

**KIRKLEES COUNCIL
PLANNING SERVICE
LIST OF PLANNING APPLICATIONS TO BE DECIDED BY
STRATEGIC PLANNING COMMITTEE**

11-Aug-2016

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND PAPERS**

**There is a file for each planning application containing
application forms, plans and background papers.**

Simon Taylor - 01484 221000

**NOTE: For clarification the page numbering referred to
shall be those set out in the contents page**

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

PLANNING POLICY

The statutory development plan comprises:

The Unitary Development Plan (UDP). These reports will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

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 Local Plan will provide the evidence base for all new and retained allocations including POL. The Local Plan process will assess whether sites should be allocated for development or protected from development including whether there are exceptional circumstances to return POL sites back to Green Belt. The Local Plan process is underway and the public consultation on the draft local plan took place between 9th November 2015 and 1st February 2016.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. At this point in time, the draft local plan policies and proposals are not considered to be at a sufficiently advanced stage to carry weight in decision making for individual planning applications. The Local Planning Authority must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.

National Policy/Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, the Planning Practice Guidance Suite (PPGS) launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

REPRESENTATIONS

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

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

EQUALITY ISSUES

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

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

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

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

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

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

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

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

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Ward: Holme Valley South Ward	
Applicant: D Sykes	
Agent: A Flatman, I D Planning	
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Location: Unit 18, Norquest Industrial Estate, Pennine View, Birstall, Batley,
WF17 9LT
Ward: Birstall and Birkenshaw Ward
Applicant: Trade Furniture Company Ltd
Agent: Roger Lee Planning Ltd
Target Date: 05-Sep-2016
Recommendation: FC - CONDITIONAL FULL PERMISSION

Application No: 2015/93850

Type of application: 62m - FULL APPLICATION

Proposal: Demolition of intensive poultry farm buildings and redevelopment of site with 6 detached dwellings with associated landscaping including new paddocks

Location: New Dunsley Poultry Farm, Brow Lane, Holmfirth, HD9 2SW

Grid Ref: 413518.0 407178.0

Ward: Holme Valley South Ward

Applicant: D Sykes

Agent: A Flatman, I D Planning

Target Date: 20-Oct-2016

Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Demolition of farm buildings and erection of residential development	
Scale of Development	Site area 1.7ha	Units: 6
No. Jobs Created or Retained	Unknown	
Policy		
UDP allocation	Green Belt	
Independent Viability Required	Yes	
Representation/Consultation		
Individual Support (No.)	3	
Individual Objection (No.)	6	
Petition	No	
Ward Member Interest	No	
Statutory Consultee Objections	No	
Contributions		
• <i>Affordable Housing</i>	Yes	
Other Issues		
Any Council Interest	No	
Planning Pre-Application Advice	Yes	
Pre-App Consultation Undertaken?	No	
Comment on Application	The proposal is inappropriate development within the Green Belt. It is considered however on balance that very special circumstances have been demonstrated which outweigh the harm to the Green Belt. There would be improvements to matters of visual and residential amenity and there are no highway safety issues arising from the application. These elements weight in favour of the application and drainage issues would be addressed through condition.	

RECOMMENDATION: GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:-

- 1. THE SIGNING OF A SECTION 106 AGREEMENT SECURING A FINANCIAL CONTRIBUTION TOWARDS THE PROVISION OF AFFORDABLE HOUSING**
- 2. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE SET OUT BELOW; AND**
- 3. SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGES THAT WOULD ALTER THIS RECOMMENDATION, TO ISSUE THE DECISION NOTICE.**

2. INFORMATION

The application is brought before Strategic Committee as it represents a departure from the Unitary Development Plan.

3. SITE DESCRIPTION / PROPOSAL

Site Description

The application site accommodates New Dunsley Poultry Farm at Cartworth Moor, Holmfirth, which farms poultry intensively for sale to supermarket suppliers. Within the site are five large agricultural buildings associated with the poultry business. In addition there are a number of smaller buildings and silos across the site with areas of concrete/crushed stone forming roadways and hardstanding. Access is taken off Hill House Road. In the western part of the site is the main farmhouse and a smaller agricultural workers dwelling. There are a number of mature trees along the eastern and north-eastern boundary which are protected by Tree Preservation Orders. The site is located within the Green Belt on the Unitary Development Plan Proposals Map.

Proposal

The application seeks permission for demolition of the poultry farm buildings, and the erection of six detached dwellings with associated access and landscaping.

The proposed is to utilise the existing access off Brow Lane and create a central access road with a vehicular turning area and communal courtyard. The dwellings would occupy the central portion of the site, with land to the north-east being returned to paddock to serve plots 5 and 6. It is proposed to fell the majority of trees which front Brow Lane but retain the group of trees in the corner adjacent to the junction of Brow Lane with Hill House Road.

The proposed dwellings would be large detached properties, two storeys in height. The plots would have either a detached garage or integral garage with office space above. The proposed construction materials are natural stone and slate.

A package treatment plant is proposed to be sited in the north-western corner, together with a proposed service bay off Brow Lane. This would be retained by a new stone wall.

4. BACKGROUND AND HISTORY

93/03598 – Erection of cattle shed – Conditional Full Permission

2002/94148 – Change of use of 3 no poultry sheds to provide storage for caravans. Refused. Appeal Dismissed.

5. PLANNING POLICY

The site is allocated as part allocated as Green Belt on the Unitary Development Plan Proposals Map.

Kirklees Unitary Development Plan:

D2 – Unallocated Land

BE1 – Design principles

BE2 – Quality of design

BE12 – Space about buildings

NE9 – Retention of mature trees

T10 – Highway safety

H10 – Affordable housing

H12 – Arrangements for securing affordable housing

G6 – Land contamination

H18 – Provision of open space

EP11 – Ecological landscaping

National Planning Policy Framework

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting healthy communities

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

6. CONSULTATIONS

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

K.C Highways Development Management – No objections

K.C Environmental Services – No objections

K.C Arboricultural Officer – No objections

K.C Ecologist – No objections

K.C Flood Management – No objections subject to conditions

Environment Agency – No objections

West Yorkshire Police Architectural Liaison Officer – No objections

Yorkshire Water – No objections

7. REPRESENTATIONS

As a result of the application publicity nine representations have been received. The issues raised are précised below:

Points in Support:

- No noise pollution at night
- No HGV traffic visiting the site along narrow country lanes
- No odours caused by operation of the farm and rearing chickens
- Aesthetic improvement to the area
- Development of homes that are in keeping with properties in the area

Points of Objection:

- Drainage:
 - Concern about the drainage system and that drains will be overburdened and spill onto Brow Lane. Rainwater collected by the sheds is not channelled to a single point.
 - Concern about a flood risk to neighbouring properties from the proposed storage ditch.
 - Residents of The Farm, Stable and Barn have access rights to spring water. Query if the drainage basin is in an appropriate place.
 - Water runs down the farmyard and off the banking bordering the stable. Spring water runs excessively and causes water to flood onto the stable.
 - The garden of Malkin House Barn is water logged, further flow will have a knock on effect, concern the proposed outfall will connect into an old culvert of a small size and poor condition, previously collapsed in places. Additional drainage will add to volume of water via a route not designed for such volume/intensity.
 - Concern about additional drainage discharging into the culvert, part of which is under the vehicular access to Malkin House hamlet and the public footpath.
 - The upper section of the culvert passing through Malkin Farm had previously eroded leaving a dip and a stream. This was piped up from top of field down to boundary with public footpath/Malkin House hamlet lane.
 - The culvert provides drinking water for livestock and runs all year, taking natural ground water off hills and surface water, road gullies, storm water, and outfall from the New Dunsley site. Concern about additional discharge down this drain.
 - The substrata is shattered sandstone adequate for a soakaway drainage system. Initial exploratory excavations/site specific ground percolations test should be made to determine the porosity of the site to determine the most appropriate surface water/foul outfall drainage. The current proposals will lead to un-necessary expense and pollution.

- Other:
 - Concern about what will happen to the footpath which forms part of a circular walk.
 - Concern about odours from the Sewage Plant, the proximity to a high voltage power line and the burden placed on the water course.

Holme Valley Parish Council - Support the application. (Cllr R P Dixon declared a disclosable pecuniary interest and left the meeting during consideration of this application).

8. ASSESSMENT

Principle:

The site is within the Green Belt and paragraphs 87 and 88 of the National Planning Policy Framework (NPPF) apply. Paragraph 87 of the NPPF advises that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Paragraph 89 advises that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The NPPF definition of previously developed land specifically excludes land that is or has been occupied by agricultural or forestry buildings.

The redevelopment of land in agricultural use does not form one of the exceptions set out in the NPPF, the development proposed is therefore considered to be inappropriate within the Green Belt.

Establishing the harm to the Green Belt:

The NPPF advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except where very special circumstances clearly and demonstrably outweigh the harm. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

The potential harm to the Green Belt arises from the impact of development upon the purposes of including land within it, the impact upon its openness and the impact that arises from any other harm.

The purposes of including land within the Green Belt:

Paragraph 79 of the NPPF stipulates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.

Paragraph 80 sets out the five purposes of Green Belt:

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land

The main purpose of the Green Belt is to prevent urban sprawl. The containment of the residential development to the central part of the site, within the development footprint of the existing poultry sheds would not result in urban sprawl.

The proposed development similarly does not have any adverse impact on the remaining four purposes or functions of the Green Belt in this area. There is no incremental development beyond that existing which would lead to the merging of towns or smaller settlements. The countryside is safeguarded from encroachment as the development does not go beyond the existing built envelope, indeed the development would make a positive contribution by recycling land.

The impact on openness:

Development that is appropriate within the Green Belt (i.e. the existing agricultural buildings associated with the poultry farm business) should not be regarded as being harmful to either the openness of the Green Belt or the purposes of including land within it.

The impact of six large two storey dwellings could be considered to have a detrimental impact upon the openness of the Green Belt as a result of their height and scale and the domestication of this part of the Green Belt, particularly when viewed from across the valley.

Any other harm

The existing development associated with the operation of the poultry farm business, whilst being appropriate and therefore without harm to the openness of the Green Belt and the purposes of including land within it does nevertheless have an impact upon the visual amenity of the Green Belt. The

site accommodates five large agricultural buildings associated with the operation of the poultry business. In addition there are a number of smaller buildings and silos across the site with areas of concrete/crushed stone forming roadways and hardstanding.

It is against this context that any other harm to the Green Belt arising as a result of the development proposed will need to be considered.

The development proposed would result in a 76% reduction in footprint and a 54% reduction in volume from that which already exists. It would also remove the existing grouping of large, unsightly buildings and structures.

The development of six large detached dwellings would be contained within the central portion of the site, with land to the rear (north-west) being returned to open land uses (paddocks) to serve two of the plots. It is considered that the proposal would have a beneficial impact upon the visual amenity of the Green Belt by reducing the footprint of development across the length of the site.

Very Special Circumstances

The considerations presented by the applicant are set out in paragraph 3.16 of the supporting planning statement. Taking each of these in turn:

a) Significant benefits to openness and visual amenity

The applicant considers that the extent of buildings and hardstanding will be significantly reduced with the proposed dwellings clustered more centrally within the site allowing for re-introduction of paddock areas and landscaping which would have visual amenity and biodiversity benefits. The applicant contends that there would be a significant reduction in the footprint/ ground floor area of built development on the site with the existing buildings comprising 6224 sqm and the proposed dwellings 1515sqm (a 76% reduction). The applicant also considers that there would be an opportunity to enhance the appearance of the site and provide landscape/ biodiversity benefits.

For comparison, the agent has also provided details of the reduction in volume:

Existing Volumes	Proposed Volumes
Shed 1 - 6288m3	Plot 1 - 1223 m3
Shed 2 - 1260 m3	Plot 2 - 1398 m3
Shed 3 - 3102 m3	Plot 3 - 1570 m3
Shed 4 - 7137 m3	Plot 4 - 1352 m3
Shed 5 - 2923 m3	Plot 5 - 1555 m3
	Plot 6 - 1391 m3
	Plot 7 - 1082 m3
Total - 20710 m3	Total - 9571 m3
	54% decrease in volume

The existing development is appropriate within Green Belt and therefore is not considered to be of harm to the openness of the Green Belt or the purposes of including land within it. It is however acknowledged that the existing size, scale and form of agricultural buildings does have an impact upon the visual amenity of the Green Belt and that the development proposed would result in a reduction in ground floor area across the site and that the development proposed would be contained within the central part of the site with other land being returned to open use as paddock. Overall therefore the proposed development can be considered to have less of an impact on the visual amenity of the Green Belt than the existing development. This in itself is not a Very Special Circumstance matter but should be weighed in the round of other material considerations outside of the Green Belt assessment.

b) Residential Amenity Benefits

The applicant considers that the removal of the intensive poultry farm business from the site would have clear benefits to the residential amenity of occupiers of existing dwellings located along the eastern boundary.

There would be some benefits for neighbouring properties from the loss of the intensive poultry farm in respect of the odours and noise that arise from the operations of the business. It is noted however that the neighbouring residential properties and the agricultural use have co-existed for some time. This matter is not therefore considered to amount to very special circumstances.

c) Removal of HGVs from rural roads and the benefits to highway safety

The applicant considers that the removal of the business from this site, with the associated removal of HGV traffic would be a significant benefit in terms of highway safety. The applicant considers that there would be clear benefits for the safety of other road users, including an increasing number of cyclists following high profile sporting events in Yorkshire.

Highways Services note that traffic generation from the proposed residential development would only be marginally above what currently exists and taking into account national and current Council policy this amount would not warrant a refusal. There would not however be notable significant benefits in terms of traffic generation and this matter is not therefore considered to amount to very special circumstances.

d) Best redevelopment option

The applicant notes that consideration has been given to the options for redevelopment that could be undertaken as permitted development. The applicant references residential, employment, nursery and school uses. They consider that the piecemeal nature of this approach would have a harmful impact on the Green Belt and the comprehensive redevelopment of the site with a high quality bespoke residential development is more preferable and

would offer greater benefits in terms of openness and improved visual amenity.

The applicant was asked to undertake a marketing exercise to demonstrate whether or not there is a demand for a continued agricultural use on the site. Wm Sykes & Son (Independent Estate Agents) were engaged to undertake the exercise which has included marketing through property websites and the Huddersfield Examiner.

The report from Wm Sykes & Son highlights the constraints to a continuing agricultural use:

- The buildings are purpose built for the use of poultry rearing and would be unsuitable for accommodating other types of livestock.
- There is no further land under the client's ownership which adjoins the unit. This restricts flexibility for other potential agricultural businesses
- Access to the site is via steep single track lanes
- The site is located a considerable distances from processing plants
- Production costs outweigh the return received.
- As the purpose built buildings continue to deteriorate this brings with it increased maintenance and repair costs.
- Significant investment would be needed to meet standards for other markets

As a result of the marketing exercise 11 enquiries have been received with two requests for viewings (although no viewings have taken place on site). The feedback received is that there is insufficient land to make this a viable proposition for agricultural activity and that the buildings are considered to be unsuitable for other agricultural uses.

The applicant has explored other options for the continued use of the site for agricultural purposes. However, as the marketing exercise demonstrates there has been little interest in the site for alternative agricultural uses.

The alternative to redevelopment of the site for residential would be for the existing buildings to remain, with the prospect that the buildings would fall into disuse and disrepair unless alternative uses can be found that would generate sufficient return to invest in the ongoing upkeep and maintenance of the buildings.

Significant weight is therefore given to the lack of any suitable, viable alternative use for the existing buildings and to the potential impact that disuse and disrepair of the buildings would have upon the visual amenity of the Green Belt.

e) Viability of the business

Paragraph 1.9 of the supporting planning statement states that the site was acquired in 1977 and that over the last 38 years there have been significant changes in the poultry industry. The applicant considers that given the sites

location and the increasing demands of the poultry industry in respect of the proximity of farms to processing plants, the size of units required, the welfare of animals and the impact of narrow roads on access for HGVs, the operation is no longer viable. Furthermore, the bespoke nature of the buildings and the lack of other agricultural land within the applicants control to support agricultural activities make the site unattractive for other agricultural uses.

Do the matters to be considered as Very Special Circumstances outweigh the the harm to the Green Belt?

The development proposed is not considered to be of harm to the purposes of including land within Green Belt.

The existing development whilst appropriate within Green Belt and therefore not harmful to its openness or to the purposes of including land within it is nevertheless considered to have a substantial impact upon the visual amenity of the Green Belt given the scale, appearance, mass and form of the existing development.

It is considered that the development proposed would not be harmful to the purposes of including land within the Green Belt but that it could be of harm to the openness of the Green Belt as a result of the height and scale of the new dwellings and the domestication of the site particularly when viewed from across the valley.

Overall however, it is considered that the development proposed would be less harmful to the visual amenity of the Green Belt than the existing development but this in itself is not a Very Special Circumstance which Members should include in their consideration of the impact on the Green Belt.

The circumstances put forward by the applicant are material considerations but they would only overcome the presumption against inappropriate development if they were considered (either by themselves or together with other circumstances) to constitute very special circumstances that clearly outweigh the harm caused to the Green Belt by inappropriateness and any other harm.

The marketing of the site to seek alternative operators or users has demonstrated that there is very little prospect of the site being continued in its current use or uses compatible with the existing buildings. Significant weight is afforded to this matter and therefore having a pragmatic approach to the redevelopment of an existing site is germane to the determination of this planning application and can be considered as amounting to a Very Special Circumstance.

The circumstances put forward by the applicant as stated at points d and e listed above are considered collectively to amount to very special circumstances and that on balance it is considered they outweigh the harm to

the Green Belt arising from the inappropriate development of 6 new build dwellings.

Proposed Housing Development

Turning to the proposal for housing development, the NPPF states that the purpose of the planning system “is to contribute to the achievement of sustainable development” (para 6). NPPF notes that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples’ quality of life (para 9). NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. “Economic, social and environmental gains should be sought jointly and simultaneously through the planning system” (para 8). NPPF stresses the presumption in favour of sustainable development.

The proposal would provide some economic gains by providing business opportunities for contractors and local suppliers. In accordance with the NPPF, new houses will support growth and satisfy housing needs thereby contribute to the building of a strong economy. There would be a social gain through the provision of new housing at a time of general shortage and the proposal will be subject to a requirement to provide an element of affordable housing which will be a positive component of the social role of the development. The proposal would provide an environmental gain by returning part of the site back to open land uses.

It is evident that residents would be reliant on private cars to access local shops and services via a rural road network. However, the site is located less than 1 mile away from the local centre of Holmfirth with shops, services and public transport opportunities. Taking into account this proximity to the local centre it is difficult to justify a refusal on the grounds the site is within an unsustainable location.

A further matter for consideration is that the Council is currently unable to demonstrate a five year supply of deliverable homes. The delivery of housing in the context of a lack of a five year supply is evidently not a factor to be considered in the assessment of Very Special Circumstances. It is however, a material consideration in the assessment of the principle of housing development and the delivery of new housing at a time of general shortage is considered to weigh in favour of the development

The principle of development is therefore considered to be acceptable.

Impact on highway safety:

Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. The site has direct vehicular access from Hill House Road via a wide priority junction which affords adequate visibility in both directions. The site itself is currently served by a

uniformly sloping access road which serves the industrial size units with adequate internal turning space for the larger HGV's that serve the site. Hill House Road is an adopted highway and can only be described as rural in nature with a carriageway width averaging around 5 metres. The site is in a remote location with poor access to public transport however National Cycle Route 68 runs along Hill House Road and the entrance to the development.

In terms of traffic generation, the site has an existing use which has the potential to generate vehicles movements onto the highway network and in particular a relatively high number of heavy goods vehicle movements. Therefore the impact of this proposed development on the highway network must be weighed against any vehicle movements that would occur over and above what the current site generates. Traffic generation from the proposed residential development would only be marginally above what currently exists and taking into account national and current Council Policy this amount would not warrant a refusal. Access from the development to the primary route network has a very low reported injury accident record, therefore it would appear that the additional traffic generated can be safely accommodated on the local highway network.

With regards to the proposed access into the development the access road could ultimately serve 8 dwellings therefore there would be a requirement for it to be adopted. Plot 4 is more than 130 metres from the adopted highway therefore turning facilities must be provided for refuse collection and emergency vehicles. This can be accommodated within the proposed layout and Highway Services have requested a condition requiring a detailed access road design, including turning head, to be submitted for approval.

In respect of parking provision, Highway Services are satisfied that the proposal meets the Councils standards. As the development has direct access onto a National Cycle Route they request cycle parking is provided to increase the developments sustainability. In conclusion the Highways Development Control Team raises no objection to this application subject to the imposition of relevant conditions.

Layout / Design:

Consideration needs to be given to the siting, materials and design of the new buildings in respect of their impact on the visual amenity of the Green Belt. The proposed dwellings have been laid out to reflect an upland hamlet with four dwellings clustered around a central courtyard and the remaining two dwellings designed to reflect farmstead type buildings. Each dwelling would be of an individual design, constructed in stone with slate roofs, designed to reflect the local vernacular in terms of farmhouse buildings and/ or converted barns. The dwellings include features such as cat slide roofs, glazed cart openings and an irregular pattern of windows with an emphasis on the predominance of stonework rather than regular fenestration patterns. The proposed dwellings are considered to be appropriately designed for the site and its surrounds and represent a positive visual improvement on the

industrial type buildings currently on site. The proposal would accord with policies BE1 and BE2 of the UDP.

Drainage Issues:

Land Drainage:

The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach.

A number of concerns have been raised in the representations received regarding drainage matters; these are précised in the representations section of the report.

In terms of existing drainage, the site is mainly hard surfaced with roof areas draining to ground. The access roads and areas of hardstanding around the buildings predominantly drain into a gravity drainage system. Surface water flows are stored in an underground tank prior to discharge into an existing surface water outlet.

There are two springs that are piped across the site, the first discharges to an existing soakaway, the second discharges to the surface water outlet via a French drain.

The proposed drainage strategy follows SUDS principles with destinations for surface water runoff considered in order of preference (i.e. discharge to ground then discharge to a surface water body then discharge to surface water sewer and finally discharge to combined sewer).

It is proposed that surface water flows from the development be directed to a soakaway trench to the western side of the site with an overflow connection to the existing surface water outfall. A swale above the soakaway is to be utilised to collect flows.

The second spring is to remain connected to the existing SW outfall with the French drain repaired/replaced as required to ensure that any overland flows from higher land are intercepted.

It is acknowledged that the use of soakaways will require further investigation as part of the phase 2 ground investigations.

KC Flood Management and Drainage team has considered the proposed flood risk assessment and drainage strategy for the development.

Local evidence supported by geological survey data suggests that bands of good and poor draining land exist along the contours. This would account for springs and running land drains.

The amount of hardstanding within the site will reduce post development. Volumes of SW discharge from the site will therefore not increase.

The layout facilitates safe flood routing with mitigation measures proposed to set finished floor levels at a minimum of 150mm above existing ground level.

The right of adjacent land owners to use land drainage water that currently does not cross their land is considered to be a civil matter. However the application does not indicate that any flows to third party land will be disconnected.

KC Flood Management and Drainage are satisfied that a technical solution is possible and recommend that a condition requiring the submission and approval of a final drainage strategy for the development be imposed.

The Environment Agency raises no objections. They note the controlled waters at this site are of a low environmental sensitivity.

Yorkshire Water has no objections subject to no building or other obstruction over or within 3.0 metres either side of the centre line of the 110mm live public water main which crosses the site.

Foul Drainage:

A Klargester Package treatment plant is proposed to serve the development. This is located to the north-west of the site, and it is proposed to create a package treatment plant. The Environment Agency raises no objection.

Ecology Issues:

UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The Council's ecologist notes this site appears to have some features of biodiversity interest or lies adjacent to areas which may have features of interest. These include buildings which may be suitable for nesting birds and hedgerows which are a habitat of Principal importance.

An ecological assessment has been submitted with the application. It identifies neutral grassland, scattered trees and hedgerow and concludes that the boundary trees represent the habitat of greatest value. It recommends a scheme should be developed which shows the trees being retained and protected from development. Any trees lost to facilitate development will need to be compensated for through replacement planting. It also advises that native species be used throughout landscaping, and wildlife habitats be provided in the form of bat and bird boxes, built into the fabric of new builds, or erected on a number of suitable boundary trees.

There are no objections to development, subject to a Biodiversity Mitigation and Enhancement Plan being submitted through condition. This is to include details of bat and bird boxes, a landscaping scheme to compensate for loss of

existing vegetation, and to provide enhancement of habitat networks by using native trees and shrubs, and details of any artificial lighting.

It is proposed to fell the majority of trees which front Brow Lane but retain the group of trees in the corner adjacent to the junction of Brow Lane with Hill House Road. All these trees are protected by group Tree Preservation Orders. The trees along the boundary with Brow Lane however, have been severely cut back to accommodate the overhead power lines and are in a poor condition. The arboricultural officer considers the loss of the trees along Brow Lane to be acceptable subject to a replacement planting scheme which would be secured through the Biodiversity Mitigation and Enhancement Plan.

Impact on residential amenity:

It is noted that the representations from nearby residents in support of the application support the removal of the existing poultry business on the grounds it will improve their amenity. UDP Policy D2 requires the effect on residential amenity to be considered for the new dwellings and the existing neighbours and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings.

The nearest neighbouring properties to the site include The Barn, The Farm and The Stable. The proposed dwellings would be positioned at a significant distance from these existing properties. It is considered the properties would not be overlooked, nor would they be any overbearing impact. The proposal would accord with policy D2 of the UDP.

Contaminated Land:

Environmental Services agree with the conclusions of the report by Avie Consulting Ltd, October 2015. The site has been a poultry farm since around 1970 and it appears much of the site has been covered in hardstanding for some time. Whilst fuel and chemicals have been stored on site, these areas appear well managed with no obvious contamination. The site has however been in use for around 45 years and it is not possible to know if any past spillages or contamination has occurred. It would appear that the land had been built up to provide flat areas for the sheds and it is unknown what materials were used.

Environmental Services advise that some limited contamination testing is required as part of a Phase II report. This would detail what remediation (if any) is required. As the site is covered in hardstanding it is likely that sub soil/topsoil will need to be imported to site for gardens/paddocks. It is advised any future report should give a "clean cover" criteria against which imported soils will be compared, and a testing regime to demonstrate that soils meet the criteria. There are no objections to the proposed development subject to the imposition of appropriate conditions.

Air quality:

NPPF Paragraph 109 states that “the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution”. On developments of this scale, this can be achieved through the installation of 1 vehicle charging point included for each dwelling with dedicated parking. This will be secured by condition.

Crime Prevention:

The West Yorkshire Police Liaison officer raises no objections to the proposed development.

Viability/ Section 106 Contributions:

Affordable Housing; UDP Policies H10 and H12 set out that the provision of affordable housing is a material consideration and that where secured, it must be retained. The proposal would have a combined gross floor area of more than 1,000sqm and is eligible for an affordable housing contribution. Agricultural Land is excluded from the definition of brownfield land and the contribution should therefore be 30% of the total floor space of the development.

Public Open Space; In accordance with policy H18 of the UDP the applicant would be required to include measures within the site for the provision of public open space at a minimum rate of 30 sqm per dwelling.

The applicant has submitted a viability appraisal in support of the application. The appraisal has been independently assessed on behalf of the Council. A policy compliant scheme contribution would be about £864,334. The appraisal concludes that the development is able to sustain a financial contribution of £156,963. This is agreed by the independent assessment and given the site constraints and potential for the site deteriorating and not being desirable for reuse as shown in the marketing exercise, on balance this contribution is supported by officers.

It is considered that given the relatively small number of units and the nature of the development proposed, the contribution would be better used to meet the need for affordable housing within the Holme Valley South area rather than provision on site.

As the scheme includes the provision of substantial paddock areas, and given the sites rural location with access to the local countryside it is considered appropriate for the contribution secured to be used wholly towards the provision of affordable housing rather than affordable housing and POS.

Representations:

Nine representations have been received. In so far as they have not been addressed above:

Concern about what will happen to the footpath which forms part of a circular walk.

Response: The adjacent public footpaths will be unaffected by the proposed development.

Concern about the rights to use land drainage water

Response: The right to use land drainage water expressed by adjacent landowners that does not currently cross their land is considered to be a civil matter. The application does not indicate that any flows will be discontinued to third party land or that any 'rights to enjoy' such water would be affected.

Concern about odours from the Sewage Plant, the proximity to a high voltage power line and the burden placed on the water course.

Response: The location of the sewage plant, and the maintenance bay should not interfere with the existing power line. Subject to the facility being maintained in accordance with the manufacturer's specification the concerns about smells and odours should not occur. However to respond to the neighbours concerns a planning condition is proposed to review the location of the facility and if it is practical the facility will be resited further away from the neighbours garden towards plot 6 to improve the separation between the neighbours garden and the facility. The Environment Agency raises no objections.

Conclusion:

The proposed development is inappropriate within the Green Belt. In light of the marketing exercise and the viability challenges of reusing the site and in response to changes in the poultry market it is considered on balance that very special circumstances have been demonstrated which outweigh the harm to the Green Belt.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. The delivery of houses and improvements to visual amenity and residential amenity over the existing site use and appearance weigh in favour of the application. The issues and concerns raised by neighbours around drainage have been investigated and assessed and the site can be drained following the SUDs principles, the details of which can be dealt with through planning conditions. It is accepted that due to viability reasons a reduced contribution for Affordable Housing and POS is justified. It is considered that the development would constitute sustainable development and is therefore on balance recommended for approval.

9. RECOMMENDATION

GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:-

- 1. THE SIGNING OF A SECTION 106 AGREEMENT SECURING THE PROVISION OF CONTRIBUTION FOR AFFORDABLE HOUSING**
- 2. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE SET OUT BELOW; AND**
- 3. SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGES THAT WOULD ALTER THIS RECOMMENDATION, TO ISSUE THE DECISION NOTICE.**

Conditions:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before works to erect the superstructure of any dwelling commence. Thereafter the development shall be constructed of the approved materials.
4. Details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls for the dwellings shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commence. The approved walls/fences shall then be erected before any of the dwellings hereby approved are first occupied and shall thereafter be retained.
5. The development shall not be brought into use, until the approved vehicle parking areas on the approved plans shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
6. No development, except demolition of buildings approved by this permission, shall take place until a scheme detailing the proposed internal adoptable estate roads, including a turning head, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all

aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order) there shall be no vehicular access to the development from Brow Lane

8. The development shall not be brought into use until cycle storage facilities have been provided in accordance with details that have been approved in writing by the Local Planning Authority, the approved facilities shall thereafter be retained.

9. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site re-emergence testing, balancing works, SUDS strategy, flood routing, existing drainage to be maintained/diverted/abandoned, and percolation tests) including management arrangements has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

10. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the 110mm live public water main, which crosses the site.

11. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and

approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

14. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

15. Development shall not commence until a scheme detailing landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the phasing of the landscaping and planting. Thereafter the works comprising the approved scheme shall be implemented in accordance with the approved phasing.

16. A Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The development shall thereafter be carried out in accordance with the details approved.

17. Notwithstanding the information submitted on Plan Reference A(10)-005 Rev F, details of the packaged sewage treatment plant to be installed shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commence. The report shall include details of:

- 1 Location of the tank.
- 2 The capacity of the tank and number of persons using the tank.
- 3 Adequate means of vehicular access should be provided to allow the tank to be emptied.

Thereafter the installation shall be installed before any dwelling is first occupied and maintained in accordance with the agreed details.

NOTE: In respect of condition 17 the Klargester Package Treatment Plant is located very close to a neighbouring properties residential garden. Given the size of the application site, it is advisable the package treatment plant is located further away from unconnected properties/garden areas. Calculations should be shown as to how the model/capacity of the tank was arrived at.

NOTE: The Biodiversity Mitigation and Enhancement Plan, pursuant to condition 16, shall include a landscape enhancement plan identifying habitats to be retained and additional planting to develop habitat networks through the planting of native trees, shrubs and wildflowers, details of guidance on vegetation clearance and building demolition, the erection of an appropriate number of bat and bird boxes installed integral to new dwellings and on trees within the site and details of any artificial lighting. Fencing should be designed not to impede or obstruct the free movement of hedgehogs within and beyond the site.

NOTE: Construction Site Noise

To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

This recommendation is based on the following plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan and Proposed Block Plan	A(10)-005	F	03.03.16
Sections as Existing	A (10)-002		09.12.15
Plot 2 – Plans and Elevations	A (10)-008	A	09.12.15
Plot 3 – Plans and Elevations	A (10)-009	A	09.12.15
Plot 4 – Plans and Elevations	A (10)-010	A	09.12.15
Plot 5 – Plans and Elevations	A(10)-011	A	09.12.15
Plot 6 Plans and Elevations	A(10)-012	A	09.12.15
Plot 7 Plans and Elevations	A(10)-013	A	09.12.15
Proposed Garage Plans and Elevations (A & B)	A(10)-015		09.12.15
Design and Access Statement			09.12.15
Flood Risk Assessment	P1786	04	03.03.16
Planning Statement			25.01.16
Marketing Statement			19.07.16
Phase 1 Environmental Assessment	P1786	01	09.12.15
Coal Mining Risk Assessment	51001025743001		09.12.15
Arboricultural Impact Assessment			09.12.15
Tree Constraints Plan			09.12.15
Trees Proposed for Removal			09.12.15
Ecological Report	R-2408-02		25.01.16

Application No: 2016/91780

Type of application: 60 - OUTLINE APPLICATION

Proposal: Outline application for one detached dwelling with attached garage

Location: 2, Green Gardens, Golcar, Huddersfield, HD7 4DG

Grid Ref: 410156.0 416188.0

Ward: Golcar Ward

Applicant: Mark Grindrod

Agent: Chris Gentle, Northlight Architecture

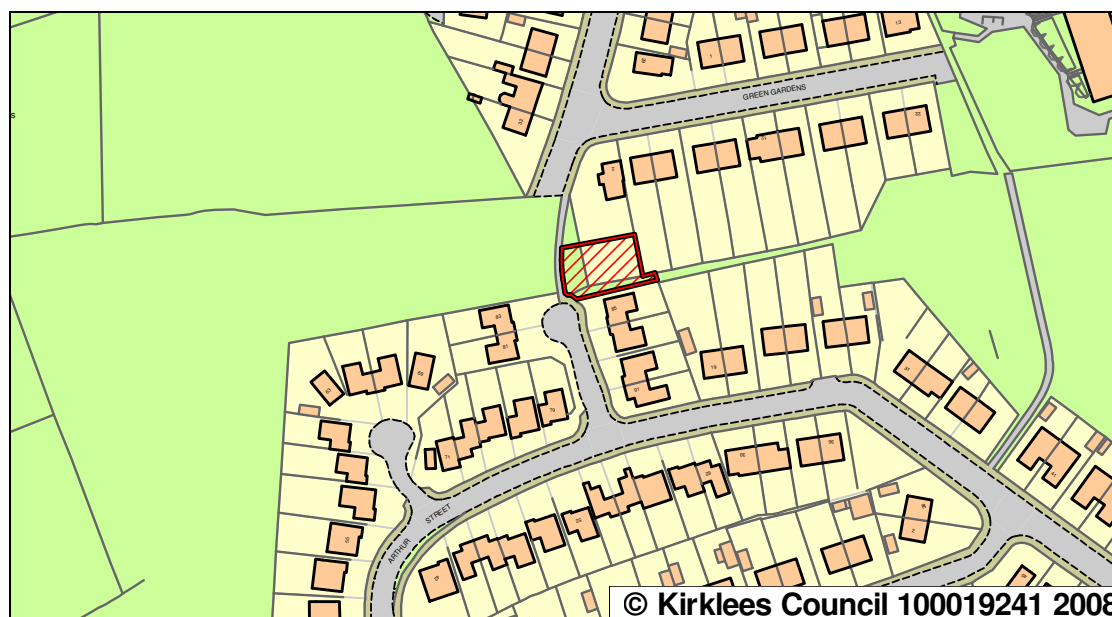
Target Date: 21-Jul-2016

**Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL
SUBJECT TO DELEGATION TO OFFICERS**

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Residential	
Scale of Development	1 dwelling	
No. Jobs Created or Retained	N/A	
Policy		
UDP allocation	Urban Greenspace	
Independent Viability Required	N/A	
Representation/Consultation		
Individual Support (No.)	0	
Individual Objection (No.)	2	
Petition	N/A	
Ward Member Interest	No	
Statutory Consultee Objections	None	
Contributions		
• <i>Affordable Housing</i>		
• <i>Education</i>		
• <i>Public Open Space</i>		
• <i>Other</i>		
Other Issues		
Any Council Interest	No	
Planning Pre-Application Advice	No	
Pre-App Consultation Undertaken?	No	
Comment on Application	This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.	

GRANT CONDITIONAL OUTLINE PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

- 1. Await the end of the public representation period, to asses any further representations, and**
- 2. Subject to there being no substantial change that would alter this recommendation, issue the decision notice**

2. INFOMRATION

The application is brought before Strategic Planning Committee as the development proposed represents a departure from the Development Plan.

3. SITE/ PROPOSAL DESCRIPTION

Site Description

The application site is the former garden of no.2 Green Gardens, approximately 324 square meters in area (0.03 hectares). Since the grant of outline planning permission for a single dwelling in 2004 the site has been sold off as separate parcel of land.

The site is bounded by residential development to the north, east and south. To the west is open green space.

The site itself is overgrown and well vegetated, bordered by a cement panel wall with timber boarding above. Access is taken from the head of Arthur Street cul-de-sac. Running along the west boundary is a pedestrian access connecting Arthur Street to Green Gardens.

Proposal Description

The proposal seeks outline permission for one detached dwelling with access and layout to be considered, all other matters being reserved for subsequent consideration. The plans submitted are identical to those submitted under application 2013/91581 (since lapsed).

Access would be taken from Arthur Street with a drive and turning head to the front of the site. The proposed dwelling would be located centrally within the site and would incorporate an integral garage. The drive and garage would offer sufficient parking for two vehicles. The dwelling would have a footprint of 6.0m x 8.0m. An area of private amenity space is proposed to the east of the site.

4. BACKGROUND AND HISTORY

2004/95319: Outline application for erection of detached dwelling – Conditional Outline Permission (unimplemented)

2010/90371: Outline application for erection of detached dwelling with garage – Conditional Outline Permission (unimplemented)

2013/91581: Extension to time limit to previous planning permission (ref 2010/90371) – Conditional Outline Permission (unimplemented – decision date 4th of July 2013)

5. PLANNING POLICY

Kirklees Unitary Development Plan

- **D2** – Unallocated Land
- **D3** – Urban Greenspace
- **BE1** – Design principles

- **BE2** – Quality of design
- **BE12** – Space about buildings
- **T10** – Highway Safety
- **NE9** – Retention of mature trees
- **H1** – Housing strategy

National Planning Policy Framework

- **Paragraph 14** – Sustainable development
- **Paragraph 17** – Core planning principles
- **Chapter 1** – Building a strong, competitive economy
- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring good design
- **Chapter 8** – Promoting healthy communities

6. CONSULTATIONS

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

K.C. Highways (Development Management) – No objections were raised.

7. REPRESENTATIONS

The application has been advertised by neighbour letter, press notice and site notice. The publicity period expires on 26th of August; any further representations received will be reported in the Committee update however given that the publicity period does not expire until after the Committee meeting, if Committee is minded to grant planning permission it will be necessary to delegate authority to Officers to determine the application.

To date two representations in objection to the proposal have been received. The following issues were raised:

- Access will require crossing a PROW which is used by children. Previous applications included details of a small fence.
- Local disruption from large construction vehicles.
- The proposal will block a public right of way which allows access to the dwellings on Green Gardens.
- Previous workmen on site have caused damage to fences.

8. ASSESSMENT

Principle of development:

The site is within an area allocated as Urban Greenspace. Policy D3 of the UDP advises that on sites designated as Urban Greenspace planning permission will not be granted unless the development is necessary for the continuation or enhancement of established uses or involves change of use to

alternative open land uses; or would result in a specific community benefit and in all cases will protect visual amenity, wildlife value and opportunities for sport and recreation; or includes alternative provision of Urban Greenspace equivalent in quantitative and qualitative terms to that which would be developed and is reasonably accessible to existing users.

The application seeks planning permission for residential development, which if approved would be a departure from the Council's UDP.

NPPF Chapter 8 states that existing open space should not be built on unless it is demonstrated that the open space is surplus to requirements, is replaced by an equivalent or better provision or the development is for alternative sports and recreation provision.

The site is located on the very edge of the Urban Greenspace allocation. It is separated from the wider Urban Greenspace to the west by an existing pedestrian footpath that connects Arthur Street and Green Gardens.

The site is privately owned and was previously a part of the garden for no.2 Green Gardens. Following the grant of Planning Permission (2004/95319 Outline application for erection of detached dwelling) the site has been fenced off and retained as a separate parcel of land.

It is acknowledged that the application does not demonstrate that the site is surplus to requirements, that the area of Urban Greenspace lost is to be replaced or that an alternative sports and recreation provision is made. However it is noted that the site hasn't been used in the past for sport and recreation and that it is both physically and functionally separate from the balance of the Urban Greenspace allocation.

Weight is given to the history of previous planning permissions for the site dating back to 2004 (including application 2013/91581 which expired on the 4th of July 2016). The current application was received on the 26th of May 2016 (i.e. when the previous permission was still extant). Planning Practise Guidance advises that failing to grant further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances may be considered to be unreasonable.

The Council cannot presently demonstrate a 5-year supply of housing land. In these circumstances, in accordance with the NPPF's paragraph 49, '*relevant policies for the supply of housing should not be considered up to date*'. Whilst Policy D3 does not relate specifically to the supply of housing land, the lack of a 5-year supply is in itself a material consideration. This alone is not considered to be of sufficient weight to justify the loss of Urban Greenspace, however when taken together with the planning history of the site it is considered that this outweighs any potential harm that results from the development of the site.

The NPPF identifies the dimensions of sustainable development as economic, social and environmental (Para.7). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8).

The proposal would provide some economic gains by providing business opportunities for contractors and local suppliers. In accordance with the NPPF, new houses will support growth and satisfy housing needs thereby contribute to the building of a strong economy. There would be a social gain through the provision of new housing at a time of general shortage.

It is considered that the proposal for residential development amounts to sustainable development. Chapters 1 and 6 of the NPPF and Policy H1 of the UDP in general support residential development.

Having regard to the planning history of the site it is considered that the principle of housing development at this site is acceptable and does not conflict with the relevant provisions of the Development Plan and in accordance with the sustainability principles of the NPPF.

Impact on visual amenity:

Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New developments should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area.

Layout is a matter for consideration at this stage, whilst the scale and appearance of the dwellings together with landscaping would be assessed as reserved matters.

The dwelling would be sited centrally within the plot and would have a footprint of 6m x 8m. The proposed siting of the dwelling would meet the requirements of UDP policy BE12 in relation to space about buildings. The siting of the proposed dwelling is not out of keeping with the grain of the area and a new dwelling at the location of the site would comfortably when viewed from surrounding streets and public rights of way. The proposed footprint of the dwelling would be in keeping with the scale, density and layout of surrounding properties on both Arthur Street and Green Gardens.

Appearance, scale and landscaping will be addressed at the reserved matters stage. Having regard to layout and access, the development is considered to be acceptable.

Impact on residential amenity:

Policy D2 of the UDP and NPPF paragraph 17 seek to protect residential amenity. Policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows. Neighbouring dwellings are sited to the north and south. The layout plan gives no indication that the

proposal at reserved matters could not achieved compliance with Policy BE12's guidelines.

The plan indicates that the dwelling would have an expected maximum height to the eaves of 4.8 metres and a height to the ridge of 6.5 metres. A dwelling of this height, in the location indicated, is not anticipated to cause undue overbearing or overshadowing to the neighbouring dwellings. This is due to the separation distance and layout of the existing and proposed dwellings. Notwithstanding this the details of scale and design would be considered as part of any reserved matters application, allowing a full assessment of the proposal's impact on the surrounding dwellings.

Impact on highway safety:

UDP Policy T10 states that *"New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network"*.

The proposal seeks a single detached dwelling. The plan indicates on-site turning and two on-site parking spaces (including the garage). Access would be from a turning circle off the cul-de-sac of Arthur Street with a turning head.

Two parking spaces would be sufficient for a dwelling of the proposed size. Several dwellings take access from the cul-de-sac, and it is not considered additional use will cause a detrimental impact.

Notwithstanding the above it is noted the site is adjacent to an existing footpath. The footpath is not recorded as a public footpath on the definitive map and is not protected as a public right of way. Nevertheless to minimise any potential conflict between the footpath users and vehicles accessing the site a condition is recommended limiting the height of any boundary fence to 1.0m and requiring details be approved by the LPA.

Subject to this condition is considered that the proposal will not prejudice the safe or efficient use of the Highway Network. The proposal is deemed to comply with Policy T10 of the UDP.

Other matters:

Trees: Adjacent to the site's east boundary are several mature trees. They are not within the application site and the proposed layout would not impact upon them.

Representations:

- Access will require crossing a PROW, which is used by children. Previous applications included details on a small fence.

Response: The footpath is not a registered PROW. Its use and potential conflict with vehicles accessing the site is acknowledged. If minded to approve conditions on the fencing can be imposed to prevent conflict between vehicles and pedestrians.

- Local disruption from large construction vehicles.

Response: Given the small scale nature of the development and the limited disruption that would arise from construction related activities, this is not a significant material planning consideration.

- The proposal will block a public right of way which allows access to the dwellings on Green Gardens.

Response: The access in question runs along the south of the site, not the footpath to the west and the location of the access for the dwelling would not affect the use of the footpath except that users of the footpath would need to be mindful of any vehicles crossing.

- Previous workmen on site have caused damage to fences.

Response: This would be a private legal matter between the parties involved, and does form a planning consideration.

Conclusion:

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

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

9. RECOMMENDATION

GRANT CONDITIONAL OUTLINE PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

- 1. Await the end of the public representation period, to assess any further representations, and**
- 2. Subject to there being no substantial change that would alter this recommendation, issue the decision notice**

Conditions

1. Approval of the details of the scale, appearance and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the scale, appearance and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

5. The development shall not be brought into use until all areas indicated to be used for vehicles on the approved plan have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the use specified on the submitted plan for the lifetime of the development.

6. All obstructions to visibility exceeding 1m in height above the footway within a strip of land 2.0m back from the edge of the footway running along the western flank of the site for a measurement of 2.0m from the approved vehicular access shall be removed or lowered prior to first occupation of the dwellings and thereafter be retained as such.

7. Any gates shall be fitted so as not to open over the highway.

8. No development shall take place until samples of all facing and roofing materials have been approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.

9. No development shall take place until details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls have been approved in writing by the Local Planning Authority. The approved walls/fences shall be erected before the development hereby approved is occupied/brought into use and shall thereafter be maintained.

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	(AL)01		26.05.2016

Application No: 2016/90933

Type of application: 62m - FULL APPLICATION

Proposal: Demolition of existing buildings and erection of manufacturing unit with associated access, parking and turning

Location: Colne Vale Road, Milnsbridge, Huddersfield, HD3 4NY

Grid Ref: 411340.0 415832.0

Ward: Golcar Ward

Applicant: Andrew Taylor, Specialist Glass Products Ltd

Agent: Alan Davies, Northern Design Partnership

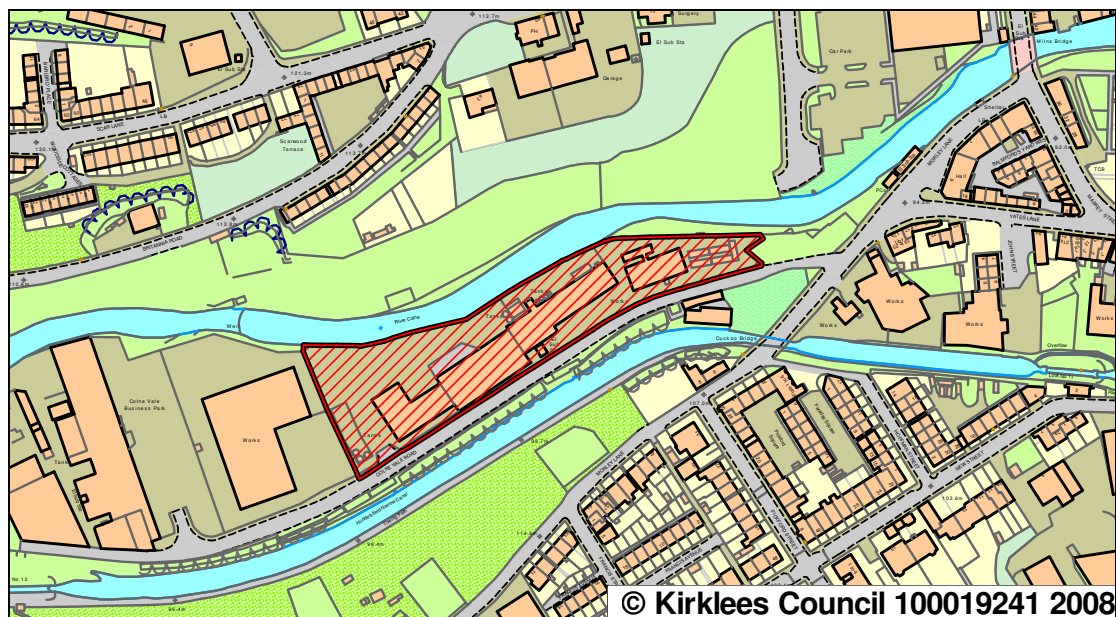
Target Date: 26-Sep-2016

Recommendation: FC - CONDITIONAL FULL PERMISSION

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY

Application Details		
Type of Development	Demolition of existing and erection of new commercial premises	
Scale of Development	Site area 8.2ha	Approx. 3700m ² metres of floor space
No. Jobs Created or Retained	Up to 20	
Policy		
UDP allocation	Not allocated	
Independent Viability Required	N/A	
Representation/Consultation		
Individual Support (No.)	0	
Individual Objection (No.)	0	
Petition	0	
Ward Member Interest	None	
Statutory Consultee Objections	No	
Contributions		
• <i>Affordable Housing</i>	N/A	
• <i>Education</i>	N/A	
• <i>Public Open Space</i>	N/A	
• <i>Other</i>	N/A	
Other Issues		
Any Council Interest	No	
Planning Pre-Application Advice	Yes	
Pre-App Consultation Undertaken?	No	
Comment on Application	It is considered that this proposal is acceptable subject to appropriate planning conditions	

RECOMMENDATION – GRANT CONDITIONAL FULL PLANNING PERMISSION

2. INFORMATION

The application is brought before the Strategic Planning Committee (SPC) as the site exceeds 0.5 ha of non-residential development.

3. PROPOSAL/SITE DESCRIPTION

The application site occupies an area of approximately 0.8 ha and is located 200m to the south west of the centre of Milnsbridge Town Centre within an area which has a mixed residential/commercial character immediately

adjacent to the Milnsbridge conservation area. The bulk of residential properties are located to the south of the site and other commercial activities are concentrated to the north east and west. The River Colne bounds the northern boundary of the site and the Huddersfield narrow canal is immediately to the south. The site is a brownfield site, being formerly occupied by a commercial operation and still retains the original site buildings.

The applicant proposes to demolish the existing site buildings and erect a new purpose built manufacturing unit including associated access parking and turning facilities. The proposed building would occupy an area of approximately 3700 square meters and would be used for the manufacture of glass products in conjunction with the applicant's existing facility which is immediately adjacent to the application site.

The new manufacturing building and ancillary office/welfare accommodation would measure approximately 135m x 35m at its widest point and would be approximately 10m to ridge height. The building would be of a traditional steel frame design with brickwork up to a height of 2m from ground level and a mixture of flat and metal profile wall panels used to clad the remainder of the walls. The roof would be covered using profile steel panels.

The proposal would involve the creation of a surfaced goods yard and vehicle turning areas and the provision of up to 47 off street car parking spaces. There are about 77 existing jobs on the original site and the development would create around 23 additional jobs which would be split across the original site and the new site.

4. BACKGROUND AND HISTORY

The site has a long history of commercial use, being used for many years until its closure a number of years ago. However, no recent planning applications have been made with respect to the site

5. PLANNING POLICY

The statutory development plan comprises the Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

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 Local Plan process is underway and the public consultation on the draft local plan is taking place from 9th November 2015 to 1st February 2016.

The National Planning Policy Framework explains how weight may be given to policies in emerging plans. At this point in time, the draft local plan policies and proposals are not considered to be at a sufficiently advanced stage to

carry weight in decision making for individual planning applications. The Local Planning Authority must therefore rely on existing policies (saved) in the UDP and national planning policy and guidance”.

The site is without notation in the adopted Unitary Development Plan and it is considered that the following policies and documents are relevant to this application:

D2 – Unallocated Land
B1 – Employment Needs
BE1 – Design principles
BE2 – Quality of design
EP4 – Noise generating development
EP6 – Assessment of existing and predicted noise levels.
G1 – Securing regeneration
G6 – Land contamination
T10 – Highway safety
T17 – Considering the needs of cyclists
T19 – Parking standards

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. It is considered that the following documents are relevant to this application.

NPPF Section 1 Building a Strong and Competitive Economy
NPPF Section 7 Requiring Good Design
NPPF Section 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change
NPPF Section 11 Conserving and Enhancing the Natural Environment
NPPF Section 12 Conserving the Historic Environment

6. CONSULTATION RESPONSES

KC Highways DM – Acceptable in principle formal comments will be included in the committee update relating parking numbers.

KC Conservation and Design – No objection

KC Ecology Officer – No Objection subject to the inclusion of planning conditions which require:

- The development be carried out in accordance with mitigation detailed in the supporting ecological assessment

- An artificial lighting scheme to be submitted to and approved.

K C Environmental Services –No objection subject to the inclusion of planning conditions which require:

- A Phase II intrusive site investigation to be carried out to identify whether contamination is present and measures to satisfactorily deal with any contamination found.
- that hours of operation are stipulated
- roller shutter doors are kept closed other than for loading or unloading
- no external plant, flues or louvres are installed within the main building's structure
- the installation of electric vehicle charging points

K C Strategic Flood Protection and Drainage – No objection subject to a planning condition which requires a detailed drainage scheme to be submitted to and approved by the LPA prior to development commencing.

KC Trees Officer – No objections but recommend a condition requiring the submission of soft landscaping proposals to enhance the layout

Environment Agency – No objections subject to the development being carried out in accordance with the supporting flood risk assessment

Yorkshire Water – No objection subject to planning conditions which require:

- The diversion of water supply pipes which enter the site prior to development commencing
- The development is completed in accordance with the flood risk assessment

Police Architectural Liaison Officer – No objection but suggests the applicant includes crime prevention measures such as external lighting and CCTV coverage for site entrances, car parking areas and all other accessible areas.

Canal and River Trust – No objection subject to the inclusion of a planning condition which requires details of the proposed foundations and excavations and how they may impact on the adjacent canal to be approved prior to development commencing.

7. REPRESENTATIONS

The application was publicised by the erection of 4 site notices in the vicinity of the site, the posting of 74 neighbour notification letters and an advertisement in the local press. No representations have been received with regard to this proposal.

8. ASSESSMENT

General Principle:

The application site is without notation on the UDP proposals map and it is therefore considered that the principal policy determining the suitability of this proposal is D2 which indicates that development on such land will be permitted provided that the proposals do not prejudice:

- i the implementation of proposals in the plan;
- ii the avoidance of over-development;
- iii the conservation of energy;
- iv highway safety;
- v residential amenity;
- vi visual amenity;
- vii the character of the surroundings;
- viii wildlife interests; and
- ix the efficient operation of existing and planned infrastructure.

These considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.

In addition to the above, this proposal represents the re-development of former business premises thus Policy B1 of the UDP applies. UDP policy B1 (ii) indicates that the employment needs of the district will be met by maintaining the stock of established business and industrial premises.

Subject to the matters outlined under Policy B1 not being prejudiced, the principle of this proposal would be acceptable.

The National Planning Policy Framework makes it clear that the Government is committed to securing economic growth through the planning process and to help achieve this paragraph 20 of the NPPF states:

“.....local planning authorities should plan pro-actively to meet the development needs of business and support an economy fit for the 21st century.”

As this proposal would positively contribute towards the local economy in terms of jobs and investment, it is therefore considered that, subject to this proposal not compromising the key sustainable principles set out in the NPPF, this proposal is acceptable in principle.

Impact on amenity:

Visual amenity:

UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. Section 7 of the NPPF indicates that good design is a key aspect of sustainable development and that poorly designed development should be refused.

The area surrounding the application site exhibits a variety of architectural styles both contemporary and more traditional involving the use of different facing materials including stone, brick and metal cladding. Commercial premises in the immediate vicinity of the site include buildings constructed from materials similar to this proposal. Furthermore this site was previously used in connection with commercial activity and the majority of the original site buildings are of a similar style to those proposed.

The proposed building is of a contemporary design which makes use of materials which are fairly typical for this type of development. The scale of the building would be similar to others in the immediate vicinity and officers therefore consider that it would not be out of keeping within the wider setting which, as indicated, includes similar buildings. It is therefore considered that this proposal would not detrimentally affect visual amenity and would therefore accord with policies BE1 or BE2 of the UDP and national policy guidance contained in Section 7 of the NPPF.

Residential Amenity:

When viewed from the surrounding area, the site lies within the setting of a wider industrial/business area, although a significant number of residential properties are located to the north and south which are at a higher level and therefore can gain views of the site. Having said this, mature vegetation to the north and south would act to filter such views and would provide an effective screen during periods when the vegetation is in full leaf. Whilst the new building would be substantial, it would be some distance from the nearest residential properties and two storey in scale and it is therefore considered that the proposal would not create an overbearing outlook when viewed from those properties. Furthermore the introduction of strategic planting around the site could help to bolster the existing vegetation which would help to mitigate the impact of this development further.

In relation to potential noise impact, Environmental Services confirm verbally that there is no objection in principle to this proposal. Detailed comments and conditions will be included in the committee update

Impact on the Environment:

Ecology:

Whilst the site has been left vacant for some time, it remains a developed site and habitat provision is therefore limited. Having said this, existing trees and vegetation have the potential to support significant numbers of nesting birds. The applicant has provided an ecological appraisal to support the application which concludes that there is no evidence on site of protected species using the site and that as the majority of the site is comprised of buildings and hard surface the site is of low ecological value.

Officers have reviewed the appraisal and generally agree with its findings. However, the River Colne is important as a foraging resource and movement corridor for bats and for otter and these species can be negatively affected by artificial light. It is considered that a lighting scheme which avoids any light spill onto the adjacent watercourses or bordering vegetation should be provided for approval if planning permission is granted. It is therefore proposed to include an appropriately worded planning condition to deal with this issue. This proposal would therefore accord with UDP policy D2 and Section 11 of the NPPF with regard to its potential effect on local ecology.

Flood Risk:

As the application site falls within Flood Zone 2 the 'Sequential Test' must be applied. This is principally designed to steer development away from flood prone areas where possible. However, Planning Practice Guidance indicates that a pragmatic approach should be taken with regard to the availability of alternative sites and the individual circumstances of a proposed development should be considered. The applicant has provided an assessment of available sites within the wider area which would potentially offer a reduced flood risk. This identified 164 alternative sites as potentially offering such a reduced flood risk. However, 27 of those sites are already occupied, 113 have a gross floor area less than required and 23 were considered unsuitable for a number of different reasons which include the following:

- Site is too large – it is considered that along with other site constraints, development of the site utilising a holistic approach to ensure the development of a cohesive SUDS drainage strategy would be preferred.
- Site is sized appropriately i.e. +/- 20% of application site (gross area), however difficult site constraints identified which are likely to incur additional costs in comparison to the application site
- Site has been reallocated within the 2015 Draft Local Plan to form part of the Strategic Green Infrastructure Network

- Site has been rejected within the 2015 Draft Local Plan; or has significant development constraints which are considered to render the site unviable for accommodating industrial development such as specialist glass manufacture.

This left the application site as being the most suitable for this proposal.

It is considered that the sequential test has been satisfactorily considered and the exceptions test can therefore be considered with regard to the proposal. Paragraph 102 of the NPPF states that:

“If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception test to be passed:

- *It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk. Informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

The application site falls within Zone 2 of the indicative flood plain map which represents a medium risk of flooding. The flood risk assessment carried out in support of this application concluded that the site is capable of being developed despite being within a Flood Zone subject to the inclusion of flood mitigation measures.

Bearing in mind the economic benefits this development is likely to bring to the local area and the relatively low risk of problems associated with major flooding, it is considered that, on balance, the wider benefits of this proposal would outweigh any negative impacts associated with flood risk. Therefore it is considered that this proposal would accord with policy guidance contained in section 10 of the NPPF with regard to the potential for the development to be affected by flooding.

Pollution/Contamination:

UDP Policy G6 states that development proposals will be considered having regard to available information on the contamination or instability of the land concerned. Paragraph 121 of the NPPF echoes this.

The applicant has submitted a phase 1 contaminated land and geotechnical report in support of the application which concludes that there is contamination on the site both in the soil and groundwater and a potential for additional contamination from past site uses and for methane gas and volatile

organics. Consequently it recommends that further ground investigation is required in order to further quantify the risks of contamination, toxic gases, VOCs, groundwater contamination levels, asbestos materials and to enable geotechnical testing for foundation design for the proposed development. Officers consider that subject to the inclusion of planning conditions requiring further ground investigation to be undertaken and an appropriate remediation strategy to be agreed, the proposal is acceptable with regard to its impact as a result of previous site contamination. This proposal therefore Accords with UDP policy G6 and Section 11 of the NPPF.

Drainage:

The applicant has submitted a drainage impact assessment which indicates that the site can be adequately drained. However, further investigations are required to ensure that a scheme can be implemented and provide the required level of drainage provision. Officers consider that these investigations can be adequately controlled via the use of appropriately worded planning conditions.

Historic Environment:

Whilst the site lies close to but outside the Milnsbridge conservation area, it could have an impact on its setting. However, officers consider that, due to the scale of the development and the footprint being the same as the original building, this proposal would not have a significant detrimental impact on the setting of the Milnsbridge Conservation Area and would therefore accord with Section 12 of the NPPF and having special regard for S72 of the Planning (LB & CA) Act 1990.

Highway Safety:

Policy T10 of the UDP states that new development should not materially add to any highway safety implications and Policy T19 sets out appropriate parking provision that should be provided with developments.

The proposal would involve utilising the existing two site accesses to the east and west of the original site buildings which directly adjoin Colne Vale Road. The applicant has indicated that adequate visibility can be achieved (2.4m x 43m) at these entrances and they would therefore provide safe access to and egress from the proposed goods yard and parking areas.

Plans submitted by the applicant have identified off street parking spaces to the east of the site but the applicant has also indicated that off street parking provision could be accommodated to the west of the site (20 spaces) and on a small area under his control immediately adjacent to Colne Vale Road (12 spaces). The 20 spaces indicated at the west of the site have not yet been shown on a plan by the applicant and this information will be brought to Committee in the Update report. Officers initial assessment is that they consider that these spaces can be achieved along with maintaining sufficient space for manoeuvring of HGVs within the site. Subject to this being

demonstrated this would provide a total of 47 spaces directly associated with the development for around 100 jobs. Furthermore the applicant intends to operate this site in tandem with their current operation which is immediately adjacent to the application site and has indicated that following the reorganisation of operations once the new unit is complete, additional car parking spaces would be available on their current site to add to the 47 which should be created on the new site.

The application site is within walking distance of Milnsbridge town centre where regular bus services are available providing links to Huddersfield and the wider area and nearby cycle routes could be used by staff wishing to cycle to the site.

Officers consider that, in principle, this development is acceptable with regard to its potential impact on highway safety. However, formal comments from Highways Development Management will be reported in the committee update with details of proposed conditions

It is therefore considered that this proposal accords with UPD policies T10 and T19 with regard to its impact on highway safety.

Other matters:

West Yorkshire Police (WYP) was consulted with regard to the crime prevention implications associated with the design of the building. WYP has indicated it does not wish to object to the proposal but has suggested that the applicant should consider the use of external lighting and CCTV to cover car parking areas and building entrances and that all external doors and windows should meet the requirements of Secured by Design.

Representations:

No representations have been received with regard to this proposal.

Conclusion:

The proposal would bring back into use an area of commercial land in an appropriate manner which would improve the manufacturing capability of the applicant, who already occupies adjacent premises. The design of the proposed new unit is considered to be acceptable and will not be out of keeping with the area, subject to conditions, and it is considered that the development would assimilate well within this particular setting, which has a commercial character and includes similar development within close proximity.

Due to the separation distances, local topography and screening afforded by the existing built environment and existing vegetation, it is considered that, on balance, the impact on neighbouring residential properties would be limited.

The proposed car parking provision will be clarified in the Committee update.

The creation of new jobs and retained jobs in modern purpose built facilities weigh in favour of the application.

The application complies with the relevant provision of the Development Plan. There are no other material considerations that outweigh this finding.

9. RECOMMENDATION

GRANT CONDITIONAL FULL PLANNING PERMISSION

Conditions:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
2. The development hereby permitted shall be carried out in complete accordance with the with the plans and specifications schedule listed in this decision notice except as may be required by other conditions attached to this permission, which in all cases shall take precedence.
3. No development shall commence until details of the proposed foundations and excavations have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the building's construction.
4. No development commence on the building's superstructure until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.
5. The planning permission hereby approved shall be carried out in accordance with the following measures:
 - Finished floor levels of buildings at the site shall not be below 94.9 AOD
 - Flood Resilience and resistance measures will be incorporated into the proposed development as stated in the supporting Flood Risk Assessment (Ref: 2015-170-02) .
 - The minimum easement of 3.6m (as detailed in the letter dated 17-05-2016 ref: DM/170516/2015-170) is maintained to provide access to the watercourse at all times.
6. No development shall commence until public water supply pipes that enter the site have been diverted in accordance with a scheme submitted to and approved by the Local Planning Authority.

7. No development shall commence until a scheme detailing foul, and surface water drainage, (*including existing drainage assessment, discharge rates agreed with the Lead Local Flood Authority, off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained/diverted/abandoned*) has been submitted to and approved in writing by the Local Planning Authority. None of the buildings shall be occupied until the approved drainage scheme has been provided on the site to serve the development and the approved scheme shall be retained thereafter.

8. No development shall commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

12. Within one month of the date of the permission hereby approved, a scheme shall be submitted and approved in writing by the local planning authority which provides full soft and hard landscaping proposals for the site which shall include the following:

- The planting of native tree species only
- Details of planting species and their densities
- Details of the proposed maintenance arrangements

The approved scheme shall be fully implemented within the first available planting season. Within a period of 5 years of implementation, any planting which forms part of the approved landscaping scheme which dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size or species.

13. The development hereby approved shall not be brought into use until a scheme indicating the measures to be taken for the control of any glare or stray light from the operation of artificial lighting has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall provide:

- (i) The proposed design level of maintained average luminance
- (ii) The predicted vertical luminance that will be caused by the lighting when measured at the windows of the nearest residential properties in the vicinity
- (iii) The proposals to eliminate glare from the use of the lighting installation
- (iv) The proposed hours of operation of the lighting

The lighting scheme shall be designed to prevent light spillage into areas of semi-natural vegetation and ecological corridors where light levels from any new lighting shall be below a level 0.3 lux in those areas. The approved scheme shall be implemented in full prior to the site being occupied and thereafter retained for the duration of the development.

14. No activities shall be carried out on the premises outside the hours of 0600 and 2200 Monday to Friday and 0800 to 1300 Saturdays. No activities shall take place on Sundays or Bank/Public Holidays.

15. There shall be no deliveries to or dispatches from the premises outside the hours of 0600 and 1800 Monday to Friday and 0800 and 1300 Saturdays. No deliveries shall take place on Sundays or Bank/Public Holidays.

16. All roller shutter doors and other openings in all elevations shall be kept closed except when required for access/egress and loading/unloading.

17. There shall be no siting of external plant/flues or louvres or other extract points in the main building structure.

18. Notwithstanding the details provided in support of this application, the development shall include a minimum of 7 plug in charging points for electric vehicles. All works involved in providing the charging points shall be completed prior to occupation of the development.

Highways Conditions to be included in the committee update showing a minimum of 47 spaces with on site turning space for HGVs and additional car parking on the adjoin site is also available if it is required.

This recommendation is based on the following plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	1524		21.03.16
Proposed Elevation	02		21.03.16
Proposed Site Plan East Entrance	04		
Proposed Site Plan West Entrance	03		
Proposed site layout	01		21.03.16
Flood Risk and Drainage Impact Assessment	2015-170-02		06.04.16
Sequential Test Report	2015-170-01		21.03.16
Ecological Survey	Eco/16/03		21.03.16
Design and Access Statement			21.03.16
Phase 1 Ground Investigation	SGP 3234		21.03.16
Noise Assessment	DRUK/ACC/RS/AVA WMFMLH/2522		27.06.16

Application No: 2016/91026

Type of application: 62m - FULL APPLICATION

Proposal: *Erection of 168 student studios with communal areas*

Location: *Land off Manchester Road, Huddersfield*

Grid Ref: 413936.0 416167.0

Ward: *Newsome Ward*

Applicant: *Bradco*

Agent: *David Bennett, KDP Architects*

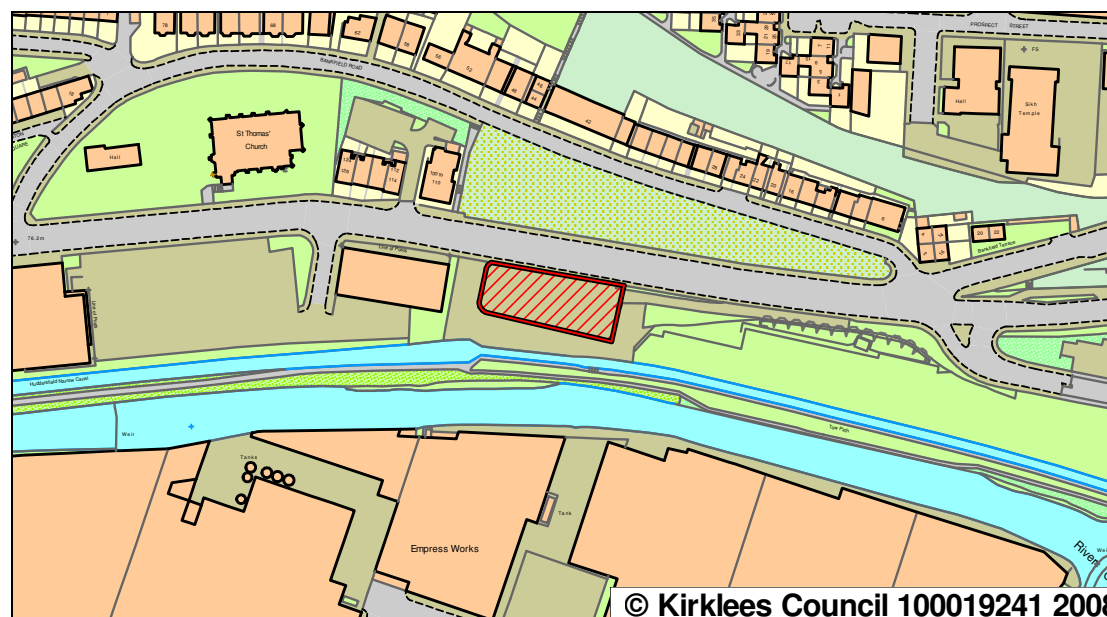
Target Date: *04-Aug-2016*

Recommendation: *ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS*

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<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Student accommodation	
Scale of Development	168 studio apartments	
No. Jobs Created or Retained	N/A	
Policy		
UDP allocation	Unallocated	
Independent Viability Required	No	
Representation/Consultation		
Individual Support (No.)	0	
Individual Objection (No.)	0	
Petition	N/A	
Ward Member Interest	No	
Statutory Consultee Objections	No	
Contributions		
• <i>Affordable Housing</i>		
• <i>Education</i>		
• <i>Public Open Space</i>		
• <i>Other</i>	Pro rata contribution to public realm Travel Plan monitoring fee	£233,333 £2,000
Other Issues		
Any Council Interest	Yes	
Planning Pre-Application Advice	N/A	
Pre-App Consultation Undertaken?	N/A	
Comment on Application	<p>The proposals are considered acceptable in terms of the impact upon the character of the surroundings, heritage assets, impact on visual and residential amenity and highway safety. As such they are compliant with Policies D2, BE2, BE12 and T10 of the Unitary Development Plan.</p> <p>The development accords with the guidance contained within the National Planning Policy Framework.</p>	

RECOMMENDATION:

GRANT CONDITIONAL FULL PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

- 1. ENTER INTO A SECTION 106 AGREEMENT TO SECURE THE PROVISION OF A CONTRIBUTION TO PUBLIC REALM WORKS AND A TRAVEL PLAN MONITORING FEE**
- 2. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE LISTED BELOW; AND**
- 3. THERE BEING NO MATERIAL CHANGE IN CIRCUMSTANCES, ISSUE THE DECISION NOTICE.**

2. INFORMATION

The application is brought to Strategic Committee in accordance with the Councils agreed scheme of delegated authority as it is residential development of more than 60 units.

3. PROPOSAL/SITE DESCRIPTION

Background

The site forms part of the Waterfront Quarter at Chapel Hill with outline planning permission granted in 2008 for the demolition of existing buildings and the erection of a mixed use development for B1 (Office), C3 (Residential), D1(Educational Technical College), D1 (Creche) and A1 to A5 Uses together with associated access. Reserved Matters for the construction of the new College were granted in 2010, the college is now in operation.

The outline permission also included land to the west, with permission for residential development. Illustrative drawings indicated 3 blocks A, B and C. Full permission was granted in 2014 for blocks B and C to provide student accommodation (2014/90411) these are currently under construction.

Site Description

The application site is located to the south west of the Huddersfield Town Centre and is a rectangular shaped site of approx. 0.6ha in area. It is bounded by the Huddersfield Narrow Canal (a site of special scientific interest) to the south and Manchester Road (with a large retaining wall) to the north. The new Kirklees College sits to the east and to the western most boundary is Earnshaw's Motorcycles and Wickes store. Beyond the canal and further to the south is the River Colne.

The application site is relatively flat although there is a significant change in level between Manchester Road and the canal (in the order of 8 metres).

To the opposite side of Manchester Road there is a terrace of mainly residential properties, some of which are Grade 2 listed (no's 16, 18, 20, 22, 24). These are 3 no storey stone properties with stone slate roofs. To the north of Manchester Road the land rises through Outcote Bank to Bankfield Road where further residential properties overlook the site.

To the south of the site, beyond the River Colne, close to Chapel Hill is Folly Hall Mills which is Grade 2 * listed with its main elevation facing towards the river. Further along the bank of the river and immediately facing the site is Empress Works, a traditional industrial complex. More distant from the northern western boundary of the site along Manchester Road is St Thomas' Church which is Grade 2* listed.

Proposal

The application seeks full permission for the erection of a block of student accommodation with 168 self-contained studio bedrooms. Each unit will include a lounge/kitchen/bedroom area with a bathroom, with ancillary uses such as an entrance lobby with reception, office facilities for the management company, communal lounge/games/TV area, gymnasium, bin stores and cycle parking provided to the ground/ lower ground floor.

The development would be 10 storey in height with a maximum height of 32m across a small section of the block, the main section of the block being 29m. Given the change in level across the site the block will appear as 7 no storeys in height when viewed from Manchester Road.

The proposed block is located to the western side of the site between the two blocks currently under construction and Earnshaw's Motorcycles.

Vehicular access is taken off Manchester Road adjacent to Block A which then runs easterly through the site parallel to the canal.

4. BACKGROUND AND HISTORY

2006/90893 – outline application for mixed use development for B1 offices, C1 hotel, D2 leisure, D1 crèche, C3 Residential (566 units) and A1, A3, A4 and A5 uses together with means of access and car parking – Deemed withdrawn 21/09/2006.

2008/91394 – Outline application for demolition of existing buildings and mixed use development for B1 (office), C3 (residential), D1 (educational technical college), D1 (creche) and A1-A5 uses together with associated access. – Outline permission granted subject to S106 Agreement 21/12/2009.

2009/93616 – Reserved Matters submission for appearance and landscaping relating to Kirklees College pursuant to outline planning permission no 2008/91394 (Phase 1) – approved 18/02/2010.

2010/91169 – Material amendment to permission number 2008/60/91394/W1
– Approved 22/04/2010.

2012/93433 – Compliance with conditions on previous permission
2008/91394 – Approved 19/11/2012

2012/93690 – Discharge Conditions 22 and part 23 on previous permission
2008/91394 – Approved 08/02/2013.

2012/93868 – Compliance with conditions 24, 25 and 26 on previous
permission 2008/91394 – Approved 11/02/2013.

2014/90411 – Erection of 2 blocks of student accommodation (total 504 units)
– Approved 19/08/2014

5. PLANNING POLICY

The application site is not allocated for any purpose on the Unitary Development Plan. However a small area (to the western part of the site) was identified as derelict land on the proposals map.

Kirklees Unitary Development Plan

D2 – Development without notation

B4 – Development of industrial sites

BE1 – Design principles

BE2 – Quality of design

BE11 – Use of natural stone

BE12 – Space about buildings

TC17 – Huddersfield Narrow Canal and Riverside

T10 – Highway safety

T16 – Pedestrian routes

T17 – Needs of cyclists

T19 – Car parking standards

TC32 – new development outside the ring road incorporating pedestrian links
connecting with the town centre

G6 – Contaminated land

H1 – Meeting housing needs in the District

H10 – Affordable housing

H12 – Affordable housing

H18 – Public Open Space

EP4 – Noise sensitive development

EP10 – Energy Efficiency

EP11 – Integral landscaping scheme to protect / enhance ecology

BE23 – Crime Prevention

R13 – Rights of way

National Planning Policy Framework

NPPF Promoting sustainable transport (chapter 4)
NPPF Delivering a wide choice of high quality homes (chapter 6)
NPPF Requiring good design (chapter 7)
NPPF Promoting healthy communities (chapter 8)
NPPF Meeting the challenge of climate change, flooding (chapter 10)
NPPF Conserving and enhancing the natural environment (chapter 11)
NPPF Conserving and enhancing the historic environment (chapter 12)

Other Guidance

SPD 2 (2008) – Affordable Housing

KMC Policy Guidance: 'Providing for Education Needs Generated by New Housing'

6. CONSULTATIONS

The following is a brief summary of the consultation responses received. Where necessary, these consultations are reported in more detail in the assessment below:

K.C. Highways Development Management – No objections subject to the imposition of conditions.

K.C. Environmental Health – No objection in respect of Contaminated Land, Noise, Air Quality or Lighting subject to the imposition of conditions

K.C. Conservation & Design – Broadly comfortable with the proposals

K.C. Ecology – The ecological reports submitted are satisfactory and comprehensive dealing with the range of relevant issues associated with the canal being an SSI (e.g. the issue of shading over the canal has been considered). Conditions recommended to ensure the protection of existing natural assets as well as potential enhancement through bat and bird roost opportunities and appropriate landscaping next to a watercourse.

K.C. Flood Risk & Drainage – No objections recommend conditions

Environment Agency – No objections recommend conditions if approved

English Heritage – The application should be determined in accordance with national and local policy guidance and on the basis of the Councils expert conservation advice.

Yorkshire Water – Recommend conditions

Canal & Rivers Trust – Recommend conditions to ensure the development does not impact on the stability of the canal; and the submission of an environmental management plan. (NB these conditions are consistent with the approval for Blocks B and C).

Crime Prevention – No objections in principle.

7. REPRESENTATIONS

The application has been publicised by site notices and neighbour letters. No representations have been received

8. ASSESSMENT

General principle:

The extant outline permission (2008/91394) for redevelopment of the wider site, including the land contained within the current application site boundary, is a material consideration in the determination of this application.

The proposed student apartments would be constructed on the approximate footprint of phase 4 of the outline consent, proposed as blocks of residential apartments (Ref 2008/91394 Drawing No. Z2003 Rev. D).

The site has no specific allocation on the Unitary Development Plan Proposals Map. Policy D2 of the Unitary Development Plan (UDP) states “planning permission for the development (including change of use) of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment. Subject to these not being prejudiced the proposal would be acceptable in principle in relation to policy D2.

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development where local planning authorities should positively seek opportunities to meet the development needs of the their area. The site is located in close proximity to Huddersfield Town Centre and chapter 8 of the NPPF ‘promoting healthy communities’ stipulates planning policies and decision should plan positively for the provision and use of community facilities whilst guarding against the unnecessary loss of valued facilities and services.

Although the development of residential apartments as originally consented would be lost if this development were to be built, it is considered that the provision of student accommodation would be appropriate in this location given the site’s proximity to the student accommodation currently under construction, the town centre, the college and university campuses and main public transport hubs – (bus and train stations).

The principle of the development is therefore considered acceptable and in accordance with the guidance contained within the National Planning Policy Framework.

Planning Obligations:

The original outline permission (2008/91394) was subject to a Section 106 agreement which included amongst other matters a scheme for improvements to the public realm including:

“a new public square, improvements to pedestrian footpaths on Manchester Road and Chapel Hill, new/improved access to development land, creation of public amenity along the northern bank of the River Colne where it passes through development land; the reopening of the Huddersfield Narrow Canal where it passes through the development land; the reopening and repositioning of the lock, the creation of a passing bay and construction of bridges over the canal, the improvement of canal-side foot and tow paths leading to and through the development land, pedestrian and vehicular access routes within the development land, and the installation of seating, public art, lighting and security systems within and around the development land.”.

A number of these works have been carried out in association with the college development. However the Section 106 also required that the 3 blocks (A, B and C) should make a total contribution towards the improvements of £700,000. Through permission 2014/90411 for blocks B and C two thirds of the contribution has been secured and as such, on a pro rata basis the balance of the contribution (£233,333.33) should be secured from the development proposed via a Section 106 agreement.

In addition to the contribution towards public realm, an additional £2,000 is required for travel plan monitoring.

Impact on visual amenity:

The proposed development needs to be considered in the context of its setting and the nature of surrounding development. The development proposed has a maximum height of 32 metres, although this is only across a small section of the block with the height of the main section of the building being 29 metres.

Given the changes in levels between the application site and Manchester Road, the building will appear to be 7 storey in height (rather than the full 10 storey) when viewed from Manchester Road. This assists in reducing its visual prominence when viewed from the north (and particularly from Manchester Road).

The development proposed will be viewed in context with the adjacent college building and the student accommodation buildings currently under construction, particularly when viewed from Chapel Hill and from parts of

Manchester Road. The existing college building has a maximum height of 37 metres, the student apartments under construction will be between 29 -32 metres in height.

It is noted that to the north of the application site there are a number of dwellings, which are much smaller in scale than the proposed development. However, there is a distinct physical separation with a distance in excess of 40 metres between the closest dwellings and the proposed development.

To the south of the site is the Huddersfield Narrow Canal and the River Colne, beyond are a large number of relatively low level industrial buildings (known as Empress Works). To the south east is Folly Hall Mills, which is a Grade II* Listed Building.

Given the scale and mass of the existing industrial buildings, the proposed student blocks will be prominent when looking towards the Town Centre from Lockwood. The impact however is considered acceptable when taken in context with the Kirklees College building and the consented blocks of student accommodation.

The Committee report for the 2008 consent noted that, *“The applicant’s Masterplan for the Waterfront has been designed to provide a cluster of higher density buildings mostly separated from other development by the River Colne and roads. CABE advice on tall buildings suggests that they can in the right place to serve as beacons.”*

The proposed development whilst being for student accommodation will nevertheless form an integral part of the Waterfront Quarter as envisaged and approved by the 2008 consent and will create a cluster of large scale development.

In terms of the planning context, the extant outline permission for the site showed two blocks of residential development (Blocks B & C of permission 2008/91394) with ridge heights of 33 metres and 36 metres respectively. This scale of development was approved as part of that permission. This is an important material consideration and given this context, it is considered that the scale of the development proposed is acceptable.

The proposed facing materials comprise of reconstituted stone to the lower floors of the building, with a mix of cladding to the rest of the building. The use of cladding is considered acceptable as this will relate to similar elements on the College building and the consented student accommodation.

Detailed comments from Conservation & Design regarding the use of natural stone in the construction of the plinth and the detailing of the Manchester Road elevation have been discussed with the applicant. They have now confirmed their willingness to use natural stone and this can be dealt with by way of appropriate conditions.

It is considered that the development will not be harmful to visual amenity and accords with the guidance contained within the NPPF and Unitary Development Plan Policies BE1 and BE2.

Impact on Heritage Assets:

The land to be developed was formerly in industrial use with mills and dyeworks that made use of the waterways nearby; one such fine example of the mill complexes is the Grade 2* Listed Folly Hall Mill which is a major focal point of the area. To the north, and rising up the hillside the area comprises of well detailed terrace mill workers cottages now mixed with modern retail and leisure facilities. To the north west is the Grade 2* church designed by Sir Giles Gilbert Scott which uses the topography of the land to accentuate its presence.

Therefore, the development of this site should be seen in the context of the setting of these two major Grade 2* listed buildings and the relatively low scale of the residential buildings.

Although the outline application was assessed against the relevant guidance at the time (PPG15, which has subsequently been revoked), the assessment of this development, in respect of these Listed Buildings, is now against guidance contained within the National Planning Policy Framework (NPPF).

It must be noted that the setting described, especially that of Folly Hall Mill has now been impacted upon by the Kirklees College building which provides for the contemporary design, scale and massing of the proposal. The height of the proposed development will impact upon the setting of Folly Hall Mill and the church, but the height has been set by the previous outline consent and is lower than that of the college building.

The Committee report for the outline consented scheme noted that, *“the setting of the listed buildings to Chapel Hill and Manchester Road would change by this scheme. The existing isolated setting would not be preserved and views to and from the buildings would change.”*

The design on this scheme attempts to follow that of the college building with a choice of materials and fenestration that in turn attempts to reduce the massing of the building. The verticality of the mill fenestration is followed through in the large openings on the central band which provides contrast and breaks the elevation. There is a need for the materials to provide a link between the old and the new and respect should be paid to the traditional materials of the area. The use of natural stone to elements of the buildings assists in this process.

In this context, whilst the harm to the significance of these Listed Buildings is acknowledged, it is considered to be acceptable (and has previously been established through the outline consent) and is not considered to be of a significance which could sustain a reason for refusal of the application.

Given the presence of the Kirklees College and the extant outline consent for the site which established the scale of development, it is considered that, on balance, the development remains acceptable in relation to the impact on heritage assets.

Subject to the imposition of conditions, it is considered that the development will not be harmful to visual amenity and accords with the guidance contained within the NPPF and Unitary Development Plan Policies BE1 and BE2.

Impact on Residential Amenity:

Policy BE12 of the UDP sets out the minimum separation distances from adjacent properties that will normally be acceptable. There are no residential properties located to the south, east or west of the site. The nearest dwellings are to the north on Bankfield Road, to the opposite side of Manchester Road. At the closest point the dwellings are between 35 and 43 metres distant from the upper floors of the new student accommodation, across the busy Manchester Road.

The properties on Bankfield Road are 3/ 3.5 storeys high and are elevated above Manchester Road by approx. 8 metres. As such whilst seven floors of the student accommodation is visible from Manchester Road this will not result in an adverse impact to the residential amenity of occupiers of properties on Bankfield Road by way of overshadowing and over dominance.

Clearly the outlook from Bankfield Road will be materially altered (it already has been with the college development and the development of blocks B and C) but this is not in itself considered to be a material planning consideration to justify refusal of the current proposal. As such, given the respective heights and the separation distances between the development and Bankfield Road, it is considered that there will not be any undue adverse impact to the amenity of occupiers of the residential properties.

Within the student accommodation each unit provides for a lounge/ kitchen/ bedroom area and a bathroom, with ancillary uses such as an entrance lobby with reception, office facilities for the management of the facilities, communal lounge/games/TV area, gymnasium, bin stores and cycle parking provided to the ground/ lower ground floor.

This is the same type of accommodation that has been provided by Blocks B and C and whilst the studios are small, shared communal facilities are provided with management of the accommodation and facilities.

As such on balance it is considered that the nature and form of accommodation to be provided is satisfactory for future occupiers and consistent with that provided by blocks B and C. A planning condition is attached to prevent the studios from being occupied by non-students.

Environmental Issues (Noise/ Contaminated land/Lighting and Air Quality):

Noise: The application is accompanied by a Noise Report given the proximity of the upper floors of the development to Manchester Road, a potential source of traffic noise. The report identifies appropriate noise attenuation and ventilation. The attenuation proposed is considered satisfactory and conditions are recommended to ensure its implementation prior to any occupation. (NB. The same conditions were imposed on the permission for Blocks B and C).

Contaminated Land: The site is capable of being remediated and made fit to receive the new accommodation. This matter can be satisfactorily dealt with by the imposition of appropriate conditions which will include both remediation and validation statements. (NB: The same conditions were imposed on the permission for Blocks B and C)

Lighting: A lighting assessment has been submitted with the application. Environmental Services raise no objections subject to the imposition of appropriate conditions. The Lighting scheme has several factors to satisfy; security for occupiers of the development and for users of the footpaths and canal towpath, the potential impact on biodiversity enhancement (i.e. the bat and bird roost opportunities as well as trees/vegetation next to the canal which is an SSI). However these matters can be satisfactorily dealt with by the imposition of appropriate conditions. (NB: The same conditions were imposed on the permission for Blocks B and C).

Air Quality: The applicant has submitted an Air Quality Assessment with the application; the Council's Pollution and Noise team concur with its conclusion. Whilst the development will have some impact upon air quality in the area by contributing towards cumulative impacts, this does not rise to a level sufficient to warrant refusal of the application. Conditions to promote green sustainable travel can be imposed (i.e. the provision of charging points for low emissions vehicles). In addition a Travel Plan will be required by condition with an appropriate monitoring fee secured. (NB. The same conditions were imposed on the permission for Blocks B and C)

Highway issues:

This is an application for the erection of 168 Student Studio apartments with communal areas on land off Manchester Road Huddersfield. The site forms part of the larger Waterfront Quarter proposals with previous planning consents given in 2009 (2008/91394) and more recently in 2014 (2014/90411). There is an existing construction access onto the site from Manchester Road which is part of the primary route network.

The application is supported by a Transport Assessment prepared by Croft Transport Solutions. However, as it was submitted in support of a previous application it only serves to prove the access arrangements as previously agreed when permission was granted. A previously submitted Transport

Statement which was part of the outline planning consent for the development as a whole is a more appropriate reference document in terms of overall impact when considering this application.

The proposed development is on the edge of Huddersfield town centre and has good access links to its facilities and transport hubs, the majority of which are within the recommended walking distance and all are within cycling distance. There are a number of pedestrian crossing facilities between the development site and the town centre to promote ease of access.

In addition to its sustainable location student accommodation has a low traffic generation rate therefore we would expect that the local highway network has the capacity to accommodate the proposed development. The development should be supported by a Travel Plan which will further promote non car borne trips and we would ask that this is delivered via condition and supported by a S106 agreement to cover monitoring costs by the Council.

In terms of parking the development as proposed offers no provision for the residents but does provide 72 cycle parking spaces. Again taking into account the location of the development and its intended use by students we are, on this occasion, willing to accept that no parking spaces will be provided. Any occasional short term parking can take place at the rear of the building on the proposed private access road.

The proposed private access road and its junction arrangement onto Manchester Road have been previously approved as part of the consent and supported by a road safety audit for the construction of the two adjoining student accommodation blocks. This access road would also accommodate servicing from the building and previously approved swept path analysis of the access road shows that servicing access can be accommodated.

In conclusion we would raise no objection to this application subject to the requested conditions plus a £2,000 per year monitoring fee for 5 years for the Travel Plan which can be delivered via a s106 agreement.

Bio Diversity:

The Council's Ecologist has been consulted on the application and the application has been supported by an Ecological Survey. This establishes that the site has no bat roost potential, but the area is likely to be used for foraging.

There are no adverse comments, but a number of conditions have been requested (and are included in the suggested conditions at the end of this report). These include a condition requiring the recommendations of the Ecological Survey to be implemented and a scheme to be submitted to control glare/stray light from the development in order to prevent disturbance to species.

Subject to the imposition of conditions the development is considered acceptable in relation to ecology and accords with the guidance contained within the NPPF.

Drainage/Flood Risk:

The applicant has submitted a Flood Risk Assessment with the application. The Council's Flood Risk & Drainage team, the Environment Agency and Yorkshire Water have all been consulted on the application.

No objection has been raised by Yorkshire Water. KC Flood Risk & Drainage also raised no objection in principle subject to the imposition of conditions.

Crime Prevention:

UDP policy BE23 states that new development should incorporate crime prevention measures to achieve pedestrian safety on footpaths; natural surveillance of public spaces; and secure locations for parking areas.

The car park area is located in the basement of the building and the canal towpaths and footpaths, as well as the public square are all naturally overlooked by the student blocks as well as the college buildings themselves. The Police Architectural Liaison Officer has raised no objections to the scheme. As such it is considered that the proposal accords with the guidance contained in Policy BE23 Crime Prevention.

Conclusion:

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the NPPF constitute the Government's view of what sustainable development means in practice. It is considered that the proposed development is in accordance with the principles of sustainable development.

This application has been assessed against relevant policies in the development plan and other material considerations. Regard is had to the wider planning history of the site. The design, appearance and scale of the proposed building is consistent with the other blocks currently under construction. The size of the studios are small but given the planning history of the site and proposal being consistent with the other blocks on balance it is considered that the development will afford future occupiers with a satisfactory level of living accommodation particularly having regard to the shared communal facilities. The proposals are considered to be compliant with policies in the Unitary Development Plan, and there are no adverse impacts that would outweigh the benefits of the scheme.

On balance conditional full approval is recommended.

9. RECOMMENDATION

GRANT CONDITIONAL FULL PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

- 1. ENTER INTO A SECTION 106 AGREEMENT TO SECURE THE PROVISION OF A CONTRIBUTION TO PUBLIC REALM WORKS AND A TRAVEL PLAN MONITORING FEE**
- 2. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE LISTED BELOW; AND**
- 3. THERE BEING NO MATERIAL CHANGE IN CIRCUMSTANCES, ISSUE THE DECISION NOTICE.**

Conditions:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
3. Development shall not commence until a scheme detailing the proposed off-site highway works, as shown for indicative purposes only on Drawing No. 0587-F03 Dated May 14, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent Stage 1 and 2 Road Safety Audit (ref: CIHT guidelines on Road Safety Audit (2008)), covering all aspects of work. The development shall not be brought into use until all the works under the approved scheme have been carried out complete accordance with the approved scheme.
4. The development shall not be brought into use until visibility splays (2.4m x 43m) in which there shall be no obstruction to visibility above the level of the adjacent footway, as indicated on the approved plan (Drawing No. 0587-F03 Dated May 14) have been completed. Thereafter, visibility splays shall be retained throughout the lifetime of the development.
5. No development shall take place until the design and construction details of all temporary and permanent retaining structures including vehicle restraint measures within or adjacent to the site have been approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts,

adjoining land and areas of public access. All retaining structures shall be constructed in accordance with the approved details and shall be so maintained throughout the life of the development unless otherwise agreed in writing by the Local Planning Authority.

6. The development shall not be brought in to use until 50 secure and sheltered cycle parking spaces have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority, the approved facilities shall thereafter be retained free of obstructions and available for cycle parking throughout the lifetime of the development.

7. The development shall not commence until details of a parking management plan, which shall include details of parking spaces contracted to Kirklees College and arrangements to enable the use of designated parking spaces by students at the start and end of the academic year, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved plan has been implemented. Thereafter, the implemented plan shall be retained throughout the lifetime of the development.

8. The accommodation hereby permitted shall be occupied by students only, defined as persons whose main residence is elsewhere and who are enrolled on recognised full-time courses at one of the higher educational establishments in the borough of Kirklees only and for no other purpose (including any other purpose in Class C3 and C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification).

9. Before development commences, a ventilation scheme to show how habitable rooms shall be ventilated without the need to open windows shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots.

10. Before development commences, a report identifying and assessing any odours which may affect the development (carried out by a suitably competent person) shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures (e.g. ventilation scheme) which form part of the approved scheme shall be agreed in writing with the Local Planning Authority. Any required works shall be completed prior to first occupation and written evidence of these works shall be agreed in writing with the Local Planning Authority, with the works retained throughout the lifetime of the development.

11. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

12. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 11 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 12 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 13. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

16. Before development commences the applicant shall submit a plan detailing facilities to be provided for charging plug-in and other ultra low emission vehicles. This plan must be agreed in writing by the Local Planning Authority before development commences and the plan implemented before first occupation of the properties.

17. Development shall not commence until samples of external materials (as detailed on Drawing No. 300) to be used have been submitted to and approved in writing by the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.

18. The development shall be completed in accordance with the recommendations of the Ecological Scoping Survey (ref: Issued 7/2/14), unless otherwise agreed in writing by the Local Planning Authority.
19. Notwithstanding the submitted information, all sparrow terraces shall be located on north facing walls, unless otherwise agreed in writing by the Local Planning Authority.
20. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
21. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.
22. Notwithstanding the submitted information, the development shall be constructed in complete accordance with 'Secured by Design' specifications, unless otherwise agreed in writing by the Local Planning Authority.
23. Notwithstanding the submitted information, the elements of the development shown on Drawing No. 300 (Proposed materials) to be constructed from "Reconstituted stone by forticrete" shall be constructed from natural stone.
24. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by RAVB Consultants, dated 29/04/2014 Ref 796NE and the following mitigation measures detailed within the FRA:
- a) *Finished floor levels of habitable rooms are set no lower than 76.67m above Ordnance Datum (AOD).*

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

25. Prior to first occupation of the development, a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the measures so approved prior to first occupation of the development and thereafter the artificial lighting shall be operated in accordance with the approved scheme.

26. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, agreed discharge rates, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained throughout the lifetime of the development.

27. Development shall not commence until a scheme detailing the piping of the ordinary watercourse (route of the pipework and stand off distances and associated flood routing) within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the piped watercourse and works for the lifetime of the development. No part of the development shall be brought into use until the watercourse piping works and compensatory watercourse works comprising the approved scheme have been completed. The maintenance and management regimes shall be implemented for the lifetime of the development.

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Design and Access Statement			5/5/16
Transport Assessment	0587		5/5/16
Stage 2 Audit Report			5/5/16
Flood Risk Assessment	RAB.796 NE		5/5/16
Noise Assessment	6185	E	5/5/16
Lighting Assessment	86419		5/5/16
Analytical Site Report	56079		5/5/16
Ground Investigation Report	14-021		5/5/16
Air Quality Survey	33184r1		5/5/16
Bat Survey			5/5/16
Ecological / Bio diversity Surveys	Appendices ii-iv, including <ul style="list-style-type: none"> • Annual shadow; • Bats and lighting 		5/5/16
Location Plan	1283-LP		5/5/16
Proposed site/block layout	1283-120; 121		5/5/15
Proposed floor plans	1283-100; 101; 102; 103; 104		5/5/16
Proposed elevations	1283-110;111		5/5/16
Access arrangements	868 D001	C	5/5/16
Sect 38 Construction materials	868 D002	C	5/5/16
Large refuse vehicle swept path analysis	587-05	B	5/5/16
Indicative log section	587-F02		5/5/16
Proposed ghost island and right turn junction arrangement	587-F03		5/5/16

Application No: 2016/91122

Type of application: 62m - FULL APPLICATION

Proposal: *Erection of warehouse and office extension*

Location: *Unit 18, Norquest Industrial Estate, Pennine View, Birstall, Batley, WF17 9LT*

Grid Ref: 423476.0 426801.0

Ward: *Birstall and Birkenshaw Ward*

Applicant: *Trade Furniture Company Ltd*

Agent: *Roger Lee Planning Ltd*

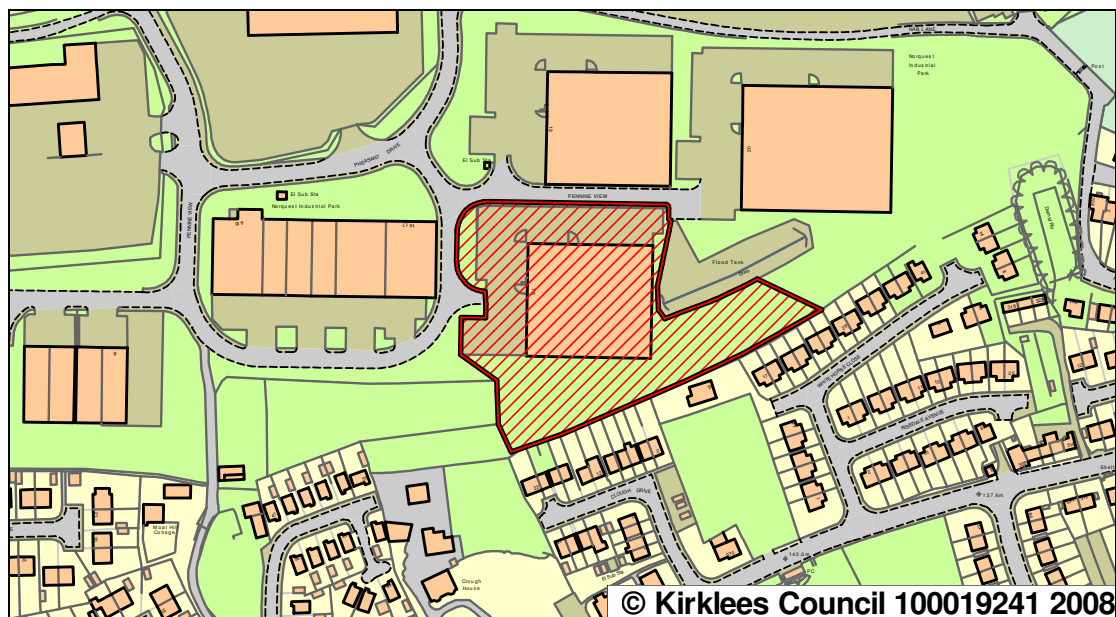
Target Date: *05-Sep-2016*

Recommendation: *FC - CONDITIONAL FULL PERMISSION*

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale - for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Extension of existing commercial premises	
Scale of Development	Site area 1.2ha	Approx. 1600 m ² metres of additional space
No. Jobs Created or Retained	N/A	
Policy		
UDP allocation	Not allocated	
Independent Viability Required	N/A	
Representation/Consultation		
Individual Support (No.)	0	
Individual Objection (No.)	4	
Petition	0	
Ward Member Interest	None	
Statutory Consultee Objections	None	
Contributions		
• <i>Affordable Housing</i>	N/A	
• <i>Education</i>	N/A	
• <i>Public Open Space</i>	N/A	
• <i>Other</i>	N/A	
Other Issues		
Any Council Interest	No	
Planning Pre-Application Advice	No	
Pre-App Consultation Undertaken?	No	
Comment on Application	It is considered that this proposal is acceptable subject to appropriate planning conditions	

RECOMMENDATION – GRANT CONDITIONAL FULL PLANNING PERMISSION

2. INFORMATION

The application is brought before the Strategic Planning Committee (SPC) as the site exceeds 0.5 ha of non-residential development.

3. PROPOSAL/SITE DESCRIPTION

The application site occupies an area of approximately 1.2 ha and is located 1.2km to the north east of the centre of Birstall within an area which has a mixed residential/commercial character. The bulk of residential properties are located to the south and west of the site with the nearest abutting the site's

southern boundary. The application site is located on the southern periphery of a concentration of commercial activities which extends to the north and west and includes similar industrial units as well as retail, leisure and manufacturing operations. The host building is currently occupied by the applicant.

The applicant proposes to erect a new warehouse and office extension to the northern and western elevations of the existing building. The extension would occupy an area of approximately 1600m² and would be approximately 12m in height which is 4m higher than the host building. The building would comprise a large warehouse element and include ancillary offices and welfare facilities over three floors at the western end of the extension.

The warehouse building would be of a traditional steel frame design with brickwork up to a height of 2m from ground level and profile metal sheeting used to clad the remainder of the walls. The roof would be covered using profile steel cladding. The office area would be finished using a combination of Cedar Timber Cladding and polymer render and would include glazed curtain walls on its north, south and western elevations.

The proposal would involve the creation of 37 off street car parking spaces within the western area of the site which includes 2 disabled spaces.

4. BACKGROUND AND HISTORY

The site has been used for commercial activities for over 25 years and since the original construction the following planning applications have been submitted with regard to this site:

95/90067 – Erection of 2.4m Palisade Fence (Granted 27.02.95)

97/90403 – Erection of Security Gatehouse (Granted 27.03.97)

98/92996 – Erection of Illuminated Perspex Letters (Granted 22.12.98)

Enforcement action was taken in 1991 (EN 328) to secure the completion of landscaping works required under the provisions of the original planning permission to construct the development which included the host building. Those landscaping works were subsequently carried out to the satisfaction of the council.

The host building is currently used by the applicant as a warehouse facility for the storage of furniture.

5. PLANNING POLICY

The statutory development plan comprises the Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

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 Local Plan process is underway and the public consultation on the draft local plan is taking place from 9th November 2015 to 1st February 2016.

The National Planning Policy Framework explains how weight may be given to policies in emerging plans. At this point in time, the draft local plan policies and proposals are not considered to be at a sufficiently advanced stage to carry weight in decision making for individual planning applications. The Local Planning Authority must therefore rely on existing policies (saved) in the UDP and national planning policy and guidance”.

The site is without notation in the adopted Unitary Development Plan and it is considered that the following policies and documents are relevant to this application:

- D2 – Unallocated Land
- BE1 – Design principles
- BE2 – Quality of design
- B5 – Extension of business premises
- EP4 – Noise generating development
- EP6 – Assessment of existing and predicted noise levels.
- G6 – Land contamination
- T10 – Highway safety
- T19 – Parking standards

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. It is considered that the following documents are relevant to this application.

NPPF Section 1 Building a Strong and Competitive Economy

NPPF Section 7 Requiring Good Design

NPPF Section 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change

NPPF Section 11 Conserving and Enhancing the Natural Environment

6. CONSULTATION RESPONSES

KC Highways DM – No objections subject to the inclusion of a planning condition requiring the car parking area to be surfaced, sealed, drained and marked out prior to the development being occupied.

KC Ecology Officer – No objection subject to the provision of enhanced habitat provision in the form of the erection of bird and bat boxes within the wooded buffer area to the south of the site.

K C Environmental Services – No objection subject to the inclusion of planning conditions which require:

- That prior to development commencing a phase II intrusive site investigation report is submitted for consideration and that any recommended subsequent remediation of contamination is carried out.
- The installation of one electric vehicle charging point.

K C Strategic Flood Protection and Drainage – No objection

Environment Agency – No objection

Yorkshire Water – No objection

Coal Authority – No objection subject to the inclusion of a planning condition requiring that, prior to development commencing, a scheme be submitted and approved detailing intrusive site investigations to assess the potential impact of or on any coal mining legacy at the site and any recommended remedial works.

7. REPRESENTATIONS

The application was publicised by the erection of 3 site notices in the vicinity of the site, the posting of 22 neighbour notification letters and an advertisement in the local press which has resulted in the receipt of 4 letters of representation. The issues raised can be summarised as follows:

- Concern that the extension could erode the existing landscape buffer between the site and residential properties.
- The extended site may lead to increased noise levels
- The landscaped buffer zone is not being maintained and contains Japanese Knotweed.

8. ASSESSMENT

General Principle:

The site lies on the periphery of an established industrial/commercial area and is without notation on the adopted Unitary Development Plan. As this proposed development is not subject to specific policies in the Unitary Development Plan, UDP Policy D2 is the principle policy consideration. UDP policy D2 indicates that applications for development will be granted provided that proposals do not prejudice:

- i the implementation of proposals in the plan;
- ii the avoidance of over-development;
- iii the conservation of energy;
- iv highway safety;
- v residential amenity;
- vi visual amenity;
- vii the character of the surroundings;
- viii wildlife interests; and
- ix the efficient operation of existing and planned infrastructure.

These considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.

In addition to the above, the application site is an existing business use thus Policy B5 of the UDP applies and states that “proposals for the extension of business premises will be permitted provided the amenity of occupiers of neighbouring properties, visual amenity and highway safety are safeguarded”.

Subject to the matters outlined under Policy B5 not being prejudiced, the principle of extending the existing business premises would be acceptable.

The National Planning Policy Framework makes it clear that the Government is committed to securing economic growth through the planning process and to help achieve this paragraph 20 of the NPPF states:

“.....local planning authorities should plan pro-actively to meet the development needs of business and support an economy fit for the 21st century.”

As this proposal would contribute positively towards the local economy in terms of jobs and investment, it is considered that, subject to this proposal not compromising the key sustainable principles set out in the NPPF, the proposal is acceptable in principle.

Impact on amenity:

Visual amenity:

UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. Section 7 of the NPPF indicates that good design is a key aspect of sustainable development and that poorly designed development should be refused.

The area surrounding the application site exhibits a variety of architectural styles both contemporary and more traditional involving the use of different facing materials including stone, brick and metal cladding.

The proposed extension is of a contemporary design which makes use of materials which are typical for this type of development. The facing and roofing materials used on the host building are similar and officers consider they would tie in with those proposed for the extension. Whilst the host building is 4m lower than the proposed extension, it is considered that, when viewed in conjunction with the host building and within the wider commercial setting, the extension would appear out of scale with its surroundings and would not therefore create an obtrusive feature in this part of the built environment. It is therefore considered that this proposal would not detrimentally affect visual amenity and would therefore accord with policies BE1 or BE2 of the UDP and national policy guidance contained in Section 7 of the NPPF.

Residential Amenity:

The application site is located on the periphery of a significant concentration of commercial properties which include commercial, retail and leisure uses, although a substantial number of residential properties are located to the south and east of the site. However, due to a combination of the local topography of the area, the presence of mature vegetation and the location of existing buildings, the extension, although higher than the host building, would not impinge significantly on the residential properties in the immediate area.

The application is not supported by a noise report. However, as the proposal would be sited to the northern elevation of the host building and would be used in connection with existing warehouse operations it is considered that the development would not result in any significant changes to the existing noise climate. Officers are therefore of the opinion that this development is unlikely to result in any significant additional noise nuisance being experienced by the occupants of the nearest residential properties and it is therefore considered that this proposal accords with UDP policies D2 and EP4 and guidance contained in Section 11 of the NPPF with regard to effects on residential amenity.

Impact on the Environment:

Ecology:

The applicant has provided information which indicates that, due to the nature of the site, it offers limited opportunities for wildlife. However the area immediately to the south of the existing site building contains established vegetation. The applicant has indicated that biodiversity in the area could be enhanced by the provision of bat and bird boxes within this area. Officers consider that this would be a satisfactory method of improving habitat opportunities and that this could be delivered through an appropriately worded planning condition. This proposal would therefore accord with UDP policy D2 and Section 11 of the NPPF with regard to the development's potential impact on local ecological systems.

Pollution/Contamination:

UDP Policy G6 states that development proposals will be considered having regard to available information on the contamination or instability of the land concerned. Paragraph 121 of the NPPF echoes this.

The proposed development is on land that is potentially contaminated due to its former or current use. The applicant has submitted a Phase 1 contaminated land report in support of this application which concludes that the main concerns arise due to possible contamination of infill material on the site and also possible ground gas from landfill and mining activities. The report recommends a limited intrusive survey and landfill gas testing programme targeted on the area of proposed building area. Officers agree with its findings and it is therefore considered that subject to the conditions previously outlined in this report this proposal would accord with UDP policy G6 and Section 11 of the NPPF with regard to potential contamination at the site.

Drainage:

The design of the development has been amended following initial objections from Yorkshire Water regarding the proximity of an existing sewer crossing the site. Yorkshire Water has confirmed that the amended design now provides the required 6 metre stand-off from the sewer to allow adequate maintenance access.

Highway Safety:

Policy T10 of the UDP states that new development should not materially add to any highway safety implications and Policy T19 sets out appropriate parking provision that should be provided with developments.

Initially Officers raised concerns that the proposal did not include adequate off street car parking arrangements. However, following negotiations with the applicant amended car parking arrangements were provided. The

amendments result in the provision of 37 spaces including 2 disabled spaces which when combined with informal capacity of the site is considered sufficient to deal with the increase in the site's footprint.

It is therefore considered that this proposal accords with UPD policies T10 and T19 with regard to its potential impact on highway safety.

Representations:

As previously indicated 4 representations have been received in relation to this proposal. The concerns raised and responses can be summarised as follows:

The extension could erode the existing landscape buffer between the site and residential properties.

Response: The extension would be on the northern side of the site and would not impinge on the landscaped buffer which is to the south of the existing building.

The extended site may lead to increased noise levels.

Response: This proposal does not involve changing the use of the site and the extension would be used in connection with the existing warehouse operation. Officers therefore consider that noise levels are unlikely to change significantly as a result of this proposal.

The landscaped buffer zone is not being maintained and contains Japanese Knotweed.

Response: The requirement to develop and maintain the landscape buffer under the terms of the original planning permission extended five years from the date of the original planting being completed and has therefore long since expired. Continued maintenance of the buffer zone beyond the initial 5 year period is not under the control of the Council. The issue relating to Japanese Knotweed would be a matter for the interested parties to resolve and not an issue that can be dealt with through this planning application.

Conclusion:

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

This application has been assessed against relevant policies in the development plan and other material considerations.

The proposal would enable the existing business to expand in an appropriate manner, improving and consolidating existing facilities at the site. The design of the extension is considered satisfactory, subject to conditions, and it is considered that the development would not appear incongruous within this area, which has similar structures within close proximity. Due to the separation distance, local topography and existing vegetation the land it is

considered that, on balance, the impact on neighbouring residential properties would be acceptable. Finally, with the implementation of the proposed additional off street car parking provision, it is not anticipated that the proposal would result in any significant highway safety implications. As such, the proposal is considered to accord with relevant development plan policies and national planning policy and guidance.

9. RECOMMENDATION

GRANT CONDITIONAL FULL PLANNING PERMISSION

Conditions:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
2. The development hereby permitted shall be carried out in complete accordance with the with the plans and specifications schedule listed in this decision notice except as may be required by other conditions attached to this permission, which in all cases shall take precedence.
3. The use of the development hereby permitted shall not commence until the car park shown on the permitted plans has been provided, surfaced, sealed, marked out. The car park shall thereafter be kept free of all obstructions and retained for that purpose for the occupiers of and visitors to the development.
4. A Phase II investigation shall be carried out in accordance with The Development of Contaminated Sites document September 2002. The report, including a Remediation Scheme (if necessary), shall be submitted to and approved in writing by the local planning authority before the commencement of the development of the site. The approved scheme shall be fully implemented and completed prior to occupation of the site.
5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the

site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

8. Before the development hereby approved is brought into use, one electric vehicle charging point for the new parking spaces shall be provided, and retained thereafter.

9. No Development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which provides for the following with regard to the potential coal mining legacy affecting the site:

- The submission of a scheme of intrusive site investigations;
- The undertaking of the approved scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works;
- The Implementation of the approved remedial works.

10. Before the development hereby approved is brought into use a scheme shall be submitted to and approved in writing by the local planning authority which provides details of the number, location, type and method of fixing of bird and bat boxes within the site. The approved scheme shall be fully implemented prior to the occupation of the development.

Note: All contamination reports shall be prepared in accordance with CLR11, National Planning Practice Guidance and the Council's Advice for Development documents or any subsequent revisions of those documents.

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	15-360-01		06 June 2016
Existing Floor Plan	15-360-02		06 June 2016
Existing Elevations	15-360-03		06 June 2016
Proposed Floor Plans	15 -360-61B		21 July 2016
Block Plan and parking provision	15-360-60B		21 July 2016
Design and Access Statement			06 June 2016
Planning Statement			06 June 2016
Phase 1 Contaminated Land Report	9LT/2016		06 June 2016