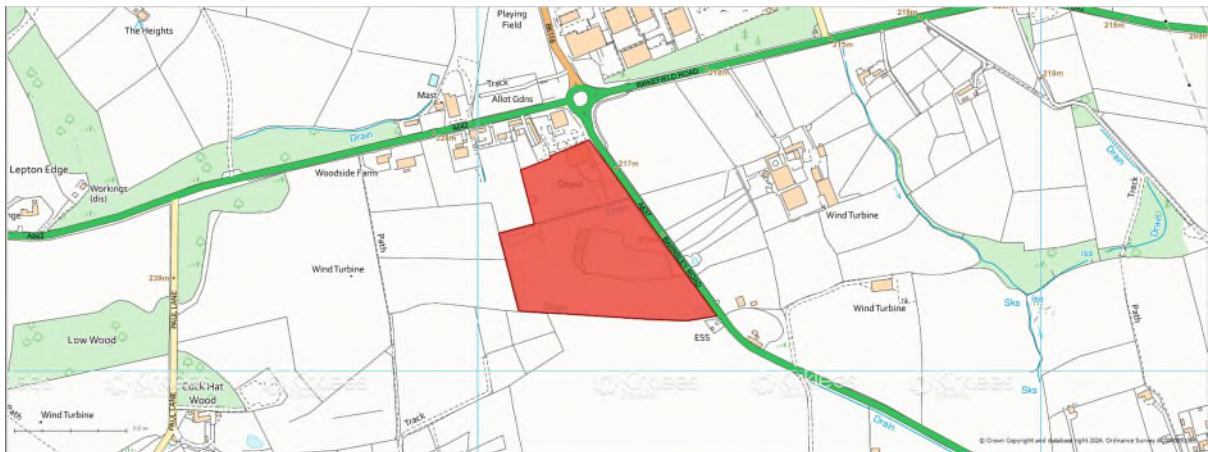
EXTENSION EXPIRY DATE

29-Feb-2024

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Kirkburton Ward

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION: Conditional Full Permission

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) Bus stop contribution of £34,000, to secure real-time displays at two bus stops (Stop ID 20680 and 20681) located on Wakefield Road at a cost of £10,500 per bus stop, and to provide a replacement bus shelter at bus stop ID 20681.
- 2) Travel Plan monitoring fee - £15,000 (£3,000 x 5yrs).
- 3) Employment and Skills Agreement.

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

1.0 INTRODUCTION:

- 1.1 The application is brought to Strategic Planning Committee in accordance with the scheme of delegation as the proposal is a major development and a significant departure from the Local Plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises 7.2h of land located to the west of the A637 Barnsley Road, approximately 100 metres to the south of Grange Moor roundabout, where the A642 Wakefield Road meets the A637.
- 2.2 The application site can be seen in two distinct parts: the northern part accommodating the existing buildings, and the land to the south and west of the buildings being used primarily for the storage of plant and machinery including scrap vehicles. The southern part of the site comprises open fields with an overspill of the scrap yard in mainly the southwestern part of this area. There is a small wooded area in the centre of these fields and other soft landscape features along the east, west and southern site boundaries with what also appears to be a small pond.

2.3 The submitted statement states that:

“The site is occupied by two businesses which are Grange Moor Coach Works and Holgate Construction Limited. An extended part of the site is used by Holgate Construction for what appears to be the dismantling and storage of dismantled machinery and vehicles. The area used for this process has increased year on year...”

2.4 There are commercial uses to the north of the site, and a small cluster of residential dwellings. Further northeast of the application site is an industrial estate known as Jubilee Way. The application site is accessed from one point of access onto Barnsley Road which runs parallel to the application eastern boundary, beyond which are open fields and scattered development. Agricultural land lies beyond the application southern and western boundaries.

3.0 PROPOSAL:

3.1 The proposals seek to demolish the existing buildings on site, including the steel-clad engineering building and attached brick-built office block, and clearance of all existing scrap vehicles, to make way for the erection and operation of a single building. The new building would be in Sui Generis use, limited to the purpose of storage, assembly, sale and distribution of custom-built computers, laptops and their components. The proposals also include associated development (these being utility provision, drainage, access, hard/soft landscaping and highway improvements), alongside business operations pursuant to the effective administration of this proposed Sui Generis use.

3.2 The amended description of the proposed development as agreed by the applicant reads:

‘Demolition of existing buildings. Erection and operation of a single building comprising a Sui Generis land use limited to the purpose of storage, assembly, sale and distribution of custom-built computers, laptops and their components as well as any associated development (those being a replacement wind turbine, utility provision, drainage, access, hard and soft landscaping) within the red-line boundary alongside business operations pursuant to the effective administration of the Sui Generis use’

3.3 The new building would have an approximate footprint of 90,000sqft / 8,360sqm (and total GFA that is understood to be 13,200sqm), and would accommodate offices, meeting rooms, warehousing, technology assembly areas, call centre areas and ancillary staff accommodation areas such as canteen, games/prayer room, gym, wash facilities and WCs.

3.4 The overall height of the proposed building is indicated to be 15.5m, when measured from the lowest adjacent ground level to the top of the parapet. It would measure approximately 64m wide by 115m long. Externally the building is proposed to be clad in goosewing grey, with matching roof cladding. The roof would be covered with solar panels as detailed in the submitted drawing reference P2753-ACU-03-DR-A-114-02. The front of the proposed building is designed to incorporate a striking glazed feature, surrounded by a black clad frame, as shown on elevation drawing P2753-ACU-XX-DR-A-201-04. Parking is proposed adjacent to the east and south elevations, with access to be taken off Barnsley Road. A functional service yard area is proposed adjacent to the northern elevation, which would include a waste handling zone and external storage of pallets to be confined to this area.

- 3.5 Remedial works would include the removal of all external storage of vehicles, plant and machinery, followed by restoration with soft landscaping as show on the detailed landscape strategy -ZLA_1386 L-200revD. This is discussed in more detail below.
- 3.6 The proposals also involve the installation of solar panels on the proposed building's roof and air source heat pumps together with the replacement of the existing wind turbine, of the same scale and in the same location but with more updated technology/specification.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Planning history:

91/00747 – HGV sales – Refused (due to lack of information).

91/04139 – Hotel – Withdrawn.

92/01101 – Outline application for erection of hotel and restaurant – Outline granted April 1993.

94/90944 – Deemed application (via enforcement appeal) for change of use of land for the storage of HGVs, heavy plant machinery, portable buildings and machinery used in connection with coal extraction – Deemed refusal.

96/90176 – Use of haulage depot – Refused.

99/93282 – Use of land and building for plant hire, heavy goods vehicle transport depot, commercial vehicle and plant repair, refurbishment and maintenance – Granted April 2002.

2000/93294 – Extension of garage and workshop.

2010/90687 – Erection of 1x 10kw small scale Wind Turbine – Refused, appeal upheld February 2011.

2011/91350 – Deemed application (Via Enforcement Appeal) for operation development involving the construction of 5 buildings, 2 sheds and associated enclosures – Deemed refusal.

4.2 Enforcement History:

The most recent relevant enforcement case relates to COMP/16/0260. An enforcement notice was issued on 16 December 2016, which was appealed against. The breach of planning control as alleged in the notice was without planning permission, the material change of use of the land from agriculture to storage and the operational development of the formation of a hard-surfaced track. The requirements of the notice are to cease the use of the land for storage and remove all articles, vehicles, plant, machinery and hard surfaces from the site and restore the land to its previous condition – Appeal dismissed May 2017.

The enforcement notice / appeal required the appellant to cease the use of the land for storage and remove all articles, vehicles, plant, machinery and hard surfaces from the site and restore the land to its previous condition.

Historically there were also a number of planning contravention notices served between 1993 and 2019:

- Enforcement notice 0428 issued in December 1993, in relation to the use land for the storage of HGVs, heavy plant machinery, porta cabins and machinery used in connection with coal extraction. Appeal dismissed.
- Enforcement notice 0597 issued in February 1998 in relation to material change of use of land from use as a haulage depot to use the land and the stationing of buildings in connection with a landscape gardeners depot.
- Enforcement notice 0776 issued in January 2005 in relation to the material change of use of the land edged red from open land to the rear of an existing commercial depot to use for the preparation dressing and storage of stone.
- Subsequently, the applicant appealed against this enforcement notice. In August 2005 the appeal was dismissed.
- Enforcement notice 0931 issued in March 2011 in relation to the carrying out of development involving the construction of 5 buildings, 2 shed and associated enclosures. Subsequently, the applicant appealed against this enforcement notice. In August 2011 the appeal was dismissed
- Enforcement notice 1171 issued in December 2016 in relation to the material change of use of the land from agriculture to storage and the operational development of the formation of a hard-surfaced track. This relates to the majority of the southern part of the current application site. Subsequently, the applicant appealed against this enforcement notice. In May 2018 the appeal was dismissed.

5.0 HISTORY OF NEGOTIATIONS (including amendments received):

- 5.1 Lengthy discussions have taken place between the applicant and officers during the course of the application. These principally resulted in an amendment to the description of the proposals and details revised in relation to highway issues, Very Special Circumstances, landscaping/boundary treatment and contamination amongst other matters. Whilst most of the matters are addressed through the receipt of additional and revised details/plans, conditions, some of which may be pre-commencement conditions, are still required to ensure certain details are submitted and approved for completeness and compliance with relevant Local Plan Policies and NPPF guidance.
- 5.2 On receipt of the final revised details, a further round of publicity was carried out through neighbour letters, for which the cut-off date for comments was 29/07/2024.

6.0 PLANNING POLICY:

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

6.2 Kirklees Local Plan (2019):

The application site has no specific allocation but lies in an area which is Green Belt.

6.3 Relevant Local Plan Policies:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP4 – Providing infrastructure
LP7 – Efficient and effective use of land and buildings
LP9 – Supporting skilled and flexible communities and workforce
LP19 – Strategic transport infrastructure
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP29 – Management of water bodies
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP35 – Historic environment
LP38 – Minerals safeguarding
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land

6.4 Supplementary Planning Guidance / Documents:

Highway Design Guide SPD (2019)

6.5 Other relevant documents

Kirklees Economic Strategy (2019)
Social Value Policy (2022)
Negotiating Financial Contributions for Transport Improvements (2007)
Biodiversity Net Gain Technical Advice Note (2021)
Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
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)

6.6 National Planning Guidance:

The National Planning Policy Framework (NPPF, 2023) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposals. Relevant paragraphs/chapters are:

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision-making
Chapter 6 – Building a strong, competitive economy
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed and beautiful places
Chapter 13 – Protecting Green Belt Land
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment
Chapter 17 – Facilitating the sustainable use of minerals

6.7 Climate change

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

- 6.8 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document

7.0 **PUBLIC/LOCAL RESPONSE:**

- 7.1 The current application was advertised by the council as affecting a public right of way (KIR/198/20) and as a departure from the Development Plan.
- 7.3 The application was advertised by the council by site notices, a press notice and letters delivered to addresses close to the application site, in line with the council’s adopted Statement of Community Involvement. The end date for the final publicity was 29/07/2024.
- 7.4 As a result of the public consultation, six representations were initially received in response to the council’s consultation, one of which is in support and the others objecting to the proposals. Following the publicity of the amended details/plans, a further seven representations are received, again all are objections with one in support of the proposals. A summary of the responses and the main issues raised within them is set out below:

Highway matters:

- Concerns over increase in traffic movement on surrounding highway network, which is not suitable for HGVs, particularly through the village of Flockton.
- HGV's which could potentially cause issues at nearby roundabout.
- "How will the Council ensure that HGVs do not ignore the existing restrictions in Flockton and surrounding highway infrastructure".
- "Does the development need in excess of 300 car park spaces".
- Increase in traffic will lead to more noise, congestion and exacerbate highway safety concerns.

Green Belt and impact on surrounding area issues:

- "Inappropriate development in the Green Belt, where no VSC can be demonstrated".
- "Why does application site/red line include the adjacent field".
- Further encroachment into Green Belt.
- Large warehouse not in keeping with the character of the area.
- Commercial development of this scale is contrary to the Local Plan and set a precedent for similar development along Barnsley Road.
- Applicant places emphasis on tidying up the land. "the removal of one eyesore by the creation of another is not a solution nor a benefit to the neighbours". Council should enforce cleanup of site regardless of current application.

Impact on amenity of surrounding area (including residential, flooding & PROW):

- Noise and emissions from the coming and goings of HGVs will impact on amenities of nearby residential properties, particularly due to position of loading bays/ access of site as proposed.
- No reference is made to the nearest residential properties 26, 44-62 Wakefield Road in submitted noise report.
- Will cause loss of natural light, create noise, vibration, dust and fumes from associated traffic generated by the development.
- Due to large scale of development, a rural public footpath will be blighted.
- Any new proposed lighting will cause an issue.
- Proposals due to large hardstanding will create excess surface water and cause flooding down stream and proposed pond within site.
- Protected species on and around the site will be affected. No protected species surveys undertaken.
- No existing mains sewers at the site to deal with foul sewage/drainage.
- Contamination concerns.
- Replacement turbine in same location is unacceptable.

Other concerns/issues:

- A Landscape Visual Assessment which assesses the impact of the proposed use of the site against its authorised uses should be produced, not the proposed use of the site against its existing unauthorised use, to consider impact on openness of Green Belt.

- The Design and Access Statement states "*When PCS leave their existing units, these will become available for other medium business' to lease*". This statement is considered to undermine the applicant's premise that the proposed purpose-built development is required for their own purposes in order to sustain and expand their business. What would happen to the building and the site if the site was subsequently occupied by another business or businesses? What safeguards would be in place in terms of any intensification of the use of the site (vehicle movements etc)?
- Lack of preferable alternative sites should be considered through review of Local Plan.
- No justification as to why the proposals need to be at this site.
- No evidence to substantiate the applicant's assertions in terms of employment numbers, business growth and expansion, and any related socio-economic benefits to the company or the wider community.
- Not all the site is previously developed land.
- The applicant should not be able to "benefit" from the alleged deliberate degradation of the site.
- Alleged "benefits" of the proposed development are unclear and cannot be guaranteed, either through conditions or planning obligations.

In support of the proposals:

- Will assist a local established business to expand, create more local jobs and boost local economy.
- Proposed building will improve efficiency, reduce costs, be more energy efficient and reduce carbon emissions.
- Proposals include VSC.
- Will enable the clearing up a contaminated site.

7.5 Ward Member comments:

Ward Members were advised of the proposal by email. One response is received from Cllr Bill Armer, stating:

"I very strongly desire that any decision to approve the application is accompanied by a caveat that this should not set a precedent for further development on Green Belt because of (a) the exceptional and probably unlawful damage already done to the site and (b) the exceptional economic benefit of the application for the local area.

My fear, based on experience, is that a developer may come forward with another scheme justified by the argument that this has been allowed, despite the position that each application is decided on its own merits. I understand that this would be difficult if not impossible to condition, and would be satisfied with a statement attached to any approval document drawing attention to the specific facts, particularly about prior despoilation, and stating that it is not intended to set any precedent for future Green Belt development.

Similarly, whilst it most likely could not be conditioned, I would like to see undertakings from the developer and, if different, the end user, that locally-based applicants for employment would be prioritised.

Moving to what could be conditioned, should the application go ahead I would like to see effective action to screen, so far as is possible, the site from view in any and all directions and not just from the adjacent highway(s). It seems to me that adequate planting, and ongoing maintenance if necessary, of suitable tree species could be appropriate here.

Obviously there may well be concerns about increased traffic, including a need for adequate parking space, but that is really a standard issue with industrial/commercial development which I am confident can be dealt with by either officer or committee process."

7.6 Response to Cllr Armer's comments;

7.7 The assessment below sets out in detail the background to this site and the very special circumstances put forward by the applicant and officers' assessment of it. As Cllr Armer states each application is considered on its merits and as such it is considered the circumstances of this application is not setting a precedent and unlikely that a comparison could be made to other cases in the future.

7.8 In respect of Cllr Armer's comment that locally-based applicants for employment to be prioritised, the recommendation includes an Employment and Skills Agreement to be secured as part of the Section 106 agreement, which stays with the permission. This would encourage the developer/end user to employ locally including apprenticeship schemes, in accordance with Local Plan Policy LP9. Also of note, is one of the reasons put forward by the applicant in relation to why they cannot relocate is that they employ locally and if they were to move this could result negatively on the current workforce.

7.9 With regards to Cllr Armer's comments in relation to screening, it is unlikely the proposed building would be fully screened due to its scale and size. However landscaping proposals which are to be conditioned would, to a certain extent, screen for example the car park/service yard areas and reinstate the field to the south following the removal of the storage of scrap vehicle/machinery.

7.10 Turning to highway safety/parking issues, the revised details/plans address this matter as detailed in the assessment below.

Parish Council

7.11 Kirkburton Parish Council made no comments.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Lead Local Flood Authority – Support subject to conditions.

The Coal Authority – Earlier objection withdrawn. No suggested conditions.

8.2 Non-statutory:

K.C Business Kirklees Inward Investment – The inward investment team can confirm that no sites or properties have been identified, or become available, which aligned with the requirements of PCS. All but one option considered fall outside the Green Belt,

K.C. Environmental Health – No objections subject to conditions

K.C. Ecology – Support subject to conditions

K.C. Highways Development Management – Support subject to conditions and contributions for off-site highway works.

K.C Landscape – Support subject to conditions

K.C. Planning Policy – A thorough assessment of the applicant's Very Special Circumstances was carried out resulting in a request for further details/evidence from the applicant.

KC Public Health – The development does not meet the screening criteria for submission of a rapid health impact assessment.

K.C. Trees – No objection provided a condition regarding tree protection is applied the significant trees can be protected during construction activities.

K.C. Waste Strategy – Standard advice (link to advice to be provided on decision notice).

Northern Gas Networks – No objections, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail (link to advice to be provided on decision notice).

West Yorkshire Archaeological Advice Service – Recommend that an archaeological watching brief should be undertaken on all excavation groundworks in the field of the proposed water balancing pond.

West Yorkshire Police Designing Out Crime Officer – No objections in principle subject to a condition to secure security measures.

Yorkshire Water – Recommend conditions to be imposed in the event planning permission is granted.

9.0 MAIN ISSUES

- Principle of development including impact on Green Belt
- Urban design matters, landscape impacts and heritage
- Ecological considerations
- Residential amenity
- Highway safety and transportation issues
- Flood risk and drainage issues
- Environmental health considerations
- Site contamination and stability
- Planning obligations
- Representations
- Other matters (climate change/sustainable development)

10.0 APPRAISAL

Principle of development including impact on Green Belt:

- 10.1 The National Planning Policy Framework (NPPF) paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt except for a small number of specified exceptions, none of which apply to this proposal. The proposal therefore constitutes inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (referred to as VSC in this report). When considering any application, a local planning authority should ensure that substantial weight is given to any harm to the Green Belt and VSC will not exist unless the potential harm by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations.
- 10.2 It should be noted that it is unclear from the supporting statement whether the applicant regards this scheme as not inappropriate. Nevertheless, in paragraph 3, the applicant has stated that they have set out the VSC required to demonstrate that the proposal outweighs the harm caused to the Green Belt. In paragraphs 72 and 78 reference is made to NPPF paragraph 149 (now paragraph 154) criteria g) 'partial or complete redevelopment of a brownfield site' and Local Plan policy LP59 'brownfield sites in the Green Belt' and it is stated by the applicant that a significant portion of the site is previously developed. In paragraphs 95 and 96 in the context of the Landscape Character Assessment it is concluded that the development would not have a greater impact on the openness of the Green Belt.
- 10.3 Notwithstanding this information, and in view of the fact that the applicant has argued that VSC apply (and has set these out), it is assumed for the purpose of this response that it is common ground between the applicant and the council that this proposal represents inappropriate development in the Green Belt, not redevelopment of a brownfield site within the Green Belt. The rest of this response as it relates to the Green Belt is made on the basis that the starting point for the assessment of this proposal is that the building does not meet any of the exceptions listed in paragraph 154 of the NPPF. The reason for the officer's recommendation is set out below under 'previously developed land'.
- 10.4 The applicant has set out in their supporting statement (paragraph 114) the VSC which they contend outweigh the harm caused to the Green Belt. These are:
- The need for new employment land;
 - Lack of preferable alternative sites to meet this need;
 - The positive local socio-economic effects of the site/proposals;
 - The previously developed nature of the site;
 - The visual improvements to a site that would otherwise not be cleared up; and
 - Clearance of contaminated land.
- 10.5 The following considers the above VSC put forward in support of the proposal and assessment of the proposal against Green Belt policy.

10.6 Regard to the site's existing condition is appropriate at this stage. The site within the red line boundary can be described as being in two parts. The northern part consists of the depot building and attached office block with associated hardstanding and a single storey building located along the western boundary. The rest of the northern part of the site is used for the outdoor storage of plant and machinery. The southern (wider) part of the site is a field which was until recently used for managed pasture grassland. Also located in this part of the site is the area of a former quarry. Over the years, and as evidenced on aerial photographs, vehicle storage has spilled over from the northern part and now occupies the northwestern corner of this field. It should also be noted, and it is pertinent to the consideration of this application, that impact should be judged relative to the lawful use of the site. Much, if not all, of the external storage of vehicles and machinery at this site is not lawful, so the starting position for any assessment should be the proposal as submitted compared with the site minus unlawful external storage.

10.7 **The need for new employment land:**

The need for new employment land can be considered in two parts: 1) the general need for employment land within the district, and 2) the specific needs of the applicant, PC Specialist (PCS). Regarding the general need for employment land within the district, the Local Plan Inspector was clear that even with the removal of some of the employment allocations (Clayton West and part of Cooper Bridge) which occurred during the Local Plan preparation process, the Objectively Assessed Need (OAN) for 175 hectares of employment land in Kirklees would still be met.

10.8 The Local Plan Inspector concluded that overall supply from identified sources would total 193 hectares, against the requirement of 175 hectares and that an oversupply of 18 hectares provides sufficient flexibility to allow for an element of non-delivery from commitments and allocations or deal with changing circumstances and allows for some market choice. The Inspector went on to say that as further allocations would be likely to involve the release of Green Belt land, this represents an appropriate balance between meeting employment needs and protecting the Green Belt.

10.9 Currently within the district there are employment and mixed-use Local Plan allocations that are not developed. These are part of the council's employment land supply and should be considered for developed prior to Green Belt land. The allocation of land as Priority Employment Areas (PEAs) across Kirklees, supports the growth aspirations of the small and medium sized businesses established in Kirklees. These existing employment areas will need to be retained if jobs are to be provided in locations which are close to residential areas and reasonably accessible by public transport. The Inspector concluded that the PEA assessment was appropriate and proportionate and that PEAs play an important role in providing local employment opportunities and contributing to the local economy. The potential employment supply across the district of 48ha from vacant land within designated PEAs is considered as potential employment supply and contributes to the council's OAN. These sites are not considered as windfall as they form part of the employment land supply in the Local Plan. The Inspector concluded that the council's employment strategy and policies were justified, effective and consistent with national policy.

- 10.10 Turning to the needs of PCS specifically, the applicant states that PCS are a local well-established business in Grange Moor, who design, manufacture, and distribute high-end gaming PCs which can be purchased directly from the company or via a number of different major retailers including Currys PC World. They are a major employer for the area and the business has already expanded significantly over the last few years. The company currently employs 250 staff (staff figures fluctuate but this was the position in October 2023), and intends to increase this number in the next few years based on current growth projections. This would make them one of the largest employers in the area. The applicant states that the proposed building is crucial for the business to expand in order to meet its expected growth requirements.
- 10.11 To enable a thorough assessment of the proposals, particularly the expansion programme for the business and justification for the scale/height of the proposed building, further information was requested from the applicant which was received.
- 10.12 The Planning Statement Addendum received sets out that the existing premises are not large enough, that the business is now struggling with the space they have, and the lack of space is starting to impact on the effectiveness of the business. It is evident that PCS need new larger premises now, and in order to predict future growth, the information submitted looks at growth over the last 10 years. The applicant has shown the turnover of PCS over the last 10 years from 2013 until 2023. These figures show an increase in turnover by a factor of 3.5 over the last 10 years (this includes anomalies due to COVID).
- 10.13 Based on growth requirements (on the assumption of 4x growth in production over a 10-year period). PCS commissioned Fortna (a warehouse optimisation, design and automation company), to help them assess their building requirements and to set out the internal layout. Fortna concludes, the business requirements will exceed the building capacity, without internal modifications, by 2033. Whilst this is a concern as the building proposed may not be large enough, the applicant has stated that other factors, including expansion overseas and new innovative working and production techniques, will restrict the predicted growth as some elements of the business operation will move overseas, and less space will be needed. Also, this prediction is based on 4x growth when growth over the last 10 years has been 3.5.
- 10.14 With respect to the scale and height, the building is stated to be designed in a way such that all manufacturing, assembly and testing is stacked to reduce the buildings footprint where possible. The warehousing has been designed with a target of 11m from FFL to the underside of the steel frame to allow for the most effective storage. The proposed warehousing is stated would adopt the first in first out pallet storage solution to allow for fast stock rotation for bulky items such as PC cases and screens.
- 10.15 The building would be 15.5m tall when measured from the lower yard level, and 18m to the top of the tallest anticipated air handling unit within the rooftop plant zone. It should be noted that the rooftop plant zone would not be readable from ground level due to its deliberate positioning in the centre of the building. To reduce visual impact, the building would be set down some 3m from the existing ground level. This also means the yard zone to the north is sunken to avoid further visual and acoustic impact.

10.16 On the basis of the above it is considered, given the evidence submitted that the applicant has justified the need for new employment land in connection of the established business at this location and the scale/height of the proposed building to enable the operational requirements of PCS to be met adequately.

10.17 **Lack of preferable alternative sites to meet this need:**

The applicant contends that this is the most suitable location, to ensure staff retention, to allow the continuity of the existing thriving business and meet its future needs. The applicant has set out the basic locational requirements for the business, as:

- 1) Locational requirements (staff retention)
- 2) Size requirements
- 3) Freehold requirement
- 4) Individual assessments of PEA sites
- 5) Local Plan allocation assessments
- 6) Assessment of windfall sites

10.18 With respect to locational requirements (matter 1 above) the applicant carried out 'a staff travel to work survey' was carried out in June 2023, when staffing levels were approximately 220, of which 153 responded to the survey. The results of the survey showed that the employees are distributed evenly around the existing location at Grange Moor. The evidence shows the concentration of staff who travel to work from the Huddersfield area (42%), with some who travel from Ossett (WF5) and Wakefield (34%). It is clear from this survey that geographically, Grange Moor is central to the workforce, being in between Huddersfield and Wakefield. Given this evidence, it is clear that a relocation of the company would result in a significant increase in journey-to-work time for at least half of the current workforce. PCS are a significant local employer and relocation would create a major risk in terms of staff retention.

10.19 The justification for the scale and height of the proposed building is set out above in paragraphs 10.11 to 10.16, with regards to the size (matter 2 above), it is considered, given the evidence submitted, that the applicant has justified the size of the building proposed which would future proof the company's spatial demands and growth predictions.

10.20 Turning to the freehold requirement (matter 3 above) the applicant advises this will give the business long term security. The applicant believes the business is relatively secure financially, a freehold site provides more autonomy and reduces long term financial costs.

10.21 In response to Local Plan allocation assessments (matter 4 above) the applicant has been liaising with the council's Inward Investment Team, since October 2020 to find alternative suitable premises to move to. The supporting documents accompanying the application, includes an assessment of premises and sites, including vacant land in Priority Employment Areas (PEAs) PEAs that were put forward by the council's Inward Investment Team, which are large enough to accommodate the proposals. During the course of the application, the applicant has carried out an individual assessment of each of the discounted sites. The assessment includes full reasoning why each of the identified PEA sites are discounted, such as the insufficient developable area of each size, availability, tenure, site area and workforce retention. Officers also accept that some of the vacant land within PEAs is only suitable as expansion land for existing businesses and as such the number of potential sites within PEAs will be limited.

10.22 Similar to the assessment of PEA sites, the applicant has carried out an assessment of Local Plan Employment and Mixed-use allocations (matter 5 above) that the officers consider could be of a size to meet the applicant's requirements. These are sites that are not already built and occupied. They have been assessed for suitability, deliverability and availability. Of the employment and mixed use allocations (seven in total) that have already been developed these are too small or not available to the applicant, and only ES6 (Whitechapel Road, Cleckheaton) is available. However, this site does not meet the applicant's locational requirements and if PCS located here, there would be a significant impact on staff retention, given that most travel from Huddersfield. This has been demonstrated by the travel-to-work survey which was carried out by the applicant.

10.23 In addition to the above, the council's Inward Investment team held discussions with commercial agents as well as developers and made enquiries with the council's Disposals and Acquisitions team. The commercial market was searched and continually monitored. Four potential windfall sites (matter 6 above) were found during this process, all of which have been considered and discounted by the applicant.

10.24 These sites have been considered and discounted for various reasons which are summarised, include:

- Developable area of the sites much smaller than the 3.7 acres needed, with steep slopes or very narrow strips of land netted off to create a more realistic development footprint
- Sites not available (Syngenta, Mars Petcare, and Gas Works Street). Due to the hazardous nature of operations at Syngenta and the high security access, independent development within their ownership is not possible at this time. The land within Mars Petcare is actually a woodland walk to support their staff welfare and therefore not available. Finally, the land at Gas Works Street is currently being used for match day parking for Huddersfield Town, but also forms an integral part of the Station to Stadium Enterprise Corridor. Consequently, the site is currently not being made available at market.
- One site is available (allocation ES6 – Whitechapel Road, Cleckheaton). However, this site does not meet the applicant's locational requirements and if PCS relocates to this site, there would be a significant impact on staff retention, given that most travel from Huddersfield. This has been demonstrated by the travel to work survey which was carried out by the applicant.
- There are no buildings on to meet the applicants size requirements (the applicant has justified the size of the building proposed, given their growth requirement)
- There are no buildings to meet the applicants size requirements. In addition, which are freehold, and
- Sites do not meet the applicant's locational requirements. There would be a significant impact on staff retention which has been demonstrated by the travel to work survey, carried out by the applicant.

10.25 On the basis of the above, it is accepted that the applicant has robustly and sufficiently demonstrated why the preferable alternative sites put forward for consideration by the council's Inward Investment Team and officers are deemed as unsuitable.

10.26 **The positive local socio-economic effects of the site:**

The LPA consider that any new development within the district, especially development that will secure further investment, business retention and provide and retain jobs, would make a positive contribution to the local economy, both in terms of GVA and job creation. As stated above, in October 2023 the company employed 250 staff. The predicted future employment levels are set out in a table at paragraph 10.79 below for the following ten years.

10.27 The applicant has provided further information in respect of the planned growth trajectory, including definitive job growth figures and a planned training scheme, which would be implemented through an Employment and Skills Agreement, the aims and objectives of which are:

- Identify and promote opportunities for local people.
- Provide training to create and support a qualified, skilled, competent and motivated workforce.
- Work with the local authority, Job Centre Plus (JCP), and other local employment scheme providers to maximise the benefit of the business through long-term employment.
- Work with local Schools, Colleges and Universities to promote opportunities to young people leaving education.
- To secure well-paid, high-quality jobs offered locally with the real opportunity to develop career pathways.

Job opportunities are proposed to be offered in a range of roles, ranging from assembly, testing and warehousing through to sales, marketing, coding and accounting. Some of these roles may be made available as apprenticeship schemes. PCS are committed to working with the local Schools, Colleges and the University of Huddersfield to hire local staff where possible. 42% of current staff reside in Kirklees and it is PCS's intention to increase this percentage as part of this project.

10.28 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant threshold (3,500 sqm or more of business or industrial floorspace). Officers approached the applicant team to discuss an appropriate Employment and Skills Agreement, to include provision of training and apprenticeship programmes. Consequently, the applicant has proactively worked with the council's Inward Investment Team and submitted a draft Employment and Skills Agreement. This is currently under consideration by Legal Officers, as the requirements of this would be secured through a Section 106 legal agreement, if Members approve the application.

10.29 The positive socio-economic effects of the development discussed above are considered beneficial which also attach some weight in favour of very special circumstances, in addition to the lack of preferable sites, identified above. Furthermore, Officers acknowledge, that PCS are an important well established local business, who provide merchandise/stock to a number of other major

retailers locally and nationally. They are seen as a major employer for the area and the business has already expanded significantly over the last few years with a forecast to expand further. This would help to put Kirklees “on the map” as a borough where businesses can succeed and expand, and would help achieve a key objective of the Kirklees Economic Strategy.

10.30 **The previously-developed nature of the site:**

At paragraph 10 of the supporting statement the applicant states that a significant part of the site is previously developed, and that as a result of the spread of the machinery storage and dismantling business the developed area now extends to over 2.3 ha, (the total area within the red line boundary is 7.24ha). This position is repeated in paragraph 142.

10.31 The LPA does not agree that 2.3ha within the red line boundary constitutes previously developed land. The definition of previously developed land in the NPPF includes “*land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.*”

10.32 There is a large depot building (and attached office) on this site with some associated hardstanding which together can be taken to be previously developed. However, by contrast, it is not accepted that any other part of the northern part of the site can be considered to be previously developed or ‘brownfield’, as there are clearly areas where vehicles are parked on land which is not hard surfaced. The spread of vehicle storage into the southern part of the site is straight onto agricultural land. It is therefore the LPA’s position that the area of this site that may be regarded as previously developed extends only to that part of the site that received permission for the depot and its hardstanding, which extends to no more than approximately 0.75ha. Previously developed land therefore only represents a small proportion of the site area and is why the council does not consider that the application can be considered against NPPF paragraph 154, criteria g) or LP59. Even if it did, it is the council’s position that there is a very substantial and materially greater impact on the openness of the Green Belt between the existing development and the proposed development (which will be further assessed below) so that, if assessed against 154g) and LP59, the proposal would fail to comply with Green Belt policy. Given that only a very small proportion of the application site is considered as previously developed, the previous developed nature of the site only carries limited weight.

10.33 **The visual improvements to a site that would otherwise not be cleared up:**

It is the applicant’s position that the existing use is unsightly. Granting planning permission for the proposal would not only remove the unsightly use but enable improvements to landscaping and this would have a beneficial effect on visual openness of the site.

10.34 The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, and openness is an essential characteristic of the Green Belt. Protection of visual quality is not a purpose of including land in the Green Belt. The council’s position in respect to openness is considered below while visual quality, that is the benefits of tidying up the site to remove an unsightly use, is considered here as one part of the very special

circumstances put forward by the applicant. Officers accept that allowing the proposal would result in the removal of the unsightly stored vehicles, plant and machinery, albeit with a very large new building with the southern part of the site to be restored with soft landscaping. However, officers do not accept that allowing the proposal is the only means to achieve the clearance of the stored machinery and as such limited weight is attached to this contributing to the VSC. Should Members be minded to accept the other VSC, it would be appropriate and necessary to require the removal of all scrap vehicles, plant and machinery off site via a pre commencement condition.

10.35 **Clearance of contaminated land:**

Remediation of contaminated land within the application site is discussed in more detail below. However, for the purpose of this being one of the VSC put forward by the applicant, the NPPF paragraph 150 states that local planning authorities should plan positively to enhance the beneficial use of Green Belts, including to improve damaged or derelict land. There appears to be some degree of contamination caused by the storage/dismantling of vehicles/plant within the application site. The position of the former quarry/area is also not indicated on the proposed masterplan. Whilst the proposed works to remediate any contamination would weigh in favour of proposals, this does not amount to VSC. As such very limited weight is attached to the clearance of contaminated land in weighing up the planning balance which contributes to VSC.

Impact on the purposes of including land in the Green Belt

- 10.36 There is no doubt that the existing use has a significant impact on the openness of the Green Belt, both spatially from the presence of buildings and visually from the presence of the buildings and stored vehicles and machinery (bearing in mind this relates only to the extent of any lawful external storage), as well as through the normal operation of the businesses including traffic movement to, from and within the site. It is the applicant's position that the increased impact on openness that would result from the new development is none/minor. Officers do not agree with this position, as the existing buildings occupy a small proportion of the northern part of the site.
- 10.37 The application proposes a building that would be more than twice the height of the existing building (15.5m compared to 7m) and the footprint would extend to the vast majority of the northern section of the site. This would result in a building much larger than the existing buildings, and with a mass and permanence as a structure in the landscape which the vehicles, (or unused land) do not have. To overcome the sloping nature of the site and to achieve a level footprint, it is proposed to cut into the slope at the northern end (to create a goods yard loading/unloading area), but the extent and height of the building, particularly the southern extent positioned on the higher part of the site would still accentuate its impact in the landscape cutting off views across the site from most directions.
- 10.38 Development is also proposed to extend significantly into the existing field through the laying out of a 274-space staff car park. Other areas of parking/development are also proposed, which include: a covered bike store, two new substation buildings in the southeast corner of the developable area, with a gated access directly onto Barnsley Road.

- 10.39 Taken as a whole, and when compared to the lawful use of the site, the significantly greater height and footprint of the building, the extension of the car parking into the southern field, and other associated buildings and engineering works would undoubtedly harm the openness of the Green Belt and this harm carries substantial weight.
- 10.40 Paragraph 143 of the NPPF states that the Green Belt serves five purposes, including to check the unrestricted sprawl of large built-up areas, to assist in safeguarding the countryside from encroachment and to assist in urban regeneration by encouraging the recycling of derelict and other urban land. The site is located on the edge of the village of Grange Moor. Between the inset village and the site is a major road junction and urban fringe development including houses, a pub and other businesses.
- 10.41 The existing buildings on the northern part of the site are located immediately adjacent to the pub and form part of the transitional landscape between Grange Moor and the wider countryside beyond. The proposed new building would have a height, bulk and mass wholly unproportionate to its neighbours or to its Green Belt setting and would extend built form significantly to the south, with the car park extending development even further south into the field, with the result of the appearance of sprawl down the slope and along Barnsley Road.
- 10.42 The northern part of the site, while not all previously developed land, is industrial in nature and is not countryside. The southern part of the site is a field and while there are vehicles parked on it this has not permanently altered its character, so that it appears as part of the wider countryside to the west, south and east of the site. The proposed new building, by virtue of its bulk, height and mass, would encroach into public views of the site and be a very prominent and dominant feature in the landscape, to the detriment of the enjoyment of the wider countryside. Also to be considered are other urban features of this development including the substations, retaining walls, security fencing and any proposed lighting.
- 10.43 As a whole the scheme would represent significant encroachment into the countryside. Officers do not accept that the site is derelict, which is not the same in this instance as unsightly. However, it is distinctly urban in character. Green Belt policy allows for the recycling of previously developed land through the exceptions set out in paragraph 154 but as stated above officers do not accept that this application can properly be assessed against NPPF paragraph 154 criteria g).
- 10.44 The proposal would undermine the purpose of the Green Belt by failing to assist in urban regeneration through encouraging new development outside of the Green Belt. Harm to the Green Belt carries substantial weight. In this instance, harm is caused by reason of inappropriateness. There is also very significant harm caused to the openness of the Green Belt and harm to the purposes of including land in the Green Belt.
- 10.45 To summarise, it is considered the applicant, having explored and assessed all the identified sites, has robustly demonstrated and justified both the locational and size requirements of their preferred site within the Green Belt. The lack of suitable sites attributes to the very special circumstances in this case and substantial weight is given to outweigh the significant recognised harm by reason of inappropriateness and the other recognised harm that would occur

from the proposed development. The proposals would allow this existing business to invest, expand and adapt in its current location, enabling its continued growth and meet its operational requirements as well as secure local employment. For the reasons set out above, the principle of development is considered acceptable, and the proposal will now be assessed against all other material planning considerations below.

Urban design matters, landscape impacts and heritage:

Urban design matters:

- 10.46 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.
- 10.47 The application is accompanied with a Landscape and Visual Appraisal (LVA), which sets out the architectural form and vernacular of the proposed development, and how it has been designed architecturally taking account the overall layout of the site. The scale and layout of both the building and the site appear to have been influenced by a range of factors, including site characteristics, the wider context, as well as the operational requirements of PCS, which dictates the scale and internal layout of the building.
- 10.48 In terms of design, the proposed building takes a simplistic yet contemporary design. Plans have been revised to include the following:
- Amended cladding details to southern elevation to add visual interest.
 - Feature added to southwest corner to mirror front elevation to add visual interest.
 - Building orientation changed slightly to allow for better operational flexibility to rear yard. This has also allowed a reduction in retaining wall heights to the rear yard and better opportunities for screen planting.
 - New canopy feature added to building frontage as well as disabled access lift and ramp.
 - Car parking layout updated.
 - On site gradients modified for easier pedestrian access.
 - Highways works updated following consultation with KC Highways
 - Additional cycle/ motorbike storage shown.
 - Location of substations changed due to Northern Power access requirements.
 - Glazing to east elevation reduced and swapped for louvre fins for aesthetics and better internal environment.
 - New stair tower added to north due to internal equipment layouts and travel distances required.
 - Additional ground floor fire escape doors added.
 - Modified pedestrian access routes.

The front (east elevation) of the building is to be finished with a feature wrap around glazed wall, surrounded by a feature black frame to add visual interest and break up the massing of the building from the road.

- 10.49 The proposed development would largely be contained and confined to the northern part of the application site, with the car park encroaching into the central part of the site, the remainder of the site beyond the proposed car park is shown to be reinstated back into a field with low level soft landscaping (discussed below). The LVA explains that the long-term impact of the proposal on the landscape character of the site itself would be no greater than moderate/minor.
- 10.50 The appearance of the building would be typical of industrial units with the eastern (front) elevation being of most interest. The siting in the northern part of the site is considered appropriate. The scale and height of the building has been set by the operational/functional requirements to meet the demands of the business over a 10-year forecast prediction (see paragraphs 10.11- 10.16). In its proposed siting, it would be seen against the existing development concentrated around the Grange Moor roundabout and the industrial units which lie northeast of the site on Jubilee Way.
- 10.51 The building is proposed to be faced in composite cladding, finished with a goosewing grey shade and some areas in black with window frames in aluminium anthracite. Grey is considered appropriate on this site, particularly when seen against the existing nearby industrial units. Samples of materials are to be secured via condition, to ensure suitable end products are used. The introduction of wrap around glazing and louvre features on the corners of the south and west elevation adds some interest breaking up the blandness of these elevations. Overall, the proposed building would be functional and the design is considered appropriate for the intended use which would accommodate and meet the applicants business growth predictions as set out above.
- 10.52 Other building structures proposed within the site are two small electric sub stations, shown to be sited in the southeast corner of the proposed car park. These would be of box type construction, clad in grey composite cladding and accessible from the proposed car park as well as a gated access, adjacent to the sub stations, onto Barnsley Road.
- 10.53 With respect to the associated external works, the layout of the car park is typical in form and appearance for such a development. The removal of the existing paraphernalia of the scrap vehicles, plant and machinery (to be addressed by a pre commencement condition) would be beneficial and the reinstatement of this area back to largely a green field with the inclusion of larger screening species, rich hedgerows, trees on the periphery of the site.
- 10.54 The proposals also seek to replace the existing wind turbine located adjacent to the western boundary in the same location and of the same scale as the existing wind turbine, with a more efficient model. This element of the proposals would have no more of an impact on the green belt than the current wind turbine. Conditions would be necessary to ensure the replacement wind turbine is sited in the same location and of the same scale.
- 10.55 Boundary treatment would consist of retaining walls along the north and western boundaries of the site, to stabilise the change in land levels and topography within the site. The proposed building would be enclosed within an electric anti climb fence ranging from a height of 2.4m to and overall height of 3m. A 1.2m high timber post and rail fence is proposed to the southern boundary of the car park area. These are typical features for commercial development on industrial sites and would be integrated into the scheme without appearing obtrusive in the wider landscape.

10.56 In summary, it is considered that whilst the proposed works (due to the scale and prominence of the building) would notably change the character and appearance of the site, the development would be constrained to the northern part of the site. Together with the appropriate boundary treatment and reinstatement of the southern part of the site, to a soft landscaped field, it is considered that the proposals would not significantly alter the character or the landscape of the area. Appropriate distances would be achieved from adjacent sites and the risk of crime would be reduced by incorporating appropriately designed security features. The proposals would promote good design for the intended use and result in the clearance of the existing external storage of scrap vehicle, plant and machinery from the site, complying with the aims and objectives of Policies LP2 and LP24 of the Local Plan and guidance within the NPPF.

Landscape impacts

10.57 Turning to the submitted landscaping strategy/proposals, on assessment of these the council's landscape officers, provides the following advice:

“Landscape proposals show restoration proposals to the site this is to include large screening species rich hedgerows incorporating trees on the northern boundary (A642) of the scheme. Low maintenance shrub planting with further tree planting to the main entrance, offering screening and softening of the elevations. Reinstatement of the southern field will incorporate robust woodland mixes (site appropriate) these do incorporate some fast-growing native standards to add structure to the planting quickly whilst mixes establish. Existing shrubs and hedgerow is retained on the southern field and a further hedgerow mix proposed along the A637 boundary offering significant additional value. Attenuation ponds have been incorporated into the scheme. With reseeded proposed across the reinstated field.

Proposed detailed planting plan to front of the development does now provide reassurance. It includes robust tree planting and extensive shrub planting. We note there is no tree planting within the southern car park and would suggest that consideration be given to this large, south facing, area of hard standing. We would expect to see tree planting within the car park areas to avoid dominance of hard surfaces.

Details of screen planting to the south of the proposals have been provided and once established should provide robust and diverse cover to this side of the development. Fast growing species of trees have been included.

Revised-detailed planting plan -ZLA_1386 L-201 rev D is very clear and offers a good level of detail however we do require further clarifications. We note that some soil remediation works will need to be carried out and topsoil handling/details have been specified. We would seek to further understand what areas if any will require soil remediation it would be helpful to indicate these areas on the landscape dwgs. We note several Emorsgate seed mixes have been proposed appropriately throughout the scheme, EH1, EM1, EG1 and EM8. Whilst we are satisfied that these are suitable, please include the seed mix specifications in the planting plan detail.

A further clarification we require is the final proposed boundary treatment indicated below. Can we confirm if the existing hedge sits within the red line or sites outside of the red line and if this existing hedge is to be retained.

We recognise a 2.4m high electrified fence is proposed for this boundary will this be installed in front of the existing hedge. The boundaries of the proposals do need to offer as much screening as possible and potentially this boundary will require additional green screening and we would suggest that an additional hedgerow needs to be considered on this part of the development.

We do need to see a five-year management plan for the landscaping scheme to ensure the scheme successfully establishes. The management of newly establishing trees should include, but is not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees.”

- 10.58 The suggestion of tree planting within the car park, by Landscape officers is noted, this is not considered necessary as additional tree planting is included on the edge, southern boundary of the car park, which would soften and screen the hard surfaced car park area. Overall, the landscaping scheme is appropriate and would result in a natural setting once established. Revisions to landscape proposals have been made including clarity to the seed mixes on the planting details plan. Confirmation is also received that the existing hedges adjacent to the north, west and southern boundaries, previously shown as existing within the application site, fall outside the application red line, for which the applicant has no control over. Consequently, the boundary treatment and landscape plans have been amended accordingly, to provide new hedgerows along the north, west and southern boundaries. With respect to Landscape Officers request for areas to require soil remediation to be shown on plan form, this can only be identified following remediation of the site. This matter would be addressed through details submission under the contaminated land conditions suggested by Environmental Health, one of which requires the submission of a validation report following remediation of the site. The remediation strategy would identify where and the depth of top soil to be required within the site before the implementation of the landscape proposal. The submission of the verification report would provide confirmation that the necessary topsoil has been brought onto the site for the necessary areas within the site.
- 10.59 The removal of the existing scrap vehicles, plant and machinery would need to be addressed via a pre commencement condition, followed by the remediation and reinstatement of the field and approved landscaping. An additional condition would be required in relation to a five-year management/maintenance of the landscaping within the site, to accord with Local Plan policies LP24 and LP32 and guidance in the NPPF.
- 10.60 Turning to existing trees, there are two significant areas within the southern part of the site. These are identified as G3 and W6 within the submitted Arboricultural Impact Assessment (AIA). Whilst the proposals and AIA submitted make it clear that both tree groups can be retained, the clearing of the site and carrying out of the development, is likely to result in substantial ground works for the creation of the development plateau and the construction of necessary drainage and flood attenuation measures. A condition would be necessary for tree protection fencing to be provided to these areas in accordance with KC Trees' recommendation and in order to comply with Local Plan Policies LP24 and LP33 as well as guidance in the NPPF.

Heritage:

- 10.61 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it holds. Also of relevance is Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.
- 10.62 A listed milestone is located on the on the east side of the Barnsley Road arm of the roundabout. However, confirmation has been received from KC Highways Development Management that the proposed works within the highway, should not impact or impinge on this listed asset. The proposals would have negligible impact on this heritage assets and as such the scheme is considered to comply with Policy LP35 of the Local Plan, policies, guidance within the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecological considerations:

- 10.63 Local Plan Policy LP30 requires that planning decisions 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.
- 10.64 The application is accompanied by an Ecological Impact Assessment (EclA) and a Biodiversity Accounting Assessment (BAA). In accordance with the EclA recommendations, a number of protected species surveys were also provided, including Great Crested Newt EDNA, Bat emergence/re-entry surveys and Water Vole Surveys. On assessment of these, KC Ecology advised that on the whole the proposals would have no impact on the ecological receptors however impacts can also be caused during the construction phase. It is therefore recommended that a Construction Environmental Management Plan (CEMP) relating to Biodiversity be produced that details working methods to avoid construction related impacts. BS42020:2013 details the requirements of CEMP (Biodiversity) and recommends that whilst the format may vary it should be proportionate and tailored to the specific needs of the project, and the biodiversity elements should all have common structure. Given the proportion and scope of the proposals it is likely that the required information could be provided within a single report comprising an outline of ecologically-sensitive working practices to be followed during construction, and the details of soft planting and future maintenance of this. Subject to a pre commencement condition securing such measures, the proposals would accord with Policy LP30 of the KLP.
- 10.65 The above considers the proposal's direct impacts on local habitat and species. Policy also requires development to result in a measurable net gain to local ecology, utilising the DEFRA Metric.
- 10.66 the submitted Biodiversity Accounting Assessment accompanying the application, details that the proposed development would result in a net gain of +23.40 habitat units, equivalent to a net gain of +78.85%, and a net gain +11.40 hedgerow units, equivalent to a net gain of +477.82%. Overall, the scheme in its current form is likely to result in a significant net gain for biodiversity at the

site. This is demonstrated through a biodiversity metric calculation. However, following confirmation that the hedgerows previously shown to be retained along the north, west and southern boundaries, are not within the application red line, this will require a recalculation of the biodiversity net gain (BNG) for the proposals, as the revised boundary treatment plan now indicates hedges along these boundaries to be new additions. Generally, BNG calculations are required to be carried out before an application is determined. However, in this instance given the BNG calculated without the hedges is still likely to achieve a significant net gain therefore, this matter can be addressed by conditions as suggested by KC Ecology.

- 10.67 In summary the proposal would not unduly affect local habitats. In addition, through contributions and on-site improvements, the proposals would achieve a significant ecological net gain when compared to the ecological value of the site in its current state. Subject to securing the ecological enhancements as discussed above the proposal would comply with the aims and objectives of Local Plan policy LP30 and guidance in the NPPF.

Residential Amenity:

- 10.68 Policy LP24(b) of the KLP advises that proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

- 10.69 In this instance, any impact on the amenities of the nearest noise sensitive properties are likely to be from noise associated from either the carrying out of business operations or plant noise. A terrace of houses at 44–62 Wakefield Road, lies north of the site with a distance of approximately 35m to the site boundary. This is the nearest noise sensitive receptors (NSRs). Other NSRs include 1 Barnsley Road, located approximately 300m southeast of the proposed building and 2, 4 and 8 Liley Lane approximately 500m north of the proposed building. The revised Noise Impact Assessment (NIA), identifies the nearest NSRs as shown in figure 3 of the assessment. The NIA also takes into account the plant noise limits (shown in Table 2 represent the upper limit) at the boundary of the nearest NSR for cumulative noise from internal and external plant and fixed equipment. If these limits are met, the plant would be expected to have a low adverse impact on the receptors and this is accepted. The NIA also includes an assessment of the noise from the proposed substations. Based upon the size and location of these substations and the distances and screening to the nearest NSRs, the noise emissions generated are expected to be inaudible by the time they reach the NSRs and this is accepted.

- 10.70 Noise generated from the increased number of staff and vehicles associated with the expanding business has also been considered in section 6 of the NIA. The submission of a Noise Management Plan which should include avoiding narrow-band reversing alarms in favour of broadband alarms, switching off engines when stationary, staggering of delivery times and maintaining a good quality driving surface on site is suggested. The staff parking area would be screened from the nearest receptors by the proposed buildings and noise from individual staff vehicle movements is therefore not expected to be significant at any of the noise sensitive receptors. The NIA also recommends the installation of a 3m high barrier fence to be installed between the application site and the NSR's to the north, to block line of sight from the properties to the proposed delivery area. On the whole, the findings of the NIA are accepted. Subject to the above mitigation measures along with other conditions recommended by

Environmental Health, the proposals are not considered to be harmful in relation to the living conditions of existing nearby NSR's and it would therefore comply with the relevant objectives of the Local Plan Policies LP24 and LP52 as well as guidance in the NPPF.

Highway safety and transportation issues:

- 10.71 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. This is constant with the guidance in paragraphs 108 and 109 of the NPPF.
- 10.72 KC Highways Development Management (HDM) have provided the following detailed assessment:
- 10.73 The proposed development is required to accommodate the business expansion of PCS (PC Specialists) Ltd, who manufacture high performance custom computers and laptops. PCS currently operate from two units located at Jubilee Business Park, Grange Moor, which is in close proximity to the application site.
- 10.74 The proposed development would replace all of the existing uses at the site, which include Grange Moor Coach Works, Holgate Construction Limited and a small café unit.
- 10.75 The original planning submission included a four bay public EV charging facility to the south of the site. However, this has now been removed from the proposals due to concerns raised regarding the proposed access.
- 10.76 HDM have previously provided a formal consultation response on 31/05/2023, which highlighted a range of issues with the proposals, which required additional information and amendments to the scheme. In particular, significant changes to the site access arrangements and off-site highway works were required. Subsequently, the LPA and HDM have had numerous meetings, discussions and further correspondence with the applicant and their consultants to discuss the improvements and further information required. This has resulted in a significantly improved scheme, which includes improved site access arrangements and enhanced facilities for active and public transport users, which would help facilitate staff to choose sustainable travel options when travelling to work.
- 10.77 The assessment is made in relation to the following documents/plans:
- Drawing 151716-001 Rev C – Proposed Works (Site Accesses)
 - Drawing 151716-007 Rev E – Proposed Junction Improvements (Roundabout)
 - Drawing 151716-009 Rev A – Proposed Speed Limit Changes
 - Drawing 151716-012 Rev A – Proposed Works Junction Visibility (Site Accesses)
 - Drawing 151716-017 Rev A – Highway Boundary Details
 - Drawing 151716-018 – Highway Boundary Details

- Proposed Block Layout plan ref: P2753-ACU-XX-DR-A-101-04
- Transport Assessment Addendum (TAA Document 003 Issue 1) by Sanderson Associates, dated May 2024;
- Stage 1 Road Safety Audit (Version 2.0) by Accord Projects Ltd, dated 02/07/24.
- Stage 1 Road Safety Audit Designers Response (Doc 7 Issue 3) by Sanderson Associates, dated 22/07/24

Proposed Development and Operational Characteristics:

10.78 The development proposals comprise of the redevelopment of the site to provide an industrial unit, with a footprint of circa 90,000sqft / 8,360m² (and total GFA that is understood to be 13,200m²) along with associated car parking, service area and landscaping. The site is to be operated by PC Specialists Ltd with the proposed use being for warehousing and assembly of PC related products. It is noted that the development is being assessed on a “sui-generis” basis, as opposed to a typical B2/B8 commercial unit, given the relatively high level of staff that would work at the facility compared to a typical B2/B8 commercial use, including a significant number of office and call centre staff.

10.79 The development is anticipated to operate on a similar basis to the end users existing site in Grange Moor, but with higher employment levels to accommodate increased business capacity. A summary of the working hours and anticipated staffing numbers are as follows:

- Office staff work Monday to Friday with flexible hours between 8am and 6:30pm for an 8.5-hour day. Most office staff start between 8 and 9am, finishing between 4:30 and 5:30pm.
- Production staff work Monday to Saturday from 6am to 7pm. Production staff shifts are split with half working Monday to Wednesday and the other half working Thursday to Saturday.
- The projected staff numbers over the next 10-year period are summarised in the following table (extracted from the TAA). The maximum number of staff members that could be on site on any one day are also included in the table, which takes account of the split production shift:

Table 9 – Predicted staff numbers

Year	Production Staff	Office Staff	Total	On site at any time
Year 1	146	87	233	160
Year 2	161	91	252	172
Year 3	177	96	273	185
Year 4	194	101	295	198
Year 5	214	106	320	213
Year 6	235	111	346	229
Year 7	259	117	376	247
Year 8	285	122	407	265
Year 9	313	129	442	286
Year 10	344	135	479	307

10.80 Due to limitations on car parking capacity, and to avoid significant adverse impacts on the local transport network, HDM have agreed with the applicant that an Operational Management Plan (OMP) would be secured by planning condition to any planning permission granted at the site, which would control the maximum staffing numbers, shift patterns and other key operational matters.

10.81 This approach has been taken to ensure that transport related problems are not caused or exacerbated by the development, particularly during critical network peak periods, whilst still enabling the development to function as required by the end user. Some of the key elements that would need to be included in the OMP are as follows:

- The development would only operate a single shift each day;
- The Production Staff shift would include a maximum of 172 staff per daily shift;
- The Production Staff shift would start any time between 0600-0700hrs and finish any time between 1900-2200hrs;
- The Office Staff shift would include a maximum of 135 staff per daily shift;
- The Office Staff shift would operate between 0600-2200hrs;
- All parking, drop-off and servicing would take place within the designated areas within the site, and all necessary management measures would be implemented to ensure this takes place;
- Management of security gates, and other management practices that have implications on the free and safe operation of the highway and transport network are to be identified.

10.82 The above shift patterns and staff numbers have been used to inform the transport assessment analysis that has been undertaken in support of the proposals (see further comments below). Therefore, should the end user need to amend any of the above information and parameters in future following occupation, should business requirements dictate this is necessary, this may be possible by providing a revised OMP for approval by the LPA. However, this would require the provision of updated Transport Assessment analysis, to confirm that any proposed changes would not have a detrimental impact on the local transport network.

10.83 To inform the Transport Assessment Addendum (TAA), and to assess the requirements for sustainable transport infrastructure and the required on-site parking provision, the applicant has provided staff travel to work survey information of their existing staff at Grange Moor, which is shown in the following table:

Table 8 – Modal Split

Method of Travel to Work	Number	Modal Split
Car Driver Alone	82	51.6%
Car Share as Driver	23	14.5%
Car Share as Passenger	26	16.4%
Bus	9	5.7%
Train	1	0.6%
Walk	2	1.3%
Cycle	0	0.0%
Taxi	1	0.6%
Motorcycle	10	6.3%
Other Method of Travel to Work	5	3.1%
Total	159	100.0%

Proposed Site Accesses:

10.84 The development proposes two accesses on to the A637 Barnsley Road, which would replace the two existing accesses that serve the existing site uses. Barnsley Road is currently subject to a 50mph speed limit and is street lit within the vicinity of the site accesses. Barnsley Road connects to Grange Moor

Roundabout circa 60m to the north of the proposed northern site access (that is egress only from the proposed service yard), and Flockton circa 1km to the southeast. To the south of the proposed site accesses, Barnsley Road is subject to a 7.5T weight restriction, which applies to southeast-bound traffic towards Flockton.

10.85 Given the nature of Barnsley Road (in terms of speed limit and classification), the site access arrangements have been designed in general accordance with the Design Manual for Roads and Bridges (DMRB). The arrangements have also been designed based on a reduced 40mph speed limit that is proposed by the applicant (see further comments in Road Safety section).

10.86 The proposed site access arrangements are as shown on drawing 151716-001 Rev C – Proposed Works (Site Accesses). These proposals have been subject to a Stage 1 Road Safety Audit, which has not identified and issues that cannot be addressed at the detailed design stage. Therefore, the site access proposals are now acceptable in principle, and their implementation should be secured by planning condition and delivered via a S278 agreement.

10.87 A summary of the site access proposals are as follows:

Northern site access – Service yard egress

- The northern site access is proposed as an exit only from the service yard, and has been designed to only permit left turn outbound movements. To achieve this, the access includes a 10m radius on the north side to accommodate the swept path requirements of left turning vehicles, and no radius on the south side to restrict right turn movements. A central island is also proposed on Barnsley Road opposite the site egress to physically prevent any right turn movements. This would result in any light van traffic that wishes to exit towards Flockton being required to circulate Grange Moor roundabout to then head in that direction, and ensures that there are no conflicting turning movements in close proximity to the roundabout exit.
- Based on the proposed 40mph speed limit, a 2.4x120m visibility splay is provided to the south. A similar visibility splay to the north is not required, due to no right turn movements being permitted from the site egress.
- On either side of the access, 3m (min.) wide combined cycle/footways are proposed, which connect the proposed pedestrian and cycle facilities at Grange Moor roundabout (see further comment below) to the north, with the pedestrian/cycle access into the site that directly links to the main pedestrian entrance and proposed cycle parking. Suitable dropped crossings and tactile paving would be provided to facilitate safe crossing of the site access.

Main site access

- The main (southern) site access is proposed as a two-way access for light vehicles accessing the on-site parking/drop-off areas and entry only for HGV's and other service vehicle traffic. The junction includes 10m radii, and tapers on the inbound lane to accommodate the swept paths of HGV's.
- A ghost island right turn lane is provided on Barnsley Road to provide safe harbourage for vehicles waiting to turn right into the site, which is designed in full accordance with DMRB requirements, and can safely accommodate peak queuing traffic into the site that would occur at the start of shifts, without blocking southbound through traffic on Barnsley Road. Traffic islands and a system of double white line markings are proposed on

Barnsley Road on both sides of the junction, to discourage overtaking through the ghost island right turn lane.

- Based on the proposed 40mph speed limit, 4.5x120m visibility splay are provided at the site access in both directions.
- Min. 2m wide footways are proposed on either side of the junction, to provide direct links into the site, and provide improved provision on Barnsley Road. A dropped pedestrian crossing with tactile paving is proposed across the site access, which has been inset to reduce the pedestrian crossing distance to circa 10m.

Servicing:

10.88 The proposed servicing arrangements include a one-way system through the site, with service vehicles entering via the main (southern) site access and exiting via the northern site egress. Once service vehicles enter the site, a clockwise one-way system is provided around the perimeter of the proposed building, leading to the 4 no. loading docks proposed along the northern building frontage. Access to the one-way service route is proposed to be controlled by security gates. These have been located sufficient into the site to ensure that they would not cause blocking back issues for vehicles entering the site or to the staff car parking areas; and to ensure that a vehicle waiting to exit the site on to Barnsley Road can do so whilst the security gates close behind the waiting vehicle, ensuring the gates can close as quickly as possible and the service area remains secure. These service arrangements have been tested by a full package of swept path analysis and are acceptable.

10.89 Based on the latest information provided in the Transport Assessment Addendum (TAA), it has been confirmed that the development is expected to generate 2-4 HGV deliveries per day, equating to 4-8 vehicle movements; and where possible these would be arranged so as not to occur during network peak hours. Given the relatively low number of HGV movements, the impact of these large vehicles would not have a significant impact on the operation of the local highway network; and these vehicles would need to comply with the HGV restrictions that exist on Barnsley Road (e.g. no access south-eastbound via Flockton for vehicles over 7.5T).

10.90 It is noted that KC Environmental Health have requested that a planning condition is imposed that restricts deliveries and dispatches to the following days/times, which are acceptable to HDM:

- 0800hrs to 1800hrs Monday to Saturday

Parking and drop-off facilities:

10.91 The following on-site parking provision is proposed for the development:

- 240 space staff car park (which include 16 EV charging points) for general use by all staff;
- 26 executive/visitor car park spaces (all with EV charging points) located adjacent to the main building entrance;
- 8 no. disabled/assessable car parking spaces (all with EV charging points), located adjacent to the main building entrance;
- 24 no. powered-two wheeler parking spaces, located in the main parking area close to the main building entrance;
- 3 Drop off spaces located within the site, prior to the car park accesses;
- Secure cycle parking in bike shelters, catering for 72 no. cycles.

- 10.92 Based on the above, a total of 274 car parking spaces are proposed. Assuming that all 307 staff (the maximum staff numbers per day that has been identified at Year 10 following occupation, which would be capped by the Operational Management Plan condition) and the modal split data identified for existing PCS Ltd staff (66.1% identified as being car/van drivers), up to 203 staff cars/vans are expected to be on site at any one time. Therefore, the car parking provision is adequate to accommodate the anticipated peak demand, which would ensure that no over-spill parking takes place on Barnsley Road and is acceptable.
- 10.93 The proposed disabled/accessible car parking spaces represent circa 3% of the overall car parking capacity. Whilst this is below the level recommended in DfT document 'Inclusive Mobility' (5%), the applicant has confirmed that none of their existing employees currently require a disabled/assessable car parking space. Therefore, this level of provision is considered to be adequate, and there is scope to convert standard car parking to further disabled/accessible spaces in future, should there be increased demand.
- 10.94 The car parking provision includes 42 (15%) spaces that have EV charging facilities. This is in excess of the minimum (10%) requirement identified in the West Yorkshire Low Emission Strategy (WYLES) guidance, which is welcome.
- 10.95 The proposed cycle parking provision would cater for circa 23% of staff on-site any at any one time. Given that no existing staff have been identified as regular cycle commuters, this level of provision is considered to be ample and should enable the applicant to actively promote this mode of transport to new and existing staff. The provision of covered cycle shelters is also welcomed, as the quality of provision is as important as the quantity.
- 10.96 The powered-two wheeler parking spaces would cater for circa 8% of staff on-site any at any one time. This level of provision is adequate based on the existing staff modal split data that suggests that circa 6.3% of existing staff use this mode of transport.

Road Safety:

- 10.97 Due to concerns raised by HDM in the previous consultation response, including the identification of a number of cyclist related incidents at Grange Moor roundabout, the applicant has undertaken a more detailed review of personal injury collision data over a 10 year period (this is in excess of the 3-5 year study period normally required by Transport Assessment guidance, to provide a robust assessment) on the local highway network, which is included in their latest Transport Assessment Addendum (TAA). This has identified that there has been a total of 18 incidents within the study area, of which 11 were 'slight' in severity, 5 were 'serious' and 2 were fatal.
- 10.98 The council's Road Safety Team have also provided further advice to HDM based on additional incident data that they have reviewed over an extended 15-year period on Barnsley Road, with their comments as follows:
- 'The section of A637 between the development site and Flockton does have a very poor collision record. Over the past 15 years 37 casualty injuries have been sustained, including 3 fatalities and 13 serious injuries with a high KSI ratio of 0.43. The majority of the more serious incidents involved collisions between opposing vehicles, including overtaking manoeuvres. Whilst the collisions occurred to the south / east of the development site, the collision history does give a fair indication of driver behaviour through this link.'*

10.99 In light of the above, the principle of reducing the existing speed limits within the vicinity of the site from 50mph to 40mph, including the full length of Barnsley Road between the site and Flockton village, has been proposed by the applicant. The proposed speed limit changes are shown on Drawing 151716-009 Rev A, and are summarised below:

- Circa 400m section of Wakefield Road to the west of Grange Moor roundabout, reduced from 50mph to 40mph, and encompassing all of the existing property and field accesses on this route;
- Circa 160m section on Wakefield Road to the east of Grange Moor roundabout, reduced from 50mph to 40mph, to cover the deceleration length on approach to the roundabout.
- The full length of Liley Lane to the north of Grange Moor roundabout, reduced from 50mph to 40mph, up to the existing 30/50mph terminal point to the north, and encompassing the junction with Jubilee Business Park.
- The full length of Barnsley Road from Grange Moor roundabout to the north to Flockton to the southeast, from 50mph to 40mph, up to the existing 30/50mph terminal point at Flockton, and encompassing the site access junctions, the Blacksmiths arm site access and other minor accesses on this route.

10.100 The council's Road Safety Team have confirmed that the above speed limit changes are acceptable in principle. However, further consideration of the speed limit changes would be required at the Traffic Regulation Order (TRO) stage that is required to implement any speed limit changes, which would need to respond to any feedback from statutory consultees etc. As part of the speed limit changes, it would also be necessary to incorporate a range of measures, including additional repeater speed limit signage and gateway features at the terminal points, as well as a review of the safety camera locations on Wakefield Road. As such, the final details of the speed limit changes and associated works would need to be secured by planning condition, and implemented (and funded through S278 agreement) alongside of the proposed highway works, prior to the development becoming operational.

10.101 In addition to the speed limit changes, the applicant has developed a package of road safety and accessibility improvements at Grange Moor roundabout, which are shown on Drawing 151716-007 Rev E. These proposals have been designed to address existing deficiencies in the pedestrian crossing provision at the roundabout, together with safety improvements for cyclists. This includes new combined cycle/footways around the perimeter of the roundabout, to enable cyclists to circulate the roundabout off the carriageway should they wish (e.g. for less able cyclists, and more experienced cyclists at busier times), or to travel through the roundabout on the carriageway more safely should they choose this option. Some of the key design changes and safety benefits that are provided by the proposals are as follows:

- The reduction to single lanes on the Wakefield Road (east arm) and Barnsley Road arms to reduce the number of conflict points between entering and circulating traffic, and to reduce approach speeds. The other two approaches are reduced to single lane approaches with flaring to two lanes at the give-ways (as flared lanes are still required for capacity reasons) to reduce approach speeds.
- Changes to the approach alignments, the roundabout Inscribed Circle Diameter (ICD) and nearside entry kerb alignment to reduce Entry Path Radii (EPR).

- Reduced entry widths to further discourage high entry speeds, together with the proposed reduced speed limit(s).
- Improved visibility across the central island, to improve circulating visibility (as well as improving other visibility requirements).
- The provision of shared use cycle/footways around the perimeter of the roundabout to assist less experienced cyclists, and all cyclists at peak times. These cycle facilities also connect to the development sites northern access, where a pedestrian/cyclist access gate is proposed to provide direct access to the secure cycle parking provision.
- Improved pedestrian/cycle crossing points on all roundabout arms, including pedestrian links to bus stops on Wakefield Road and Liley Lane, and to Grange Moor village beyond.

10.102 These arrangements have been subject to a Stage 1 Road Safety Audit which has not identified any significant issues that cannot be addressed at the detailed design stage. Therefore, the proposed improvements are acceptable in principle, and are welcomed, providing significant safety and accessibility benefits for the development and existing highway users. The implementation of these works should be secured by planning condition, with the final design and works delivered via a Section 278 agreement.

10.103 To accommodate the above works, it has been identified that the existing bus shelter (at Stop ID 20681) on the south side of Wakefield Road to the west of the roundabout would need to be relocated to facilitate the exit transition from the proposed cycle/footway. Therefore, HDM have discussed this with WYCA, and it has been agreed that the best option is to replace the existing shelter with a new kerb facing cantilever shelter (a minimum 4 bay shelter as existing, with 1.8m canopy and quarter end panels and seating), which can be provided whilst still maintaining a minimum 1.5m clear footway width. WYCA have confirmed that the cost of this replacement shelter would be £13,000 and should be secured by a Section 106 obligation. The works to remove the existing shelter (back to WYCA stores), disconnection of the shelter's electricity supply, and the provision of bus boarder kerbs at the new shelter location would need to be included in the Section 278 works package.

Accessibility, Sustainable Transport and Travel Plan:

Pedestrian Accessibility

10.104 Pedestrian access to the site is proposed from both site accesses, which includes adequate footway provision that leads to the building's pedestrian entrance via continuous routes and crossing points.

10.105 The proposed highway works at Grange Moor roundabout provide significant enhancements to the local highway work, to the benefit of existing and proposed users, and provide safe crossing points in all directions, including to Grange Moor village to the north, and to the nearby bus stops on Wakefield Road and Liley Lane.

Cycle Accessibility

10.106 Pedestrian access to the site is proposed via the main (southern) site access, and via the shared cycle/footways that connect to the northern site access. These provide direct access to the cycle shelters located in the northeast corner of the site, which have been located to minimise the interaction between cyclists and turning vehicles within the site.

10.107 The proposed highway works at the Grange Moor roundabout would provide significant enhancements to the local highway work, to the benefit of existing and proposed cyclists. This includes off-street shared cycle/footways that would be most beneficial to less confident cyclists, and all cyclists during busier periods. Other safety features are also proposed at the roundabout, including improvements to visibility and various measures to encourage slower traffic speeds, which would be of benefit to cyclists who prefer to continue to ride within the carriageway. The development also includes ample covered cycle parking to accommodate future staff demand.

Public Transport Accessibility

10.108 The site is located within walking distance of a number of existing bus stops. This includes stops on Wakefield Road (west side of Grange Moor roundabout), which provides approximately one service (the 231 service) per hour/direction between Wakefield and Huddersfield. These services operate between 0526hrs – 2156hrs to Wakefield and 0554hrs – 2155hrs to Huddersfield, which mean they would be useable by both office and production staff based on the proposed shift patterns. Additional services are accessible from the stops on Liley Lane that travel between Grange Moor and Dewsbury. However, the last bus service to Dewsbury is at 1708hrs, so these services may only be accessible to staff working the office shift.

10.109 All of the above services would be accessible via continued footway links and safe crossing points, following the delivery of the proposed Grange Moor roundabout improvement works.

10.110 The applicant was requested to also consider additional improvements to facilitate access by public transport, including the provision of real-time displays and new bus service provision. However following further investigation, it has been identified that there is insufficient footway width to provide a new bus shelter (when none currently exists) at the eastbound stop on Wakefield Road.

10.111 Therefore, HDM recommend that real-time displays are provided at the two existing bus stops on Wakefield Road (Stop IDs 20680 and 20681), which should be funded via a Section 106 obligation to the value of £21,000 (2x £10,500) based on current WYCA pricing. This would be in addition to the funding previously identified (£13,000) that is required to replace the existing bus shelter at stop ID 20681, which is required as a result of the proposed Grange Moor roundabout improvement works.

Travel Plan

10.112 A draft Travel Plan has been provided in support of the development, which is proposed to be developed further once the site becomes operational. Whilst HDM raised some concern regarding this in the previous consultation response, this approach is now considered to be acceptable given the additional information that has been provided, and on the basis that the development proposals now include a significant package of sustainable transport infrastructure (both on and off site) that would facilitate access by all main sustainable transport modes. Therefore, the final details of the Travel Plan can be secured by a pre-occupation planning condition.

10.113 Whilst the final details of the Travel Plan can be agreed in due course, some of the key points that need to be taken into account by the applicant when developing the Travel Plan are as follows:

- The Travel Plan must be tailored to the needs of staff and visitors, including the specific needs of both office and production staff.
- Targets should be set for single occupancy car trips, as well for sustainable transport modes. These should be based on improvements to the existing staff modal splits, and should be challenging but achievable/realistic.
- The Travel Plan should clearly set out what measures and actions would be incorporated, and should avoid any reference to 'consider' measures, which lacks firm commitment.
- Reference has been made to car sharer spaces being provided. However, no details have provided of the level/location of these spaces, how they would be managed or any other associated measures that may be proposed for car sharers (e.g. guarantee lift scheme etc.). A development of this scale should also be able to operate it's own car sharing scheme for staff.
- The draft Travel Plan refers to 'Taster Tickets' for public transport users. However, no details are provided to confirm what this would be, which needs to be clarified.
- An Action Plan has been included in Appendix D. However, this does not directly correspond to all measures including in the main body of the Travel Plan, and needs to be updated (once additional measures have been incorporated).
- The Travel Plan and Action Plan should also include all key actions required of the Travel Plan Coordinator, including all timescales and procedures. This should include clear information on how the Travel Plan and measures are to be agreed, monitored and reviewed in conjunction with the LPA and other stakeholders. The proposed timescales need to ensure that all measures are in place upon first occupation.
- To allow an effective Travel Plan to be operated at the site, a Travel Plan budget would be required to allow measures to be delivered on an annual basis, and this should be clearly set out in the Travel Plan and set at a level that would allow meaningful Travel Plan measures to be implemented.
- Safe, secure and covered cycle parking facilities must be provided, as well shower, locker, changing and drying facilities. Motorcycle equipment storage should also be incorporated.
- The Travel Plan is currently aimed at staff and visitor travel only. However, measures should also be incorporated that address business use and operations.
- It is expected that the end-user would join the West Yorkshire Travel Plan Network.

10.114 The council would require Travel Plan monitoring fees to be secured as part of the Section 106 agreement. For a development of this scale (classed as a 'Large Scale Major Development' that is in excess of 10,000m²) the fee is £15,000 (£3,000 per year for 5 years) and it is recommended that this be secured via a Section 106 obligation.

Construction Access Strategy

10.115 A Construction Traffic Management Plan (CMP) would be required for the development and should be secured by planning condition.

10.116 In addition to this, it is recommended that highway condition surveys (pre- and post-construction) and remediation, be secured by planning condition to ensure that any damage caused to the highway during construction is rectified.

Traffic Impact Assessment:

10.117 Following comments raised by HDM in the previous consultation response, and subsequent discussions with the application team, an updated Transport Assessment Addendum (TAA) has been submitted, which includes a further review of the developments traffic impact on the local highway network.

10.118 HDM's further comments on the submitted information are as follows:

Trip Generation and Distribution

The vehicle trip generation for the development has been based on a 'first principles' approach, utilising data from the applicants existing site at Grange Moor, and in accordance with the proposed shift pattern information previously identified, which would be secured via an Operational Management Plan (OMP) planning condition.

10.119 As traffic capacity assessments are only typically required during weekday network peak periods (due to these periods being most sensitive to additional development traffic), only office-based staff trips have been taken into account in these assessment, as production staff trips would occur outside of the network peak periods. Based on the modal split data obtained for existing staff at the applicants existing Grange Moor site, the following trips by each transport mode have been applied to the maximum daily office staff, as shown in the following table:

Table 10 – Year 10 modal split

Method of Travel to Work	Modal Split	Number
Car Driver Alone	51.6%	70
Car Share as Driver	14.5%	19
Car Share as Passenger	16.4%	22
Bus	5.7%	8
Train	0.6%	1
Walk	1.3%	2
Cycle	0.0%	0
Taxi	0.6%	1
Motorcycle	6.3%	8
Other Method of Travel to Work	3.1%	4
Total	100.0%	135

10.120 To ensure that a robust assessment is undertaken, all office staff trips have been assumed to arrive in the AM peak hour period and then depart in the PM peak hour period, with traffic assigned to the network based on existing staff home address postcode data. HDM agreed that this is a robust approach to trip generation and provides a suitable assessment of future staff traffic distribution.

10.121 As the development site is already occupied by a number of existing businesses that would be removed following development, this existing traffic has been 'netted off' from the base traffic flows. This is a standard assessment approach and is acceptable.

- 10.122 Based on the above, the development has been identified to generate the following ‘net’ traffic increases on the local highway network during weekday network peak hour periods (note that the Barnsley Road data in the table refers to additional traffic to/from the Flockton direction):

Table 11 – Increases in vehicle movements resulting from development – Year 10

Location	AM Peak	PM Peak
Site access	+71	+82
Grange Moor Roundabout	+55	+63
Barnsley Road	+16	+19

Base traffic flow data, assessment year and traffic growth

- 10.123 Base traffic data has been obtained on the local network on 29/11/2022, including at the existing site accesses and at Grange Moor Roundabout (which included queue length survey data). The survey identified weekday network peak hour periods of 07:15-08:15 and 16:30-17:30 for the AM and PM peak periods respectively. The traffic assessments have been undertaken at design years of 2029 and 2034, which are acceptable. To obtain the base design year flows, traffic growth rates have been obtained from the TEMPro v8.1 database in accordance with good practice and are acceptable.

Traffic Impact Assessment

- 10.124 Weekday network peak hour traffic capacity assessments have been undertaken at the main site access and at Grange Moor roundabout, using Junctions 9 modelling software. Given the very light usage (circa 4 HGV movement per day) at the northern service yard egress, no capacity assessments have been undertaken at this junction. This approach is acceptable.
- 10.125 The Junction 9 (PICADY module) modelling at the site access junction confirms that the junction would operate well within capacity (e.g a ‘Ratio of Flow to Capacity’ / RFC value below 1) in both peak periods, with minimal queuing in the right turn lane on Barnsley Road that can be accommodated within the storage length.
- 10.126 The Junction 9 (ARCADY module) modelling at Grange Moor roundabout has been undertaken based on the proposed arrangement. This modelling confirms that some RFC’s would exceed the preferred maximum threshold of 0.85 RFC, due to the proposed safety improvements at the roundabout that are aimed to make the junction more compact and to reduce entry/circulating vehicle speeds, together with the increase in development traffic. However, all arms of the roundabout have been shown to remain within capacity (e.g an RFC value below 1) during all periods at a design year of 2034. Therefore, the proposed operation of the roundabout is acceptable in capacity terms, and should be significantly improved for non-motorised users by virtue of the safety improvements that are proposed.
- 10.127 In the previous HDM consultation response, HDM requested that further consideration be given to the traffic that would be generated on Barnsley Road that may access the development via Flockton. Therefore, the applicant has obtained additional survey data on Barnsley Road using Automatic Traffic Counters (ATC’s) between 22/11/2023 and 03/12/2023, to determine the range of network peak hour flows that currently occur, which are shown in the following table:

Table 12 – Comparison of two-way flows on A637 Barnsley Road

	Maximum	Minimum	Difference
AM Peak 07:15-08:15	1,278	911	367
PM Peak 16:30-17:30	1,204	1,004	200

- 10.128 The development is proposed to generate an additional 16 and 19 two-way weekday network peak hour trips via the Flockton direction. Therefore, this would be well within the daily difference in flows on this route as identified in table 12 above (367 and 200 vehicle variation in AM and PM peaks respectively). The additional development traffic would also represent a maximum increase of 1.9% (e.g. 19 additional trips, added to minimum PM peak base flow of 1,004). Therefore, it is concluded that these additional trips would not create a severe traffic impact, and would be indiscernible over current daily fluctuations in traffic flow on this route.
- 10.129 To conclude HDM officers confirm the submitted information now adequately addresses the issues previously raised by HDM. Therefore, HDM now have no objection to the proposals, subject to their suggested conditions and Section 106 requirements as discussed above, to comply with Local Plan Policies LP20, LP21 and LP22 as well as guidance in the NPPF.

Flood risk and drainage issues:

- 10.130 Policy LP27 of the Local Plan relates to flood risk. It advises, amongst other matters, that proposals must be supported by an appropriate site-specific Flood Risk Assessment in line with national planning policy. Also of relevance is Policy LP28 which requires surface water issues need to be addressed in terms of existing surface water and potential increases to run-off resulting from the development. This is consistent with guidance at Section 14 of the NPPF.
- 10.131 The application site lies within Flood Zone 1 according to the latest version of the Indicative Floodplain Map produced by the Environment Agency. A flood risk assessment was submitted with the application.
- 10.132 The council's Lead Local Flood Authority (LLFA) has assessed the submitted information and has advised that:

“The developer is proposing to discharge surface water run-off at an attenuated rate to an existing pond in the south-east corner of the site via a balancing pond – the LLFA confirms that this is acceptable. However, the developer will be required to prove that this pond drains into the 225mm dia Highway Drain in Barnsley Road (e.g. CCTV survey) and this proof submitted to the LLFA. KC records show that this Highway Drain discharges into a tributary of Flockton Beck.

As stated in the FRA, the flow control device should be rated at the equivalent Greenfield Run-off Rate and hydraulic calculations to confirm the proposed discharge rate and that sufficient attenuation storage is provided to contain the critical 1 in 100 year (plus Climate Change) rainfall event without flooding of existing or proposed properties or off-site. Section 11 of the FRA refers to consultations with Northumbrian Water – it is assumed this was meant to be Yorkshire Water.”

- 10.133 Consultations have also been carried out with Yorkshire Water, who advise, that a water supply can be provided under the terms of the Water Industry Act, 1991, subject to meeting a specific criteria.
- 10.134 With regards to foul drainage/discharge, KC Environmental Health advised that it is unclear from the councils mapping systems if a connection to the main foul sewage system is available to the site and as such sought clarity on this matter. Yorkshire Waters has raised no objections in principle, amongst other things, to the proposed amount of domestic foul water to be discharged to the public sewer via pump station - foul pumped rate required and the proposed point(s) of discharge of foul and surface water to the respective public sewers and watercourse, which clarifies the issue raised by KC Environmental Health.
- 10.135 Subject to the suggested conditions of both the LLFA, and Yorkshire Water, which includes a 6 metres protection strip, 3 metres on each side of the public sewer that crosses the site, it is considered that the development could be appropriately drained and not increase flood risk elsewhere. The proposal would therefore accord with the requirements of Policies LP27 and LP28 of Local Plan and guidance within the NPPF.

Environmental health considerations:

Air Quality:

- 10.136 The application site is not within an Air Quality Management Area or near to any roads of concern and for this reason an Air Quality Screening Assessment by SLR (ref: 81009-SRL-RP-YQ-01-S2-P2) (dated: 27/01/2023) has been submitted in support of the application. The assessment details the changes in pollutant concentrations of nitrogen dioxides (NOX) and particulate matter (PM10) and (PM2.5) due to emissions generated by construction traffic and the additional road traffic once the proposed development is operational. The assessment was undertaken in accordance with national guidance.

Loss of amenity caused by the construction of the development:

- 10.137 Because of the large scale of the development and the proximity of residential/commercial properties to part of the site boundary there is a significant potential for loss of amenity to the occupiers of nearby properties from noise, vibration, dust and artificial light from the construction phase of the development. It is necessary to condition for a Construction Environmental Management Plan (CEMP) to ensure the works during construction phase do not adversely affect the amenities of nearby development, particularly to the north of the site.

Dust (Construction Phase):

- 10.138 A Dust Risk Assessment has been undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction (2016). This was to determine the impact of dust and particulate matter during the construction phase, caused by demolition, earthworks, construction and trackout on sensitive receptors within 50m of the site boundary. The report concludes that the potential impacts of fugitive dust on local air quality would be low risk, for dust soiling and for human health impacts. In summary it goes on to say that with the use of good site practice and mitigation control measures the effects of dust and PM10 would be

significantly reduced. Section 3.3 Table 7 of the assessment (pages 21-27) titled Dust Mitigation Measures lists the recommended mitigation measures specific to low risk sites. This matter would be addressed in the CEMP condition suggested by KC Environmental Health.

Operational Phase:

- 10.139 A screening assessment for the operational phase has been undertaken using Defra background concentrations and monitoring data provided by Kirklees Council to predict changes in pollution concentrations. This was based on 325 annual average daily traffic (AADT) movements associated with the site provided by Sandersons the Transport consultants for the project. The report concludes that the national air quality objectives would not be exceeded for NO₂, PM₁₀ or PM_{2.5} across the development site, and as such a detailed air quality assessment would not be necessary. To offset the impact of the development on air quality it is noted that the proposals as revised would include for 16 EVCPs for general use by all staff and 26 executive/visitor car park spaces with EVCP and eight disabled/accessible car parking spaces all with EVCP. The Air Quality Screening Assessment by SLR is acceptable and the electric vehicle charging points would be conditioned to be provided.

Hours of operation:

- 10.140 Clarification on the working hours was sought to assess the potential impacts of shifts on the acoustic environment. In response, section 7 of the Noise Impact Assessment was revised and states:

“The applicant has identified that manufacturing works take place from 06:00h to 19:15h on weekdays, and that all manufacturing processes take place internally. The business also operates a call centre that is also open during manufacturing hours on weekdays and from 09:00h – 17:00h on a Saturday.

Furthermore, they have identified that during their peak times, they have been known to continue operations up to 22:00h. The applicant has identified a need to continue these hours following relocation.

The proposed switch to 3- day shift work (one shift Monday-Wednesday and another shift Thursday-Saturday) is not expected to alter the expected noise impact from operational noise. Delivery vehicles would continue to be limited to between 08:00h and 18:00h. As the main operations of this business involve building laptop and desktop computers, the typical manufacturing processes are not expected to generate significant amount of noise outside the buildings. Therefore, the only significant source of noise that is expected to arise from extended operating hours is the personal vehicle movements of staff members as they leave the premises. The staff parking area will be screened from the nearest receptors by the proposed buildings and noise from individual staff vehicle movements is therefore not expected to be significant at any of the receptors.”

- 10.14 Environmental Health Officers on review of this revised information confirm the new proposed hours 06:00 to 22:00hrs Monday to Saturday are acceptable with deliveries/dispatches to be restricted between the hours of 08:00 to 18:00hrs Monday to Saturday and no deliveries to take place on Sundays or Bank Holidays.

External Artificial Lighting:

- 10.142 The submission documents include an external lighting strategy (ref P1948-NOV-XX-EX-DR-E-9601-P01). However, no other detailed information relating to the external artificial lighting, and measures that would be taken to minimise or eliminate glare and stray light, have been provided. Therefore, a condition requiring a detailed lighting scheme would be necessary.
- 10.143 In summary, to ensure the amenities of the nearby residents are protected during the constructional phase of the development, it would be necessary to impose a number of conditions, some of which are likely to require details to be approved prior to development commencing, as suggested above, to comply with the relevant provisions of Local Plan Policies LP24 and LP52 as well as guidance in the NPPF.

Site contamination and stability

Contamination:

- 10.144 Council records indicate that the proposed development site is on an area identified as potentially contaminated land use due to its historical land use/s. The initial Phase 1 Environmental Desk & Study (dated 16/01/2022 ref: C3224/22/E/4914) and Phase 2 Geo-Environmental & Mining Report received 20/02/2024 (ref: C322422/E/4914) were both insufficient and lacking in detail in detail. Consequently, a revised report on a Ground Gas Risk Assessment dated April 2024 (ref: C3224/24/E/6470) was received. The report suggests that the observed ground gas levels are likely attributable to off-site or deep mine workings, indicating that the on-site landfill is not likely a significant source of ground gas. RGS maintain that the CS3 classification represents a 'worst-case' scenario regarding the risks of ground gas migration to the proposed development, and they propose that gas remediation measures would be adequate to mitigate this risk and prevent the accumulation of harmful ground gases.
- 10.145 Environmental Health officers accept the findings of this report. However, given the nature of the stored machinery/plant, there is an increased likelihood of contamination, including potential risks from vapours. It is therefore considered necessary to secure a post demolition and post-clearance intrusive investigation and a supplementary Phase 2 report. this matter can be dealt by conditions. Additionally, conditions for securing a remediation strategy, implementing remediation measures, and submitting a validation report are also deemed necessary for this application. The imposition of these conditions would ensure the matter of contamination would be addressed in accordance with Policy LP53 of the Local Plan and Chapter 11 of the NPPF.

Coal high risk area

- 10.146 The area falls within the 'high coal risk zone'. As such the application is supported by a Coal Mining Risk Assessment which has been reviewed by The Coal Authority. The Coal Authority's information indicates that the site lies in an area of actual shallow coal mine workings and one recorded mine entry (shaft) within the application site boundary. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety. Voids and broken ground associated with such workings can also pose a risk of ground instability and may give rise to the emission of mine gases.

- 10.147 The Coal Authority acknowledges the submitted Phase 1 Environmental Desk Study & Coal Mining Risk Assessment (16 January 2022 prepared by RGS Ltd), which recommends the investigation of potential shallow coal mine workings to identify any necessary remedial measures. In terms of the risks posed by the mine entry, whilst the report confirms it has no stability implications on the proposed building due to its distance away, the report does recommend its investigation. The Coal Authority concurs with the recommendations of the Phase 1 Environmental Desk Study & Coal Mining Risk Assessment and as such accordingly recommended two conditions, which required the submission of further intrusive investigations, remediation, mitigation measures to address any potential coal mining legacy features, to accord with Local Plan policy LP53 and guidance in the NPPF.
- 10.148 On receipt of the Phase 2 Geo-Environmental & Mining Report (20 February 2024, prepared by RGS Ltd), which confirms the undertaking of intrusive site investigations comprising of rotary boreholes and trial trenches for the recorded mine entry (shaft). The Report confirms that no coal mine workings were encountered as a result of the advancing of the boreholes and that the shaft was also not located, thereby rendering it of no significant stability risk to the development. On this basis, the Coal Authority revised its recommendation to no further measures required and confirms it has no objections to the proposed development.

Land stability:

- 10.149 The responsibility for securing a safe development rests with the developer and/or landowner, as set out in paragraph 190 of the NPPF, where there is land instability concerns. The proposals, due to the change in land levels from adjoining sites, would result in incorporating retaining walls/structures within the site, away from any public highways and as such it is not considered that a formal Approval in Principle (AIP) is required from the Structures team. Nonetheless, in the event it later transpires that formal consent is required for the technical details of any retaining structure/wall, this shall be sought through the submission of a formal application direct to the Structures Team, particularly if there is likely to be an impact on any public highway.

Planning obligations

- 10.150 Paragraph 57 of the NPPF confirms that planning obligations must only be sought where they meet all 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.
- 10.151 The following represents the obligations to be secured through a Section 106 Legal Agreement:
- 1) Bus stop contribution of £34,000, to secure real-time displays at two bus stops (Stop ID 20680 and 20681) located on Wakefield Road at a cost of £10,500 per bus stop, and to provide a replacement bus shelter at bus stop ID 20681
 - 2) Travel Plan monitoring fee - £15,000 (£3,000 x 5yrs).
 - 3) Employment and Skills Agreement.

Representations

10.152 The following are responses to the objections not addressed in the preceding paragraphs.

- “How will the Council ensure that HGV’s do not ignore the existing restrictions in Flockton and surrounding highway infrastructure”.

Response: This is a police matter and the responsibility lies with all users of the highway including HGV drivers to ensure they adhere to any restrictions on the highway

- “Why does application site/red line include the adjacent field”.

Response: the inclusion of this field relates to one of the VSC’s put forward by the applicant (see paragraph 10. 34 above). Whilst officers do not accept this VSC, the inclusion of the field within the red line allows necessary conditions to be imposed requiring the clearance and remediation of this field as shown on the submitted landscape proposals.

- No reference is made to the nearest residential properties 26, 44-62 Wakefield Road in submitted noise report.

Response: noise report amended to include nearest NSR’s north of the site

- Will cause loss of natural light.

Response: The proposed building with a distance of approximately 35m from the gable end of 44 Wakefield Road (the area, which is used as external car park areas) is considered would not result in a significant loss of natural light, to warrant a refusal.

- Due to large scale of development, a rural public footpath will be blighted.

Response: there are two public rights of way in the area. One is situated to the west with a distance of approximately 280m and the other to the south with a distance of over 440m from the proposed building. No adverse impact is considered to the users of these public rights of way from the proposed development, nor is it considered that these public rights of way would be blighted.

- the Design and Access Statement states "*When PCS leave their existing units, these will become available for other medium business' to lease*". This statement is considered to undermine the applicant's premise that the proposed purpose-built development is required for their own purposes in order to sustain and expand their business. What would happen to the building and the site if the site was subsequently occupied by another business or businesses? What safeguards would be in place in terms of any intensification of the use of the site (vehicle movements etc)?

Response: The amended description would restrict the application site/building to be specifically used as required by the applicant (limited to the purpose of storage, assembly, sale and distribution of custom-built computers, laptops and their components), which is classed as a sui generis use. Planning permission would be required for change of use of the site to any other use than that proposed under this application.

Other matters

Climate change/sustainable development

- 10.153 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.
- 10.154 The application is supported by a Climate Change Statement which details potential measures that could be employed at the site to promote sustainable development. The 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.
- 10.155 The supporting statements sets out the applicant's ambitions to reduce carbon emissions by ensuring the building is energy efficient, through the incorporation of renewable energy measures into the build and adopt a good design practice using a 'fabric first' approach through the 'Be Lean', 'Be Clean', 'Be Green' Energy Hierarchy.
- 10.156 Of specific note is:
- "that PCS are committed to sustainability. Their current units have been fitted with solar arrays generating approximately 187,900Kw/ year. The company also has a robust recycling scheme, which sees 95% of waste recycled. The company currently has provision for recycling of polystyrene and plastic packaging product"*
- 10.157 The proposed scheme would see a continuation of the above, with a full solar array on the roof, as well as the upgrade of the existing on site turbine with a more efficient model. The building is proposed to be heated using air source heat pumps and mechanical heat recovery from the PCs when on test to ensure wasted energy is kept to a minimum. It is also proposed to install low energy LED lighting throughout, as well as several other energy saving measures such as PIR sensor activation for lifting. The proposals are stated to be designed to allow the scheme to achieve a BREEAM 'very good' recognition. BREEAM supports solutions to reduce carbon emissions to net zero, improve whole life performance, manage health and social impacts, boost circularity, resilience and biodiversity. It is necessary for a condition to be imposed to ensure the replacement wind turbine is of the same scale and location and the solar panels to be installed prior to occupation of the building. A further condition is necessary for the removal of the wind turbine in the event it is not operational over a six month period.
- 10.158 The above measures are welcomed as the proposals are considered to contribute towards both local and national climate change and sustainability objectives and deliver an energy efficient building incorporating low and zero carbon technologies, where possible, in accordance with Local Plan Policies LP1 and LP24 and guidance in the NPPF.

Archaeology

10.159 The West Yorkshire Archaeology Advisory Service (WYAAS) have reviewed the application and advise that there are no known archaeological sites within the proposed development site but there are archaeological remains in the vicinity that are recorded on the West Yorkshire Historic Environment Record and on historic maps. Due to the potential for archaeological remains to be present in the field of the proposed balancing pond, WYAAA have recommend that a programme of archaeological works/recordings is undertaken in the event permission is granted, to accord with Local Plan Policy LP35 and guidance in the NPPF. This mater is to be secured through a pre commencement condition.

Security measures as recommended by WY Police

10.160 The West Yorkshire Police Designing Out Crime Officer advised that a condition be imposed to ensure security measures are incorporated into the proposals and offers some general advice on a number of elements which should be considered during the construction phase. From the details submitted, it is considered sufficient designing out crime and security measures would be incorporated into the proposals. As such an appropriate footnote would be included on the decision notice, to bring to the attention of the applicant the general advice of the WY Designing Out Crime Officer.

Minerals:

10.161 The site is within wider mineral safeguarding area (Sandstone). Local Plan Policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, as the VSC submitted justifies the need for the development at this specific site. The proposal is therefore not considered to conflict with policy LP38.

11.0 CONCLUSION

11.1 The development would allow this established business to invest, expand and adapt in close vicinity of its current location, enabling its continued growth and productivity, sustaining current staff levels and with a view to increase employment and meeting its expanding operational requirements. The council is satisfied that the applicant's information regarding job creation is reasonable and reliable, although not conclusive, there is sufficient reassurance to enable significant positive weight to be attached to this aspect of the proposed development. The applicant has submitted a draft Employment and Skills Agreement which is currently under consideration by Legal Officers. This would be appended to a Section 106 agreement attached to any approval of planning permission for the proposed development.

11.2 The applicant, having explored and assessed all the identified sites, has robustly demonstrated and justifies both the locational and size requirements of their preferred site within the Green Belt. The lack of suitable sites attributes to the very special circumstances in this case and substantial weight is given to outweigh the significant recognised harm by reason of inappropriateness and the other recognised harm that would occur from the proposed development.

- 11.3 The proposed development would deliver public benefits in relation to job creation, economic development and regeneration, social value and highway improvements. The proposed development would be a major investment in Kirklees. These matters weigh positively in the balance of planning considerations.
- 11.4 Given the assessment set out in this committee report and having particular regard to the proposed development's economic benefits, approval of the application is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.5 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.6 The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions and a Section 106 agreement, it is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications
3. Pre-commencement condition (excluding demolition and site intrusive works) to remove all scrap vehicles, plant, machinery and external storage off site.
4. Samples of external facing materials to be approved.
5. Pre-commencement condition for sectional details (east to west) indicating how retaining wall and fence to be erected along western part of site without damage to existing hedge outside application site.
6. Full details of boundary treatment to be submitted and approved, to be erected prior to occupation of building.
7. Pre-commencement Construction Environmental Management Plan (Biodiversity) condition.
8. Pre-commencement condition for re calculation of BNG prior to development commencing.
9. Landscaping/soft planting to be planted in first growing season following completion of new building or as otherwise stated by other conditions.
10. Five-year maintenance plan for landscape scheme.
11. Tree protection around existing trees in accordance with submitted Tree Constraints plan.
12. Wind turbine conditions including its removal if not used for 6 months.
13. Noise Management Plan.
14. Pre-commencement Construction Environmental Management Plan (noise, dust, and artificial lighting/strategy).
15. Full lighting strategy details
16. Working Hours 06:00 to 22:00 Monday to Saturday. Deliveries/dispatches restricted to between 08:00 to 18:00 Monday to Saturday with no deliveries on Sundays/bank holidays.
17. Post demolition and site clearance intrusive site investigations with supplemental Phase 2.

18. Remediation strategy measures.
19. Validation report.
20. Restricting noise from fixed plant and equipment.
21. Details of acoustic barrier to be submitted and approved in accordance with recommendation in Noise Impact Assessment. to be erected prior to occupation of building and thereafter retained.
22. Pre-commencement drainage condition detailed design scheme detailing foul, surface water and land drainage.
23. Pre-commencement drainage condition, overland flow routing.
24. Pre-commencement drainage condition construction phase surface water flood risk and pollution prevention plan.
24. Pre-commencement drainage condition scheme demonstrating surface water from vehicle parking and hard standing areas.
25. Archaeology – pre-commencement condition (and two other conditions) to ensure the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording to take place within the area indicated.
26. Yorkshire Water condition – no piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water.
27. Yorkshire Water condition - No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer.
28. Yorkshire Water condition – No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site.
29. Electric vehicle charging points.
30. Installation of solar panels prior to occupation of building.
31. Operational Management Plan (highways).
32. Site access to be complete in accordance with drawing 151716-001 Rev C – Proposed Works (Site Accesses).
33. Off-site highway works (speed limit and other associated works).
34. Travel Plan to be submitted prior to occupation of building.
35. Construction traffic management plan (highways).
36. Highway condition surveys (pre- and post-construction) and remediation.
37. Car park/servicing external areas to be laid out in accordance with approved plan and made operational prior to occupation of building.

Background Papers:

Application and history files (see above assessment)

Application documents: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90668>

Certificate of Ownership – Certificate B signed

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 05-Sep-2024

Subject: Planning Application 2023/92887 Change of use of egg production unit to research and development or industrial uses falling within E(g)(ii) and (iii) Use Class, and associated elevational alterations and provision of access, gates, forecourt, parking areas and landscaping Bradley Villa Farm, Bradley Road, Bradley, Huddersfield, HD2 2JY

APPLICANT

Bradley Villa Farm

DATE VALID

27-Sep-2023

TARGET DATE

27-Dec-2023

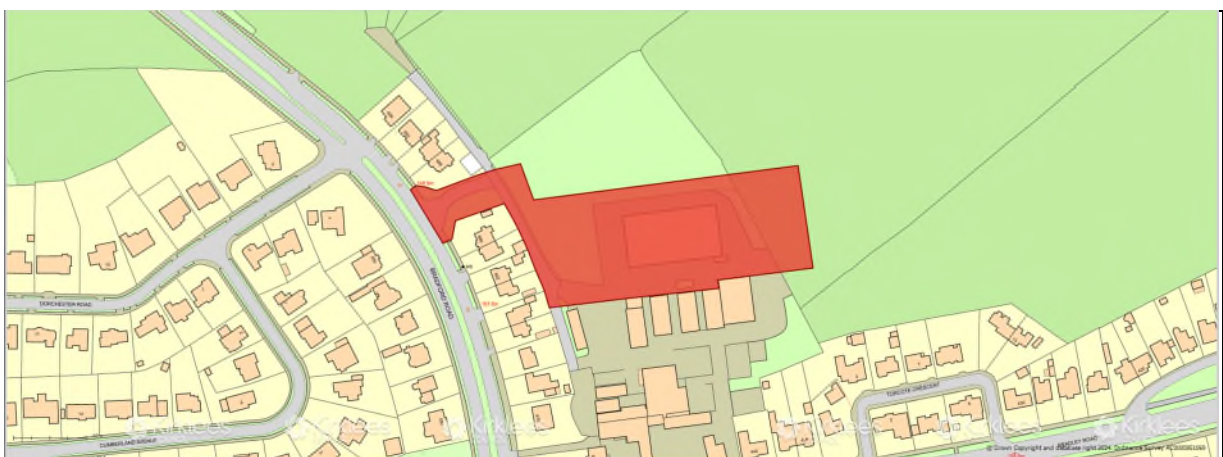
EXTENSION EXPIRY DATE

12-Sep-2024

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Ashbrow

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

REFUSE permission for the following reason:

1) The proposed E(g)(ii) and (iii) uses, at a site allocated for housing (site allocation ref: HS11), are contrary to the provisions of the Kirklees Local Plan and would prejudice the council's ability to meet known housing need and deliver the housing required during the lifetime of the Kirklees Local Plan. The proposed development is contrary to policy LP65 and site allocation HS11 of the Kirklees Local Plan.

1.0 INTRODUCTION:

1.1 This is an application for full planning permission for the change of use of an agricultural building (previously in use as an egg production unit) to research and development or industrial uses falling within the E(g)(ii) and (iii) use classes. Associated elevational alterations and the provision of access, gates, forecourts, parking areas and landscaping are also proposed.

1.2 This application is brought to the Strategic Planning Committee for determination under the terms of the Delegation Agreement following a request from Ward Councillor James Homewood. Cllr Homewood's grounds for requesting a committee decision are as follows:

My understanding is that [officers] plan to refuse this application on the grounds of the site being part of a housing allocation (and this is a commercial development). I want to suggest this application is decided at committee for the following reasons.

Whilst I understand that the land is part of [the HS11] housing allocation, the land in this section is currently has a commercial use (farming). The wider part of this site is a farm shop and café which are well used and valued local amenities. I don't think it would be in the interest of the local community for these assets to be lost, which is the logical result of the entirety of the remaining farm site being used for housing. In addition, the current allowed commercial uses were problematic due to odours, so if there is to be commercial use of the site (along with the shop and café) I can see that this proposal is likely to be a better fit with the new housing and less disruptive to residents. I can also see the benefit of a commercial use which creates jobs locally, as opposed to the site being left unused.

I think that a committee decision would be beneficial so members could consider these points.

1.3 Cllr Homewood's request is considered valid.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is approximately 1.03 hectares in size. It comprises an agricultural building and surrounding land. The application site is located on the northern edge of the farmyard of Bradley Villa Farm, and to the south of a major residential development site (currently being developed by Redrow Homes).
- 2.2 The application site is currently accessible from the farmyard, and from an existing track to the west that connects to a vehicular entrance off Bradford Road. This entrance and part of the track is within the application site red line boundary.
- 2.3 The site's existing building has a rectangular footprint, measuring 52.5m x 28.3m, with an eaves height of 6m. It is a vacant structure that was previously used as an egg production unit, accommodating up to 40,000 chickens. This use ceased to enable the development of the adjacent land for housing. The existing building is clad in green profiled metal, and has a pitched roof. There are several openings in the east and west elevations, eight large flues/cowls at roof level, and four feed silos outside the north and south elevations. Solar panels exist on the south-facing roof slope.
- 2.4 Land surrounding the existing building is largely flat, however a sloped bank exists to the west of the building.
- 2.5 Adjacent land uses to the south are associated with the ongoing operation of Bradley Villa Farm and its farm shop. To the west, the application site's red line boundary meets the curtilages of residential properties at 678 to 688 Bradford Road.
- 2.6 The application site is allocated for residential development in the Local Plan, forming part of site allocation HS11. Land to the north, south and east is within the same allocation.
- 2.7 Tree Preservation Order 17/98/t8 protects a Hawthorn tree within the application site, at the Bradford Road entrance.
- 2.8 The application site is not within a conservation area, and does not form part of the setting of a listed building. Non-designated heritage assets exist in the area, including a historic milestone outside 684 Bradford Road. Site allocation HS11 notes that the western part of the allocated site includes an archaeological site.
- 2.9 The application site is not located within an Air Quality Management Area
- 2.10 The application site is located within Flood Zone 1 and is therefore generally at low risk of flooding.
- 2.11 In relation to minerals, the application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. In relation to the area's coal mining legacy, the site is within the Development Low Risk Area as defined by the Coal Authority.

2.12 Parts of the application site are within a Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands for the northern part of the site, Built-up Areas for part of the west end of the site).

3.0 PROPOSAL:

3.1 The application is for the change of use of an agricultural building (currently vacant, and previously in use as an egg production unit) to research and development or industrial uses falling within E(g)(ii) and (iii) use classes.

3.2 Class E (in Part A of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) relates to “Commercial, Business and Service” uses. The specific definitions relevant to the current application are:

Use, or part use, for all or any of the following purposes –

...

(g) for -

...

(ii) the research and development of products or processes, or

(iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

3.3 The existing building would be divided into four units, as follows:

- Unit 1 – 402sqm
- Unit 2 – 402sqm
- Unit 3 – 322sqm
- Unit 4 – 322sqm

3.4 Associated elevational alterations and the provision of access, gates, forecourt, parking areas and landscaping are also proposed.

3.5 Vehicular access would be provided from Bradford Road via the existing track, which would be upgraded with a new shared footway/cycleway. A new pair of vehicle gates would be erected across the track.

3.6 40 parking spaces (including four disabled parking spaces) are proposed around the retained building. Four electric vehicle charging points are proposed. A covered cycle rack for four bicycles is proposed outside the south elevation. Two bin store areas are proposed close to the northern edge of the application site.

3.7 An extended forecourt would be created around the retained building, to provide access and enable vehicle turning. This would necessitate some excavation (and the pushing back) of the bank to the west of the existing building.

3.8 A 2m high close boarded timber fence is proposed along the southern edge of the application site.

3.9 The newly regraded areas around the retained building would be seeded with field grass.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

Application site

4.1 2010/92771 – Planning permission granted 24/03/2011 for erection of an agricultural building to upgrade / modernise existing poultry operations.

4.2 The existing building is the subject of a Unilateral Undertaking (dated 13/06/2023) regarding its use (see paragraph 4.4 below).

Land to north

4.3 2021/92086 – Planning permission granted 24/08/2023 for erection of 277 residential dwellings and associated infrastructure and access. Condition 15 states:

15. The following units (as annotated on drawing BVF-16-02-03 rev T) shall not be occupied prior to odorous activities at the adjacent farm permanently ceasing in accordance with the Unilateral Undertaking dated 13/06/2023:

- *Units 8 to 20;*
- *Units 21 to 26;*
- *Units 59 to 61;*
- *Units 107 to 120;*
- *Units 134 to 142;*
- *Units 143 to 158; and*
- *Units 246 to 264*

Reason: *In the interests of residential amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan.*

4.4 The Unilateral Undertaking referred to in condition 15 of permission ref: 2021/92086 was submitted during the life of that application. It was signed by the freeholders and operators of Bradley Villa Farm, and confirmed the cessation of odorous activities at the building that is now the subject of the current planning application. The undertaking further confirmed that such odorous activities would not be resumed.

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

Pre-application stage

5.1 In January 2022, during discussions regarding application ref: 2021/92086, the applicant's agent enquired regarding the potential use of the site's existing building for light industrial use. In a response dated 02/02/2022, officers advised:

Our view is that this is not a suitable site for light industrial use, due to the site allocation (which is for residential development, and does not refer to light industrial uses) and highway/access constraints (the proposed vehicular access would be too close to the new Bradford Road / spine road junction to accommodate traffic typically associated with light industrial uses).

If this part of the farm is to be developed, it should be developed for residential use in accordance with site allocation HS11. Residential development here would additionally help provide a better entrance and setting to the development already proposed by Redrow.

5.2 The above advice was reiterated in a subsequent exchange of emails.

Application stage

5.3 During the life of the current application, the applicant submitted drawings and documents in response to consultee comments regarding drainage and highways matters.

5.4 The applicant also submitted further information in support of the proposed use of the site's existing building.

5.5 The submissions made during the life of the current application did not necessitate public reconsultation.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

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

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

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

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

6.5 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP38 – Minerals safeguarding
- LP47 – Healthy, active and safe lifestyles
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP65 – Housing allocations

Supplementary Planning Guidance / Documents and other documents:

6.6 Relevant guidance and documents:

- Social Value Policy (2022)
- Kirklees Economic Strategy (2019)
- Leeds City Region Strategic Economic Plan (2016)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Public Rights of Way Improvement Plan (2010)
- Waste Management Design Guide for New Developments (2020, updated 2021)

- Green Street Principles (2017)
- Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Climate Change Action Plan (2022)
- Planning Applications Climate Change Guidance (2021)
- Highway Design Guide SPD (2019)

Climate change

- 6.7 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.8 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document. In December 2022 the council launched the Kirklees Climate Change Action Plan.

National Planning Policy and Guidance:

- 6.9 The National Planning Policy Framework (2023) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant chapters are:
- Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 5 – Delivering a sufficient supply of homes
 - Chapter 6 – Building a strong, competitive economy
 - 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 17 – Facilitating the sustainable use of materials
- 6.10 Since March 2014 Planning Practice Guidance for England has been published online.

6.11 Relevant national guidance and documents:

- National Design Guide (2019)
- National Model Design Code (2021)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Circular 01/2022 Strategic road network and the delivery of sustainable development (2022)
- Green Infrastructure Planning and Design Guide (2023)

6.12 The Environment Act 2021 passed into UK law on 09/11/2021.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised as a major development and a departure from the development plan. Two site notices were posted on 26/10/2023, a press notice was published on 03/11/2023, and notification letters were sent to neighbouring properties. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 24/11/2023.

7.2 No representations were received in response to the council's consultation.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

8.2 KC Lead Local Flood Authority – No specific flood risk concerns, however further drainage information required:

- Details of current drainage arrangements required. Proposed hard surfaces would alter the drainage regime and flow restriction and attenuation may therefore be required.
- Permeable parking areas proposed. Although British Geological Survey Data suggests the area might be suitable for infiltration techniques for surface water disposal, no testing has been carried out. This also needs to be viewed in relation to how the building currently drains.
- A trough is shown located on historical plans as late as 1965. It is therefore possible a watercourse exists on site and must be investigated for its location and potential use.

8.3 Non-statutory:

8.4 KC Ecology – Application not supported, as no information submitted regarding biodiversity net gain. Submitted bat report details that all of the buildings at the site provide negligible suitability for bats and as such, there are considered to be minimal ecological impacts that arise from the proposed development. The submitted report sets out recommendations with regard to bat boxes that could be incorporated into the design of the scheme.

8.5 KC Environmental Health – Regarding noise, site is suitable for E(g) uses. Condition recommended regarding electric vehicle charging points. Preliminary Geoenvironmental Investigation not accepted. An area of tipping to the northwest of the site does not appear to have been considered, and the potential risks from contamination associated with the current use do not appear to be fully explored. Five conditions regarding contaminated land recommended.

8.6 KC Highways Development Management – Applicant’s submissions have addressed key concerns, and proposals can now be supported, subject to conditions regarding:

- Highway condition surveys and remediation;
- Construction Traffic Management Plan;
- Service Management Plan;
- Provision of site access;
- Provision of areas to be used by vehicles and pedestrians;
- Cycle parking;
- Electric vehicle charging;
- Highway retaining walls / structures;
- Attenuation tanks / pipes;

Informative also recommended.

8.7 KC Waste Strategy – Plans show adequate space for storage of waste. Any waste storage area should be screened, secure to prevent theft, unauthorised use / fly tipping, arson or rough sleeping. There should be separate provision for recyclates and residual wastes.

8.8 West Yorkshire Police Designing Out Crime Officer – Planning condition recommended regarding security measures.

9.0 MAIN ISSUES

- Land use and principle of development
- Amenity impacts
- Urban design matters
- Trees and landscaping
- Biodiversity
- Highway and transportation issues
- Flood risk and drainage issues
- Site contamination and stability
- Other matters

10.0 APPRAISAL

Land use and principle of development

10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

10.2 The application site has most recently been in agricultural use, and is allocated for housing in the Local Plan.

Loss of agricultural use

10.3 Agricultural use of the application site could lawfully continue, provided that the restrictions regarding odorous activities (as set out in the Unilateral Undertaking dated 13/06/2023 – see paragraph 4.4 above) were adhered to.

- 10.4 The loss of the application site's agricultural use would not be contrary to planning policies. The council – through allocating the site for residential use – has already accepted such a loss in principle. Furthermore, the site is not considered to be “best and most versatile” agricultural land – it is previously-developed (brownfield) land. There is considered to be no conflict with paragraphs 180 and 181 of the NPPF (and the related footnote 62), nor with the commentary at page 35 (Strategy and Policies document) of the Kirklees Local Plan.

Housing need and delivery

- 10.5 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.6 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19/12/2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling three-year period (the “pass” threshold is 75%).
- 10.7 The council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development throughout the borough, although this must be balanced against any adverse impacts of granting permissions for such proposals. This consideration is particularly relevant to proposals for housing development, however it must also be taken into account when non-residential development is proposed at sites that the council has allocated for housing.

Site allocation

- 10.8 As noted earlier in this report, the application site forms part of site HS11, which is allocated for residential development in the Local Plan. Land to the north, south and east is within the same allocation. Full weight can be given to site allocation HS11.
- 10.9 Within Kirklees, there is a finite supply of land that is suitable and allocated for housing. Such land – and the opportunities it provides for meeting known housing need – must not be squandered. Accordingly, where applicants initially proposed to under-use allocated sites, the council has negotiated increases in density, and on the rare occasion when an applicant proposed a non-residential development at site allocated for housing, the council rigorously assessed the viability and likelihood of housing development at that site before accepting the proposed departure. Acceptance of under-use of sites or such departures increases the risk of further under-delivery of housing in Kirklees, and would increase the likelihood of future pressure to approve housing at less appropriate or inappropriate sites, including in locations where sustainable development is less achievable.
- 10.10 Excluding the site access and the track to its west side, the application site is about 0.85 hectares in size. There are not known to be significant and insurmountable constraints (in relation to coal mining or topography, for example) that would further limit the developable area, therefore it can be assumed that approximately 30 dwellings could be provided at the application site. The opportunity to provide these homes would be forfeited (or their delivery would certainly be delayed for a significant period of time) if an alternative non-residential use was approved here.

- 10.11 The above considerations carry significant weight in the balance of planning considerations, and weigh negatively against the approval of the current proposal for non-residential development at the application site.

Employment and economic considerations

- 10.12 Chapter 6 (paragraph 85) of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 10.13 Paragraph 87 of the NPPF states that planning decisions should recognise and address the specific locational requirements of different sectors.
- 10.14 The Local Plan seeks to deliver approximately 23,000 jobs between 2013 and 2031 to meet identified needs. Strategic objective 1 confirms that the council will support the growth and diversification of the economy, to increase skill levels and employment opportunities including the provision of a high quality communication infrastructure. To help deliver these jobs, the council (through the Local Plan) has allocated sites for employment development, and has designated Priority Employment Areas where the use of existing employment land is protected.
- 10.15 The Leeds City Region Strategic Economic Plan emphasises the need for “good growth”, which means achieving both the right quantity and the right quality of growth, as well as creating a strong, productive and resilient economy where a radical uplift in business competitiveness, productivity and profits goes hand in hand with access to good jobs that pay higher wages, and where all residents have access to opportunity and enjoy improved quality of life. The plan sets out an intention to deliver upwards of 35,000 additional jobs and an additional £3.7 billion of annual economic output by 2036. The City Region also seeks to exceed the national average on high level skills, and to become a region with no people who are NEET (not in employment, education or training). The importance of inclusive growth and environmental sustainability are emphasised. For Kirklees, the plan notes the need for space for businesses to grow.
- 10.16 The Kirklees Economic Strategy supports the growth of employment uses and supporting infrastructure. It commits the council to building local wealth, creating an economy that is inclusive (with every person realising their potential, through good jobs, and higher levels of skills, income and wellbeing) and productive (with innovative, outward- and forward-looking businesses, as well as higher productivity which creates more value per hour worked and can support good jobs and higher incomes). The need for skills and training, higher-paid jobs and reductions in deprivation are noted.
- 10.17 The Local Plan recognises the importance of small and medium-sized businesses to Kirklees’s economy. The Kirklees Economic Strategy states:

“Our priority is to create the best possible environment for businesses (including social enterprises) to grow and enable them to access the full range of support they need, including for small and medium-sized enterprises (SMEs) which make up the bulk of our economy”

- 10.18 The proposed development could make a contribution towards the delivery of jobs in Kirklees and meeting identified economic objectives. This could attract weight in the balance of material planning considerations relevant to the current application.
- 10.19 The applicant's agent has stated that around 30 to 40 full-time equivalent (FTE) jobs could be accommodated within the proposed development. Guidance published by the Homes and Communities Agency (HCA) regarding typical employment densities suggests that these are reasonable assumptions. For research and development uses, the HCA's guidance suggests that the proposed 1,448sqm (GIA) / 1,376sqm (NIA) of floorspace could support between 23 and 34 jobs. Typical densities for light industrial uses suggest the proposed floorspace could support approximately 29 jobs. Studios, maker spaces and incubator uses could support between and 23 and 92 jobs.
- 10.20 However, while the above job numbers would be welcomed, full weight cannot be given to them as material planning considerations. It is noted that the development is speculative, with no intended occupants identified. It cannot be guaranteed that a specific number of jobs would be created, due to the many possibly variables that could apply. Furthermore, Local Planning Authorities are unable to secure and enforce employment numbers suggested by applicants.
- 10.21 It must also be noted that, in relation to national planning policy and guidance, the council's delivery of jobs is not assessed in the same way as housing delivery is assessed. There is no employment-related equivalent to the Housing Delivery Test, for example.
- 10.22 Related supply-chain jobs could also be created or supported by an employment development at the application site, although the numbers of jobs that might be created or supported is not known.
- 10.23 In addition (and prior) to the potential operational-phase job creation outlined above, temporary construction-phase jobs would be created. However, job numbers are not known, and it is likely that the construction-phase job numbers related to a housing development would be higher.
- 10.24 Another important relevant consideration relates to the provision of space for existing, growing businesses who wish to remain local (and employ local people), space for new businesses and/or businesses who wish to expand into Kirklees, and space for small and medium-sized businesses. The council is aware of demand (from these sectors) that is currently unmet within Kirklees. Furthermore, some of this unmet demand is indeed for employment units of the size currently proposed by the applicant, in accessible locations such as the application site.
- 10.25 Finally, it is noted that – in addition to supply-chain job creation – other supply-chain economic impacts could be possible, although no headline figures (regarding the benefits the proposed development could bring to the local economy) have been provided by the applicant, and there is no guarantee that occupants of the proposed employment units would employ local businesses to supply or maintain the site or assist with other tasks that may need attending to during the life of the development. Such employment is possible, however, and there is also the possibility that staff of the proposed development would patronise local businesses in Bradley on their way to and from work.

- 10.26 Several of the above matters carry notable weight in the balance of planning considerations, and weigh positively in support of the approval of the current proposal for employment development at the application site.

Other considerations

- 10.27 Given the size of the proposed development, and given the thresholds set out in Local Plan policy LP9, an Employment and Skills Plan would not have been secured in connection with the proposed development, had it been considered acceptable in all other respects and recommended for approval. Nonetheless, a voluntary offer to enter into a relevant agreement (particular if the plan made reference to the council's Social Value policy, local employment, training and apprenticeships, in-work progression, working with local colleges and recruitment targeted at groups that experience barriers and lower employment levels) could have attracted positive weight in the balance of planning considerations.
- 10.28 The applicant's agent has argued that there is no realistic prospect of residential development being brought forward at the application site. This is not accepted. The site is allocated for residential development (and, prior to the adoption of the Local Plan, was promoted for allocation). It is a relatively accessible site (of note, the spine road of the adjacent Redrow Homes is due to be adopted, further improving the application site's accessibility). A volume housebuilder is bringing forward a major residential development at the site immediately adjacent, and other housebuilders are active in the area. There are not known to be significant and insurmountable constraints (in relation to coal mining or topography, for example) at the application site. The viability of a residential development is considered unlikely to be a concern at the application site.
- 10.29 The odour constraint that was previously a material consideration affecting the adjacent site has been addressed through the cessation of the odorous egg production activity at the current application site. Of note, the initial Odour Assessment submitted with application 2021/92086 identified no significant wintertime odour effects caused by activities at Bradley Villa Farm, the later (2023) Odour Assessment only concerned odours from the farm's egg production unit, and the applicant (for application 2021/92086) considered it necessary to only secure the cessation of egg production – no other agricultural activities at Bradley Villa Farm were ceased. Were any other odorous agricultural activities to be evidenced (and found to be a constraint on residential development at the current application site), options for odour mitigation (such as screening) would need to be explored before it could be concluded that residential development was not possible here.
- 10.30 The applicant's agent has stated that a mortgage still applies to the application site's existing building, and that this would be a barrier to demolition and redevelopment. However, it was not initially explained why this would be the case, given that an interested developer could potentially take on the mortgage responsibility as a development cost. The applicant's agent has subsequently accepted that a residential developer could indeed take on the mortgage responsibility, but has stated that this cost would be deducted from the land value, resulting in this value being very low or even negative, removing the incentive for the current owner to dispose of the site. However, the applicant's agent has not provided evidence to enable these assertions to be verified.

- 10.31 The applicant has not provided any evidence demonstrating that the site has ever been marketed (to developers) for residential development.
- 10.32 The applicant's agent has stated that residential development of the application site is only likely to come forward as part of a wider, comprehensive development for the entire farmyard site (including the farm shop and all operational agricultural buildings) at Bradley Villa Farm. This is noted, however such a proposal would not be problematic in principle, given that all of that land is within site allocation HS11, and is allocated for residential development.
- 10.33 The applicant's agent has suggested that the proposed reuse of the building would not preclude the site being developed for housing in the future. This may be the case, however at the very least the proposed development would significantly delay housing development here, most likely beyond the Local Plan period.
- 10.34 The applicant's proposed retention and reuse of the site's existing building would be of benefit in relation to saving embodied energy/carbon.
- 10.35 The application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 1c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, need for employment development and job creation, having regard to other Local Plan policies) for it. Residential development would be similarly acceptable here in relation to mineral safeguarding, given known housing need.

Planning balance regarding land use and principle of development

- 10.36 The proposed development could create opportunities for employment and economic activity. Related beneficial impacts could also occur. These are positives that weight in favour of approval of the current application. However, housing delivery is imperative, and is a consideration that attracts great weight at this allocated site. Furthermore, the potential economic benefits of the proposed development are not guaranteed and may be limited in some respects. It has not been demonstrated that residential development would not be possible at this site. Given the importance of housing delivery within Kirklees and the scarcity of land suitable for residential development, the proposed development's employment-related benefits are not considered to carry sufficient weight to justify the proposed departure. The proposed development is contrary to the provisions of the Local Plan and would prejudice the council's ability to meet known housing need and deliver the housing required during the lifetime of the Local Plan. The proposed development is contrary to Local Plan policy LP65 and site allocation HS11. The departure from the Local Plan has not been justified by the applicant, and it is therefore recommended that planning permission be refused on land use grounds.

Amenity impacts

- 10.37 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. Policy LP52 states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally-sensitive development would be subject to significant levels 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 or have unacceptable impacts on the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted.
- 10.38 The application site's red line boundary meets the curtilages of existing residential properties at 678 to 688 Bradford Road. Several new dwellings are to be constructed immediately to the north of the application site, increasing the number of adjacent sensitive receptors.
- 10.39 The proposed development raises no significant concerns in relation to neighbouring residential amenity. By definition, E(g)(ii) and (iii) uses "can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit", and such uses are often located adjacent to residential curtilages without significant harm being caused to the amenities of residents.
- 10.40 KC Environmental Health have reviewed the proposals, and have accepted that the site is suitable for E(g) uses in relation to noise. The number of vehicle movements likely to be associated with the proposed uses is not considered to be significant enough to harm residential amenity. No concerns have been raised by KC Environmental Health regarding odour, fumes or dust emanating from the proposed employment units.
- 10.41 At some employment sites, intrusive outdoor security lighting can adversely affect neighbouring residential amenity. Had the proposed development been considered acceptable in all other respects and recommended for approval, a condition controlling the use of such lighting would have been recommended.
- 10.42 Construction-phase works have the potential to cause harm to neighbouring residential amenity, although at this site such impacts would be limited by the fact that the site's existing building would be retained and converted. Nevertheless, had the proposed development been considered acceptable in all other respects and recommended for approval, a condition securing the submission and implementation of a Construction Environmental Management Plan would have been recommended. This would have secured measures to limit hours of works, noise, artificial lighting, dust and other matters during the construction phase.

Urban design matters

- 10.43 Local Plan policies LP2, LP5 and LP24 are of particular relevance to this application in relation to design, as is the text of site allocation HS11, chapters 11 and 12 of the NPPF and the National Design Guide.
- 10.44 Given the scale and nature of the proposed development, and the masterplanning work already carried out by the council (as the owner of the majority of the allocated site HS11) and under application 2021/92086, the masterplanning requirement of site allocation HS11 need not be considered further under this current application.
- 10.45 The elevational changes proposed to the retained building include adding cladding to all four elevations (in grey RAL 7012), reconfiguring and rationalising the existing openings in the east and west elevations, adding a total of four doors and eight windows to the north and south elevations, and the removal of the existing flues/cowls from the roof and the four feed silos from the north and south elevations.
- 10.46 These changes are not considered significant, and the resulting building would have an appearance typical of buildings in E(g) use. The massing of the existing building would not change. Subject to a condition requiring details of the external materials (which would have been recommended had the proposed development been considered acceptable in all other respects and recommended for approval), the elevational changes are considered acceptable in design terms.
- 10.47 The submitted drawings indicate that a 2m high close boarded timber fence is proposed along the southern edge of the application site. This would separate the site from the remaining farmyard. A condition securing details of this boundary treatment and the proposed gate to the access track would have been recommended, had the proposed development been considered acceptable in all other respects and recommended for approval. Boundaries to the northern and eastern edges of the application site would be secured by treatments to be erected as part of the adjacent residential development.
- 10.48 The proposed development raises no concerns regarding wider landscape impacts, nor regarding the Castle Hill Settings Study (in relation to which a significant ridgeline runs roughly east-west across the adjacent residential development site, nearby).
- 10.49 The application site is not within a conservation area, and does not form part of the setting of a listed building. Non-designated heritage assets exist in the area, including a historic milestone outside 684 Bradford Road. However, given the scale, nature and location of the proposed development, no adverse impacts would occur in relation to any above-ground heritage assets as a result of the proposed development.
- 10.50 Site allocation HS11 notes that the western part of the allocated site includes an archaeological site. Investigations undertaken in connection with application ref: 2021/92086 found bronze age material at the highest part of that site. Given these findings, and the fact that extensive excavation is not proposed as part of the current application, it is considered that archaeology need not be considered further under this current application.

Trees and landscaping

- 10.51 Regarding trees, Local Plan policy LP33 is relevant. Tree Preservation Order 17/98/t8 protects a Hawthorn tree within the application site, at the Bradford Road entrance. A second tree (which is not protected) also exists close to this entrance, and some limited shrub cover exists along the application site's eastern edge.
- 10.52 The protected Hawthorn was to be felled in connection with the adjacent residential development (see paragraph 10.235 of the final committee report for application ref: 2021/92086), and mitigative planting will be implemented within that adjacent site. The site layout plan submitted with the current application suggests that the other tree close to the Bradford Road entrance would also be felled.
- 10.53 Limited information has been submitted by the applicant with regard to landscaping. The applicant simply stated that the newly regraded areas around the retained building would be seeded with field grass. This is not considered adequate, given that space to the east and west of the retained building (and its forecourts) could be soft landscaped with species that include trees, and that offer greater visual interest, attraction to pollinators, and other biodiversity enhancement. Had the proposed development been considered acceptable in all other respects and recommended for approval, a condition securing a landscaping scheme would have been recommended. The applicant's agent has recently agreed that this could indeed be secured by condition.

Biodiversity

- 10.54 Local Plan policy LP30, the council's Biodiversity Net Gain Technical Advice Note, and chapter 15 of the NPPF are relevant. Although the current application was submitted prior to biodiversity net gain (BNG) becoming mandatory, a BNG nonetheless needs to be demonstrated in accordance with those policies and advice.
- 10.55 No information related to BNG has been submitted by the applicant. A biodiversity metric calculation would normally be submitted, at least confirming the site's baseline ecological value.
- 10.56 It is, however, accepted that the application site's existing ecological value is likely to be limited. This could mean that an on-site BNG could be achieved relatively easily.
- 10.57 Had the proposed development been considered acceptable in all other respects and recommended for approval, conditions would have been recommended, securing the submission of a biodiversity metric calculation, and the submission and implementation of a Biodiversity Gain Plan, which would detail how an appropriate BNG would be achieved. The applicant's agent has recently agreed that an appropriate BNG could indeed be secured by condition.

- 10.58 Bats are known to be present in the area surrounding the application site. The applicant has submitted a Bat Preliminary Roost Assessment, which found that all of the buildings at the site provide negligible suitability for bats. KC Ecology have accepted these findings, and have advised that there would be minimal ecological impacts arising from the proposed development. Had the proposed development been considered acceptable in all other respects and recommended for approval, the applicant's suggested installation of a bat box would have been the subject of a recommended condition.

Highway and transportation issues

- 10.59 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.60 Paragraph 114 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 115 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.
- 10.61 Existing highway conditions and access arrangements must be noted. The application site is currently accessed from the farmyard, and from an existing track to the west that connects to a vehicular entrance off Bradford Road. This entrance and part of the track is within the application site red line boundary. Part of the Core Walking and Cycling Network runs along Bradford Road (the A641), where a 40mph restriction also applies. The application site is served by the X63 (frequent), 363 and X49 (less frequent) bus services along Bradford Road.
- 10.62 Improvements to the existing Bradford Road site entrance are already under way as part of the adjacent residential development. A spine road (capable of accommodating a new or rerouted bus service) would also be built as part of that development.
- 10.63 Under the current application, the applicant additionally proposes to upgrade the track that provides access to the application site and farmyard. A shared footway/cycleway would be provided along the eastern edge of the track. The track would also be gated.
- 10.64 An extended forecourt would be created around the retained building, to provide access and enable vehicle turning. This would necessitate some excavation (and the pushing back) of the bank to the west of the existing building.

- 10.65 During the life of the current application, KC Highways Development Management requested amendments and further information regarding the application site's internal layout, as well as swept path analysis, and a Stage 1 Road Safety Audit (RSA). Amendments were accordingly made to the proposed site layout, swept path analysis (for an 18.5m long articulated vehicle) was submitted, and an acceptable RSA was also provided. These addressed officers' earlier concerns, and the internal layout of the proposed development is now considered acceptable in relation to highways matters.
- 10.66 In response to other queries raised by KC Highways Development Management, the applicant confirmed that access to Bradley Villa Farm and the farm shop would be retained via the track at the southwest corner of the site, although this would be used very occasionally. The applicant has also provided reassurance regarding access to the adjacent residential development site, and have confirmed that the proposed development would not impact the deliverability of potential future signalisation of the Bradford Road entrance.
- 10.67 Operation-phase traffic generated by the proposed development would be limited, would be adequately absorbed by the local highway network (including when the traffic of the forthcoming adjacent residential development is taken into account), and would not adversely affect safety or operation of those highways.
- 10.68 Regarding sustainable travel, the applicant has submitted a Travel Plan. This sets out appropriate measures to enable and encourage the use of more sustainable modes of transport. Had the proposed development been considered acceptable in all other respects and recommended for approval, a condition securing the implementation of a Travel Plan would have been recommended.
- 10.69 40 parking spaces (including four disabled parking spaces) are proposed around the retained building. Four electric vehicle charging points are proposed. A covered cycle rack for four bicycles is proposed outside the south elevation. This provision is considered adequate.
- 10.70 Two bin store areas are proposed close to the northern edge of the application site. The applicant has additionally stated that commercial bins would be provided on the site, to be emptied by private contractor. KC Waste Strategy have advised that the submitted plans show adequate space for the storage of waste, however they have advised that any waste storage area should be screened and secured to prevent theft, unauthorised use / fly tipping, arson or rough sleeping. Officers added that there should be separate provision for recyclates and residual wastes. Had the proposed development been considered acceptable in all other respects and recommended for approval, a condition requiring full details of waste storage and collection arrangements would have been recommended.
- 10.71 Although it is again noted that the proposed re-use of the existing building would reduce construction traffic (when compared to a demolition and redevelopment scheme), construction traffic impacts nonetheless need to be considered. Had the proposed development been considered acceptable in all other respects, a condition requiring details relating to construction traffic and access would have been recommended. This information could have been provided as part of the previously-mentioned Construction Environmental Management Plan.

10.72 Other conditions suggested by KC Highways Development Management would have also been recommended.

Flood risk and drainage issues

10.73 Local Plan policies LP24, LP27 and LP28 are relevant to flood risk and drainage, as is chapter 14 of the NPPF.

10.74 The application site is located within Flood Zone 1 and is therefore generally at low risk of flooding.

10.75 The Lead Local Flood Authority (LLFA) raised no specific flood risk concerns in relation to the proposed development, but raised queries.

10.76 Noting that the proposed hard surfaces would alter the site's drainage regime, the LLFA requested details of the site's existing drainage arrangements. In response, the applicant's agent stated that existing land drains connect to the farm's foul water system which ultimately connects to the combined sewer beneath Bradley Road. However, no confirmation has been provided regarding the capacity of this existing drainage infrastructure (and whether this is capable of taking surface water from the additional hard surfaces that are proposed).

10.77 The proposed drainage arrangements also lack detail. The applicant's agent has stated that the additional surfacing and surface water flow (resulting from the proposed development) would be minimal, and that the site's surface water would be split between the combined sewer on Bradley Road and the drainage system of the adjacent residential development. However, no figures for predicted volumes of surface water have been provided, and it is not known whether the drainage system of the adjacent residential development has appropriate spare capacity.

10.78 Of note, the LLFA have stated that – depending on the predicted volumes of surface water and the capacity of the identified drainage infrastructure – flow restriction and attenuation may be required.

10.79 The LLFA have also noted that permeable parking areas are referred to in the applicant's submission, and that – although British Geological Survey Data suggests the area might be suitable for infiltration techniques for surface water disposal – no testing has been carried out. This matter would also need to be considered further in the context of information regarding how the application is currently drained.

10.80 Had the proposed development been considered acceptable in all other respects and recommended for approval, conditions securing the missing information (related to drainage) would have been recommended. Conditions relating to temporary drainage and flood routing would also have been recommended.

10.81 Historic maps (dated up to 1965) show a trough at the application site. The LLFA suggested that this may indicate that a watercourse exists at the site, and investigation was therefore requested. However, in response, the applicant's agent advised that approximately 2m (depth) of soil was removed from the trough's location 10 years ago, and no water was found there at that time or since then.

Site contamination and stability

- 10.82 In relation to the area's coal mining legacy, the application site is within the Development Low Risk Area as defined by the Coal Authority. The Coal Authority did not need to be consulted regarding the proposed development. Had the proposed development been considered acceptable in all other respects and recommended for approval, a relevant informative would have been included in the council's decision notice.
- 10.83 Regarding site contamination, the applicant submitted a Preliminary Geoenvironmental Investigation, the findings of which were not accepted by KC Environmental Health. Officers in that team referred to an area of tipping to the northwest of the applicant site which did not appear to have been considered by the applicant. The potential risks from contamination associated with the current (or previous) use had also not been fully explored. Five conditions regarding site contamination were therefore recommended by KC Environmental Health.

Other matters

- 10.84 There is no evidence to suggest the ongoing operation of Bradley Villa Farm and its farm shop would be adversely affected by either the refusal or approval of planning permission for the proposed development.
- 10.85 Had the proposed development been considered acceptable in all respects and recommended for approval, conditions would have been necessary, including the following:
- Three years to commence development.
 - Development to be carried out in accordance with the approved plans and specifications.
 - Submission of a Construction (Environmental) Management Plan, including details of engagement with local residents.
 - Cycle parking provision to be provided within the site.
 - Provision of Electric Vehicle charging points.
 - Highway condition surveys and remediation.
 - Submission of a Service Management Plan.
 - Provision of site access.
 - Provision of areas to be used by vehicles and pedestrians.
 - Submission of details of highway retaining walls / structures.
 - Submission of attenuation tanks / pipes.
 - Provision of waste storage and collection.
 - Implementation of drainage strategy.
 - Submission of flood routing details.
 - Submission of details of parking surface treatments.
 - Submission of an Intrusive Site Investigation Report (Phase II Report).
 - Submission of Remediation Strategy.
 - Implementation of Remediation Strategy.
 - Submission of Validation Report.
 - Submission of details of external materials.
 - Submission of details of boundary treatments.
 - Submission of details of external lighting.

- Submission of full landscaping scheme.
- Installation of bat box.
- Submission of Biodiversity Net Gain assessment.
- Implementation of Biodiversity Net Gain plan.

11.0 CONCLUSION

- 11.1 The application site is allocated in the Kirklees Local Plan for residential development under site allocation HS11. The proposed employment use at the application site is contrary to the site allocation, and represents a departure from the Local Plan.
- 11.2 While the benefits and potential benefits of such a development are noted, given the importance of housing delivery within Kirklees, the scarcity of land suitable for residential development, and the borough's position in relation to past housing land supply and the Housing Delivery Test, these benefits are not considered to carry sufficient weight to justify the proposed departure. The proposed development is contrary to the provisions of the Local Plan and would prejudice the council's ability to meet known housing need and deliver the housing required during the lifetime of the Local Plan. The proposed development is contrary to Local Plan policy LP65 and site allocation HS11.
- 11.3 Other relevant planning matters have been addressed by the applicant, or would have been addressed via conditions (which would have been recommended, had the proposal been considered acceptable in all other respects).
- 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. It is considered that the proposal would not constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for refusal.

12.0 REASON FOR REFUSAL

- 12.1 The following reason for refusal is recommended:

1) The proposed E(g)(ii) and (iii) uses, at a site allocated for housing (site allocation ref: HS11), are contrary to the provisions of the Kirklees Local Plan and would prejudice the council's ability to meet known housing need and deliver the housing required during the lifetime of the Kirklees Local Plan. The proposed development is contrary to policy LP65 and site allocation HS11 of the Kirklees Local Plan.

Background Papers

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f92887>

Certificate of Ownership – Certificate A signed.

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