

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

**06-Oct-2016**

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

**There is a file for each planning application containing  
application form, 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 9<sup>th</sup> November 2015 and 1<sup>st</sup> 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 27<sup>th</sup> March 2012, the Planning Practice Guidance Suite (PPGS) launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

### **REPRESENTATIONS**

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

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

## **EQUALITY ISSUES**

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

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

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

## **HUMAN RIGHTS**

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

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

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

## **PLANNING CONDITIONS AND OBLIGATIONS**

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

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

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



## **Content**

Application No: 2016/90894.....	8
Type of application: 62m - FULL APPLICATION	
Proposal: Erection of 5 no. units	
Location: Rawfolds Way, Cleckheaton, BD19 5LT	
Ward: Cleckheaton Ward	
Applicant: Juan Torres, Barnes Homes	
Agent:	
Target Date: 20-Jun-2016	
Recommendation: FC - CONDITIONAL FULL PERMISSION	
Application No: 2016/92420.....	24
Type of application: 62m - FULL APPLICATION	
Proposal: Erection of college building and associated infrastructure works	
Location: Former Safeway Store, Commercial Road, Dewsbury, WF13 2BD	
Ward: Dewsbury East Ward	
Applicant: Kirklees College	
Agent: Jonathan Ravenscroft, Kilmartin Plowman & Partners Ltd	
Target Date: 27-Oct-2016	
Recommendation: FC - CONDITIONAL FULL PERMISSION	
Application No: 2016/92066.....	39
Type of application: 62m - FULL APPLICATION	
Proposal: Erection of hotel with associated external works including car parking, servicing and landscaping including realigning of access road	
Location: Stadium Way, Huddersfield, HD1 6PG	
Ward: Dalton Ward	
Applicant: Kirklees Stadium Development Ltd & Hotel	
Agent: Andrew Chapman, Brewster Bye Architects	
Target Date: 19-Sep-2016	
Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS	
Application No: 2016/90146.....	67
Type of application: 60m - OUTLINE APPLICATION	
Proposal: Outline application for erection of residential development	
Location: Land at, Lancaster Lane, Brockholes, Holmfirth, HD9 7TL	
Ward: Holme Valley North Ward	
Applicant: Mr J Wood	
Agent: Andy Rushby, Assent Planning Consultancy Ltd	
Target Date: 22-Apr-2016	
Recommendation: MR - MINDED TO REFUSE	

**Application No: 2016/90894**

**Type of application: 62m - FULL APPLICATION**

**Proposal: *Erection of 5 no. units***

**Location: *Rawfolds Way, Cleckheaton, BD19 5LT***

**Grid Ref: 419628.0 424704.0**

**Ward: *Cleckheaton Ward***

**Applicant: *Juan Torres, Barnes Homes***

**Agent:**

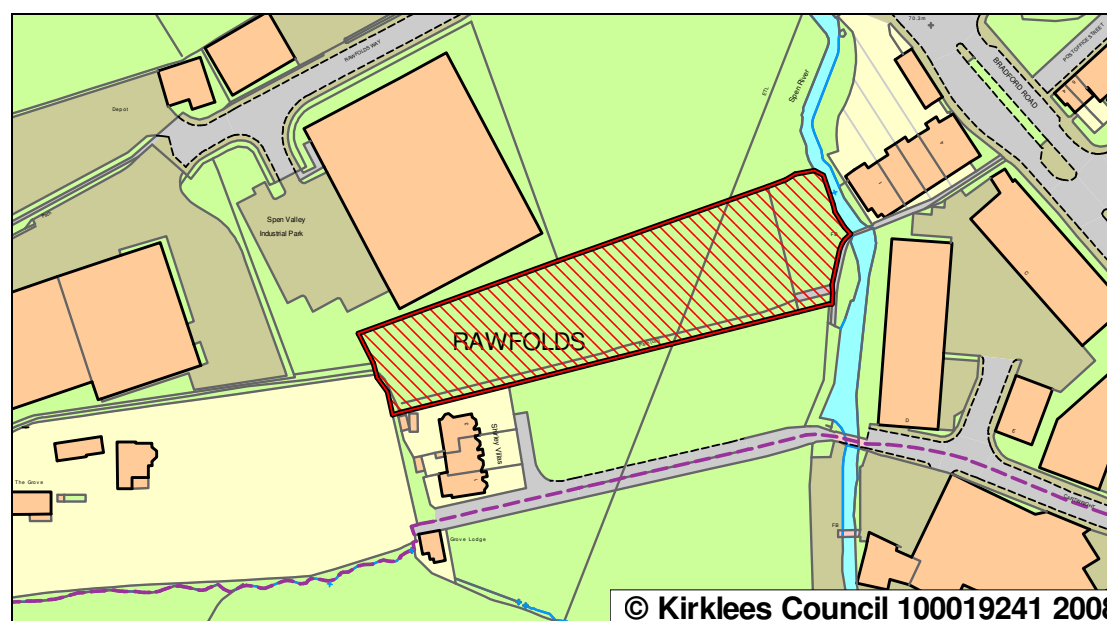
**Target Date: *20-Jun-2016***

**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

Scale of Development	0.6 Ha	
No. Jobs Created or Retained	Speculative scheme (2,511sq m of space)	
<b>Policy</b>		
UDP allocation	B14.7 (business, general industry and storage and distribution)	
Independent Viability Required	N/a	
<b>Representation/Consultation</b>		
Individual Support (No.)		
Individual objections	4	
Petition	N/a	
Ward Member Interest	N/a	
Statutory Consultee Objections	Environment Agency; Coal Authority	No objections recommend conditions
<b>Contributions</b>		
• <i>Affordable Housing</i>	N/a	
• <i>Education</i>	N/a	
• <i>Public Open Space</i>	N/a	
• <i>Other</i>	N/a	
<b>Other Issues</b>		
Any Council Interest?	Council is landowner	
Planning Pre-application advice?	No	
Pre-App Consultation Undertaken?	No	
<b>Comment on Application</b>	The proposal is considered to deliver employment opportunities on a site allocated for employment use, within a sustainable location.	

## RECOMMENDATION: GRANT CONDITIONAL FULL PERMISSION

## 2. INFORMATION

The application is brought forward to Strategic Planning Committee in accordance with the Councils agreed scheme of delegation as the development proposed is non-residential and the site area exceeds 0.5ha.

This application was deferred at the last Strategic Committee for Officers to negotiate with the applicant and seek the following:

- Improve the separation distance between the no 3 Shirley Villas, and proposed unit no 17;
- See if any existing trees in that part of the site could be retained to afford screening;

- Ensure that the proposed improvements to the public footpath were included within the application site, and secure these improvements by condition; and
- Impose a condition relating to noise attenuation and mitigation along the southern boundary of the site.
- Members also asked to investigate the off site blockages along sections of the footpath.

Amended plans have been received which satisfactorily address the above elements. These are detailed within the body of the report.

### **3. PROPOSAL/SITE DESCRIPTION**

#### **Site Description**

The application site comprises an area of just under 0.6ha located off Rawfolds Way near to the junction with Bradford Road. The site is part of a larger area of land (totalling 1.6ha) that is allocated for business and industry (classes B1, B2, B8) on the Councils UDP. (Allocation B14.7).

The site is a long rectangular shape located between an existing industrial building and a field to the south and in the SW corner a terrace of three dwellings known as Shirley Villas. These dwellings are sites at right angle to the site, with no 3 being the closest.

A public footpath runs along the southern boundary of the site, and in between the site and Shirley Villas this is bounded on the southern side by a low dilapidated stone wall and fencing. To the side of Shirley Villas a 6 foot high stone wall, and then an even higher red brick wall.

The site is largely overgrown, there are a number of trees adjacent the boundary river bank, which form part of the larger stand of trees next to the river, within the site, and also a number of trees scattered across the western part of the site in amongst the overgrown area, between Shirley and an existing factory building.

The site falls within flood zones 2 and 3a.

#### **Proposal**

Full permission is sought for the erection of 5 no Class B1 industrial units on the southern part of allocation B14.7. The total new floor area created would be 2,511sq m. To the north of this site there is an extant full planning permission for 13 no business units with access taken off Rawfolds Lane. The approved access is to be extended to serve the 5 no new industrial units. The buildings will be single storey with shallow pitched roofs, faced with metal cladding on a brick plinth.

A total of 40 no parking spaces, 40 cycle space and lorry parking/ turning is also indicated.

As part of the proposal the existing, unmade public footpath is to be widened and surfaced, with an improved alignment in the SW corner.

Amended Plans, have been received following the deferral at the Strategic Committee 8<sup>th</sup> September 2016.

These amendments reduce the size of Unit 17, ie that closest to 3, Shirley Villas, resulting in an increased separation distance of 19m. (the previous distance was between 10.5 and 12 m).

This enables a number of the existing trees between 3, Shirley Villas and unit 17 to be retained. These trees are mature, and according will provide decent screening.

Other elements of the scheme remain unaltered. The units will be restricted to Use Class B1(b and c), the access/ servicing arrangements and activity associated with the units is still some distance from Shirley Villas, and the public footpath improvements are still to be provided, only with additional planting being retained.

#### **4. BACKGROUND AND HISTORY**

2003/92774 – Outline application for Nursery School: Refused.

2015/92093 – Erection of 13 no business units: Approved.

#### **5. PLANNING POLICY**

##### Kirklees Unitary Development Plan

B14.7 – Business & Industry allocation (Classes B1,B2 and B8)

B1 Employment needs of the district

BE1 – Design principles

BE2 – Quality of design

BE23 – Crime prevention

T10 – Highway safety

T19 – Parking standards

G6 – Land contamination

##### National Planning Policy Framework

Part 4 Promoting sustainable transport

Part 7 Requiring good design

Part 8 Promoting a healthy community

Part 10 Meeting the challenge of climate change, flooding and coastal change

## **6. CONSULTATIONS**

**KC Highways** – No objection in principle; require detailed amendments to the internal layout and to the treatment of the public footpath on the southern boundary.

**KC Environmental Health** – Recommend conditions regarding decontamination and noise attenuation.

**KC Trees** – No objection; the trees to be removed are not worthy of preservation. Some new planting along the southern boundary would be desirable.

If the trees are to be retained, then there needs to be a condition to protect them during any construction works.

**KC Strategic Drainage** – The site is within food zones 1, 2 and 3. Therefore a Flood Risk Assessment is needed, and will need to be agreed with the Environment Agency.

- Express concerns ,that the Sequential Test has not been properly undertaken.
- This site is at risk from surface water flooding with potential for deep ponding in an extreme event. Surface water flow routes should be identified and incorporated within any scheme.
- A connection to the watercourse using greenfield restrictions(5ls) should be considered.
- A temporary drainage scheme should be agreed, to prevent problems during construction following the stripping of the site, and an oil interceptor would be required.

**NOTE:** A Sequential test and Exceptions Test has been received and carried out in a satisfactory manner. An improved Flood Risk Assessment has been submitted addressing the Environment Agency concerns regarding flooding mitigation and surface water routing. On site mitigation based upon retaining a 5ls (greenfield run off rate has been accepted, and will be conditioned.).

**The Coal Authority** – The site is in an area which has a considerable coal mining history including adits and shafts on the neighbouring land. Additional survey work requested. This work has been undertaken and the Coal Authority has been re-consulted, and have responded stating that they withdraw any objection to the proposal , subject to the imposition of a standard condition

**The Environment Agency** – The application satisfies the sequential test but given its location in flood zone 3(a) additional information has been requested regarding mitigation. An updated Flood Risk Assessment has been provided, and the Environment Agency re-consulted. They have withdrawn there objection subject to the imposition of appropriate conditions.

**Yorkshire Water Authority** – Express concern that one of the sewers that cross the site is covered by new building. If this is resolved recommend conditions. (NB the sewer has been located on site and is not obstructed by any new buildings).

**Police Architectural Liaison Officer** – No objections to the principle of developing this site. Recommend crime prevention measures be the subject of a condition.

## **7. REPRESENTATIONS**

The application has been publicised by site notices and neighbour letters. There have been 4 letters of objection received the main points of concern being:

1. The previous application maintained the existing line of the industrial estate this phase encroaches into the green area and brings the industry closer to dwellings and the greenbelt.

*Response. It is correct that the approved phase 1 application extended to the same rear line of the existing Spen Valley Industrial Park, though the actual storage areas for some of those buildings do extend beyond that, and abut the public footpath. The Phase 1 approval allowed for the access from within the site to the balance of the site, which is allocated for employment use.*

2. The access proposed is very close to the junction with Bradford Road and poses a significant threat for pedestrians. Allowing the extra units as well as the 13 already allowed will cause additional parking/ circulation problems within the existing industrial estate on Rawfolds Way

*Response: The access to the site is taken from that already agreed as part of Phase 1. The approved access was designed to serve the entire site, and the access point onto Rawfolds Way provides safe and adequate access for vehicles and pedestrians. Adequate turning, parking and servicing for the entire site is provided within the scheme.*

3. This site is within a Flood Zone and there have been problems with flooding in this area which would be worsened by this development.

*Response: The proposal is accompanied by a Flood Risk Assessment, which has been updated and improved at the request of the Environment Agency. Appropriate mitigation to protect future buildings and retain existing greenfield run off rates are recommended and secured by condition.*

4. There would be a loss of open land which is regularly used for recreation purposes by the public.

*Response. This is part of a larger area that is private land and allocated for industry. There are a number of desire lines across the site, in amongst the thick vegetation indicating informal use, however this site is not public open land, and there is no access out of this site to the neighbouring public footpath. This scheme will improve the public right of way to the south, which is currently unmade and not easy to use.*

5. There would be an adverse effect on wildlife, the site and surrounding area having foxes, rabbits, voles, crested newts, badgers, otters, woodpeckers and kingfishers.

*Response; This site was assessed for habitat as part of the Phase 1 application which has been approved (App No 2015/9 2093), and no protected habitat identified. Also the trees across the entire site were inspected and not considered appropriate for a Tree Preservation Order. No work is proposed to the river embankment or river wall, nor are there any water courses or ponds on the site.*

6. The new industrial units would pose a noise nuisance for nearby residents.  
*Response: The new industrial units are to be restricted to the Use Class B1(b,c) ie uses which are compatible to residential areas. The allocation allows for uses B1, B2 and B8.*

## **8. ASSESSMENT**

### **General Principle/Policy:**

The National Planning Policy Framework part 1 "Building a strong competitive economy" is committed to securing economic growth in order to create jobs and prosperity and indicates that the planning system should encourage and support sustainable transport and not act as an impediment to economic growth.

Policy B1 of the UDP indicates that the employment needs of the district should be met by "providing land to accommodate the requirements of the existing Kirklees businesses and the establishment of new businesses". The site is allocated for business and industry on the UDP (allocation B.14.7). The application site forms the final part of the above allocation with planning permission (2015/920930) having been secured for the remainder of the site.

The site is considered to be in a sustainable location with good access to public transport and the town centre. The proposal will secure the redevelopment of a brownfield site and will bring forward the balance of a business and industry allocation for development.

As such it is considered that the proposal accords with the guidance contained in the NPPF part 1 "Building a strong, competitive economy" and the Councils UDP policies B1 and B.14.7, delivering sustainable economic growth and new employment opportunities.

### **Highway Issues:**

There is no objection in principle to the development proposed. The site is considered to be in a sustainable location, the surrounding road network is considered capable of accommodating additional traffic associated with the development and the previous planning permission granted for the 13 industrial units. Although there will be an increase in traffic from the application scheme this is not considered to be harmful to highway safety or likely to impact upon the usability of the site access or the surrounding streets.

The turning head adjacent to unit 18 requires a plan showing the tracking of heavy goods vehicles. This has been requested from the applicant and an update will be brought to Committee.

The public footpath to the southern boundary is within the application site. Its width and surfacing are to be improved together with improvements to the alignment at the SW corner of the site nearest to the dwellings in Shirley Villas. This will be secured by condition. The Rights of Way team have been contacted about the blockages located on the footpath off site. The Rights of way team are aware of the blockage and have advised they will contact Cllr Pinnock directly to discuss progress on this matter.

### **Impact on Residential Amenity:**

The site is currently overgrown, and on the periphery of an existing industrial estate, (there is an extant permission on the land immediately to the north, also overgrown) for 13 business units, and this site is essentially phase 2 of that project 2 blocks of building are propose totalling 5 units, these will be between 6-7.5m in height, which is comparable to the existing neighbouring buildings, on the estate, and already agreed on phase 1. The proposed materials are metal cladding, on brick plinth, with shallow pitched roofs, and comparable to the neighbouring industrial uses. The new blocks will extend the existing estate further to the south, which is bounded by an existing public footpath, next to a field. Also the larger of the 2 blocks extends the built area closer to the terrace of 3 dwellings ie Shirley Villas.

Visually the new buildings will be similar to those they are next to both in terms of scale and appearance. The buildings will be constructed out of brick and Metal clad PVC coated walling and composite roofing panels. This is considered appropriate for business park. As such it is not considered that the new buildings result in an adverse effect on visual amenity in the area.

There have been amended plans received which improve the public footpath, adjacent to the southern boundary of the site, including an improved realignment on the SE corner of the site adjacent to the Shirley Villas. This realignment removes an existing dog leg, providing a more direct and safer link out of the site. Adjacent to the path will be a small embankment, together with the provision of some sporadic tree planting on the southern side of the footpath, and planting beds on top of the embankment.

It is acknowledged that the planting and the embankment will not screen the development from view from the south, but it will soften the boundary treatment, and avoid the normal requirement for the provision of a substantial and robust fence along the southern boundary with the business estate. The height of the embankment and the planting areas, is sufficient to prevent access, pedestrian or vehicular, access, this together with the open nature of the car parking and associated lighting, offers adequate security for the southern part of the business park, as well as a satisfactory footpath route.

The larger of the 2 buildings located to the western side of the site will bring development closer to Shirley Villas. Shirley Villas is a terrace of three houses sited at right angle to the site as such no 3 is the closest. The main aspects of these 3 dwellings faces east and west (indeed their access is off Bradford Road). The gable of no 3 faces towards the new development, and it is accepted there are side windows currently these side windows look towards the rear of an existing factory. Also there is a 1.8metre high stone boundary wall between Shirley Villas, and the public footpath which form the southern boundary of the site. However the footpath is at a lower level than Shirley Villas, and as such the wall does not offer any screening from the proposed development.

Following the deferral of this application at the last Strategic Committee amended plans have been received. These increase the separation distance between the gable of 3 Shirley Villa and the rear of unit 17 to 19metres. Also in the intervening area the increased distance enable to retention of a number of existing mature trees to provide screening. A landscape scheme is to be conditioned which could also augment the planting in that area. As such it is considered that the overly dominant impact of the factory wall on 3 Shirley Villas has been significantly reduced in terms of bulk, and in terms of visual amenity the retention of mature trees is welcome which provides a screening of the development. As such it is considered that the impact of the amended scheme on the residential amenities of Shirley Villas is acceptable.

Conditions will also be applied to the development with respect to the range of uses,(ie the site will be limited to a Class B1(b, c) use this is light industry which is a use that is compatible with residential neighbours in relation to noise and disturbance considerations and is acceptable within residential areas. Also there is no activity to take place between the site and Shirley Villas. Car parking and deliveries will be further to the east and notwithstanding the B1 (B,C) use a condition requiring a noise report along the entire southern boundary is recommended by Environmental Health Services. As such it is considered that the impact of the proposed development upon residential amenity is acceptable and can be adequately controlled by planning conditions.

### **Flood Risk and Drainage:**

As the site is within flood zone 2 and partly within flood zone 3(a), a Flood Risk Assessment has been submitted with the application. The application is also accompanied by a sequential test for an agreed search area (i.e. greater Cleckheaton and Spenborough). The test has been carried out satisfactorily and the alternative sites screened appropriately. As such the sequential test has been satisfied.

The proposed industrial use falls into the category of 'less vulnerable' development which is identified a being compatible with Flood zones 2 and 3(a). As such there is no requirement to carry out an exceptions test.



As requested by the Environment Agency amended Flood Risk Assessment (FRA) has been submitted detailed proposed mitigation measures and additional storage capacity for a 1in100 year + 30% scenario.

The amended scheme has been re-considered and accepted by the Environment Agency who withdrew any objection, subject to the imposition of conditions, which cover finished floor levels and the maintenance of agreed surface water flow routes, identified in the amended FRA.

The EA support the provision of a scheme restricting surface water run off the 5ls ie greenfield. This will see the developed site not exceeding the run off rates, or those that have been agree as part of the Phase 1 approval. Conditions recommended need to be consistent with the extant approval, on Phase 1.

The scheme satisfies the sequential test, and the identified mitigation( which will be the subject of a condition) will protect the new buildings from any river flooding, not increase any surface water flow from the site, thus not exacerbating any potential problems downstream, and also providing adequate overland flow routes in the event of an extreme rainfall event.

As such it is considered that the proposal is in accordance with the guidance contained in part 10 of the National Planning Policy Framework “ Meeting the challenge of climate change, flooding and coastal change”.

#### **Environmental Issues (Decontamination/ Remediation and Noise):**

The site is capable of being remediated and made fit to receive the new development, and these matters are covered by condition. In addition this site is within an area with a history of coal mining and there are a number of mine shafts, adits near to this site, and on adjoining land. An updated Coal Mining Risk Assessment has been provided and forwarded to the Coal Authority, who have withdrawn any objection to the scheme( as they did on Phase 1), subject to the imposition of appropriate conditions.

As a new factory development in close proximity to dwellings (ie Shirley Villas) potential noise nuisance is an issue. Environmental Health recommended that the new units be restricted to Class B1 and a noise report be provided along the boundary. The new buildings( unlike Phase 1) are to be restricted to Class B1((b,c) ie a use deemed to be compatible with residential use, and a noise attenuation condition is recommended to cover the entirety of the southern boundary , which includes some parking and delivery space. As such it is consider that the issue of noise has been satisfactorily addressed.

#### **Bio diversity:**

The site is substantially overgrown. There are some mature trees next to the riverbank and adjacent the public footpath, and these are part of a larger group, of trees that stretch along the riverbank to the rear of Phase 1 of the

business park. There are also a number of scattered trees across the site in amongst the undergrowth

As part of the consideration for Phase 1 the whole site was assessed for any bio diversity habitat, and the trees on the site inspected and not considered worthy of a Tree Preservation Order, and as part of that Phase 1 approval the majority of the site is already to be cleared. The vegetation on this site is no different and no ecologically important habitats identified on this part of the site previously. The trees next to the river offer the best opportunity for bio diversity enhancement with some additional planting to augment that line of trees, with also a landscape scheme adjacent to the footpath. This scheme will have no impact at all on the riverbank or the river wall , there being a buffer maintenance zone at the top of the banking.

As such it is considered that the development can maintain the existing level of bio diversity within the site, and deliver some enhancement next to the river, and therefore accords with the guidance contained in part 11 of the National Planning Policy Framework” Conserving and enhancing the natural environment”.

#### **Crime Prevention:**

The parking and servicing areas are all located centrally to the development with the units they serve facing them, so they are naturally overlooked. Also there will be lighting and security measures throughout the site (both Phases 1 and 2 ) and details of these are to be secured by condition. Along the southern boundary next to the footpath, the boundary treatment here is a small embankment with planting areas. This is sufficient to prevent any vehicle access and deter pedestrian accessed from the path. This avoids the need for a large security fence, adjacent to the footpath. The footpath also passes next to parking areas, which at night will be floodlit. As such this boundary treatment is considered to be a satisfactory compromise between the security of the site, and the security and attractiveness of the public footpath.

As such it is consider that the development accords with the guidance contained in part 8 of the National Planning Policy Framework” Promoting healthy communities”, and Policy BE23 “Crime Prevention” in the Kirklees Unitary Development Plan.

#### **Conclusion:**

The proposal will deliver new employment opportunities in a sustainable location, on a site allocated for this purpose. The scheme will also complete the employment development of the entire business allocation.

The site is capable of being satisfactorily remediated, and made fit to receive the new development, also amended flood risk mitigation measures have been submitted and greed by The Environment Agency, and these are also to be conditioned.

The development of this part of the site takes account of the proximity of the residential properties, with the restriction of the usage to Class B(b,c) and also retains and improves the public footpath on the southern edge of the site. It is accepted that the scheme will have an impact on the dwellings at Shirley Villas, but conditions and negotiations have taken place to mitigate as far as possible those impacts and the overall outcome is not envisaged to cause any serious loss of amenity to the residents of Shirley Villas

As such it is considered that on balance the benefits of the scheme in delivering new employment and improving this public footpath outweigh any potential harm to the aspect and views of dwellings at Shirley Villas, and conditional full approval is recommended.

## **9. RECOMMENDATION**

### **GRANT CONDITIONAL FULL 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 approved plans and specifications except as may be required by other conditions.
3. No development shall take place until sample facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials.
4. Prior to the commencement of building works associated with unit 17 all existing trees shown on the approved plan (90027 RWF 79) to be retained around the footprint of approved unit 17 adjacent to the boundary with Shirley Villas shall be protected for the lifetime of the construction phase by fencing in accordance with British Standard for Trees and construction BS5837:2012.
5. No development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.
6. Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 4 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced.

7. 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.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 6 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.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7 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 8. 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. 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.

12. The development hereby approved shall be restricted to Class B1(b&c) of the Town and Country Planning (Use Classes) Order 1987 as amended and no other use, without the prior consent in writing of the Local Planning Authority

13. Before each of the proposed B1 Light Industrial units are brought into use, a report specifying the measures to be taken to protect the occupants of nearby noise sensitive premises at 1,3 and 5 Shirley Villas, Cartwright Street, Cleckheaton BD19 5LT from noise from the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include:

- An assessment of the noise emissions from the development;
- Details of the background and predicted noise levels at the southern boundary of the development with no 1, Shirley Villas, Cartwright Street, Cleckheaton BD19 5LT;
- A scheme of how the occupants of no's 1,3 and 5 Shirley Villas, Cartwright Street, Cleckheaton, BD19 5LT will be protected from noise from the proposed development with noise attenuation measure as appropriate

The development shall not be brought into use until all works comprised within the measures specified in the report have been carried out in full and such works shall thereafter be retained.

14. The development permitted by this planning permission shall be carried out in accordance with the approved FRA for Spenborough Business Park (July 2016/10217-5003, rev no 01/ Met Engineers Ltd) and follow the mitigation measures detailed within the FRA.

- Finished floor levels are set no lower than 300mm above ground level;
- Overland flow routes are maintained through the site as indicated in the Surface Water Management Plan in Appendix 11 of the approved FRA.

The mitigation measures shall be fully implemented in accordance with the timing/ phasing arrangements embodied within the scheme, or within any other period a may be subsequently be agreed , in writing , by the local planning authority.

15. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 5 litres per second has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved by the Local Planning Authority, unless it can be demonstrated to the satisfaction of the Local Planning Authority that discharge from the site does not cause an increased risk in flooding elsewhere. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restrictions and attenuation works have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

16. Prior to the commencement of development the following details shall be submitted for the written approval of the Local Planning Authority:

- A remediation scheme to afford public safety and the stability of the proposed development from the risks posed by two recorded mine entries (shafts);
- A scheme of intrusive site investigations for approval;
- The undertaking of that 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 for approval; and
- Implementation of those remedial works.

The agreed details shall be implemented prior to the occupation of any buildings on the site.

17. Prior to any buildings being occupied details of the boundary treatments shall be submitted for the written consent of the Local Planning Authority. The approved fencing shall be implemented prior to the occupation of any buildings and thereafter retained.

18. The development hereby permitted shall incorporate measures to minimise the risk of crime and meet the specific security needs of the development site. Details of the measures to be incorporated shall be submitted to and approved in writing by the Local Planning Authority, prior to development commencing, and shall be implemented before the development is first occupied and thereafter retained throughout the lifetime of the development.

19. Before development commences, the proposed visibility splays shown on approved plan no RWF-01 rev C shall be cleared of all obstructions to visibility and tarmac surface to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

20. Within 3 months of any part of the development being brought into use a Travel Plan shall be implemented in accordance with the Framework included within the PAH Consultants Transport Assessments and there after retained throughout the lifetime of the development.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			21/3/16
Propose layout (amended)	90027 RWF 71		21/9/16
Proposed roof plan	90027 RWF 72		21/9/16
Site sections	90027 RWF 74		21/3/16
Turning Head	90027 RWF 72		
Public footpath improvements and sections	90027 RWF 50		1/8/16
Design and Access Statement			21/3/16
Topsoil report	42983-1		21/3/16
Transport Assessment ( including Travel Plan)	1116/Feb 2016		21/3/16
Flood Risk Assessment(updated)			1/8/16
Coal Mining Risk Assessment (updated)			1/8/16
Landscape scheme and protection plan	90027 RWF 79		21/9/16

**Application No: 2016/92420**

**Type of application: 62m - FULL APPLICATION**

**Proposal: *Erection of college building and associated infrastructure works***

**Location: *Former Safeway Store, Commercial Road, Dewsbury, WF13 2BD***

**Grid Ref: 424354.0 422123.0**

**Ward: *Dewsbury East Ward***

**Applicant: *Kirklees College***

**Agent: *Jonathan Ravenscroft, Kilmartin Plowman & Partners Ltd***

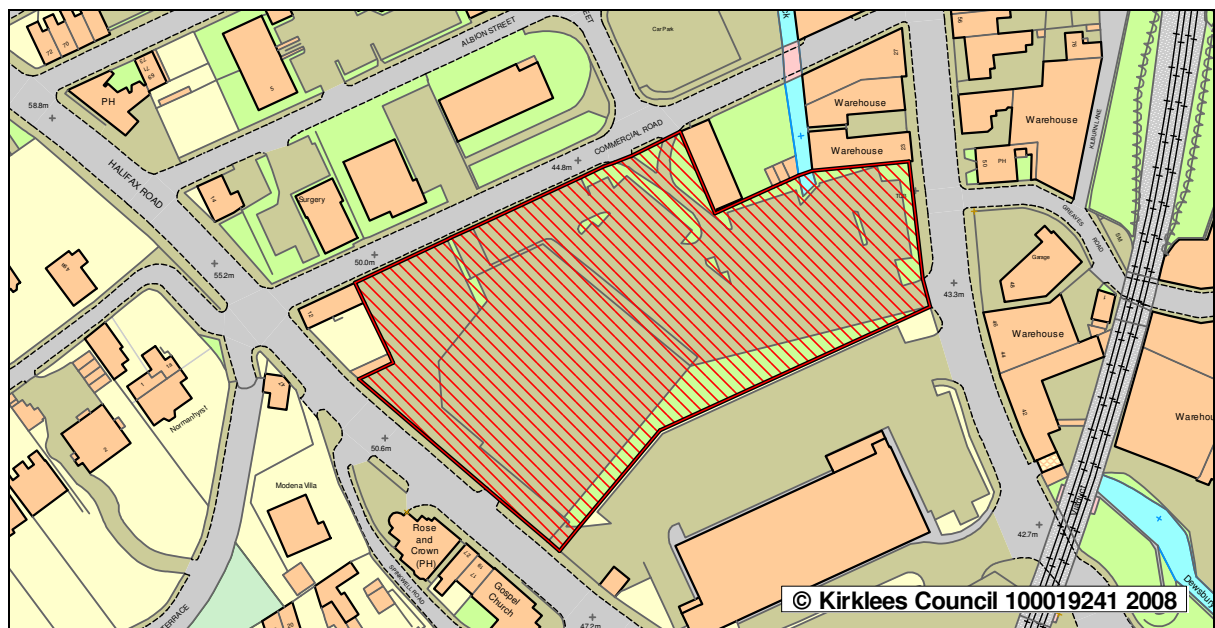
**Target Date: *27-Oct-2016***

**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

<b>Application Details</b>		
Type of Development	Erection college building and associated infrastructure works	
Scale of Development	Site area: 0.99ha	units/m <sup>2</sup> : N/A
No. Jobs Created or Retained	N/A	
<b>Policy</b>		
UDP allocation	Unallocated	
Independent Viability Required	No	
<b>Representation/Consultation</b>		
Individual Support (No.)	0	
Individual Objection (No.)	1	
Petition		
Ward Member Interest	No	
Statutory Consultee Objections	No	
<b>Contributions</b>		
• Affordable Housing	N/A	
• Education	N/A	
• Public Open Space	N/A	
• Other	N/A	
<b>Other Issues</b>		
Any Council Interest?	Yes	The site is owned by the Council
Planning Pre-application advice?	Yes	
Pre-App Consultation Undertaken?	No	
<b>Comment on Application</b>	Officers consider that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole, or that specific NPPF policies indicate development should be restricted. In such circumstances the application is recommended for approval.	

**RECOMMENDATION: CONDITIONAL FULL PERMISSION**

## **2. INFORMATION**

The application is brought before the Strategic Planning Committee in accordance with the Council's delegation agreement as the application relates to the provision of non-residential floor space on a site exceeding 0.5ha in area.

Since submission of the application, amended plans have been received which demonstrate that the proposed building would be re-sited approximately 5m to the north west. These amended plans have been re-advertised and any representations received in relation to the re-publicity will be reported in the update.

## **3. PROPOSAL/SITE DESCRIPTION**

The application site is located to the north west of Dewsbury Town Centre, adjacent to the Northfields Conservation Area and bounded by Bradford Road to the east, Halifax Road to the west, and Commercial Road to the north. A single storey Lidl Supermarket is located adjacent the site to the south. To the north east are two Grade II listed buildings, in use for retail/warehousing.

The site was previously occupied by a Safeway Supermarket which was closed in 2005 and subsequently demolished.

Permission is sought for the erection of a college building and associated infrastructure works. The proposed building would be located on the south western part of the site, vehicular access taken from Commercial Road and pedestrian access from Bradford Road and Halifax Road.

## **4. BACKGROUND AND HISTORY**

2005/95040 – Alterations to external appearance of existing retail unit, alterations to associated parking and formation of new vehicular access point and revised access arrangements – approved 2 March 2006

2005/90365 – Demolition of existing supermarket and erection of new foodstore – approved 23 May 2005

## **5. PLANNING POLICY**

### **Unitary Development Plan:**

The site is unallocated on the Unitary Development Plan proposals map:

D2 – Unallocated Land

BE1 – General Design Principles

BE2 – Quality of Design

BE22 – Parking Facilities for People with Disabilities

EP4 – Noise Sensitive Developments

EP6 – Noise levels

T10 - Highway Safety  
T16 – Provision of safe pedestrian routes in new development  
T17 – Consideration of the needs of cyclists in new development  
T19 – Parking Standards  
BE23 – Crime prevention  
G6 – Land Contamination

### **National Planning Policy Framework**

Core Planning Principles  
Chapter 4 – Promoting Sustainable Transport  
Chapter 7 – Requiring Good Design  
Chapter 8 – Promoting Healthy Communities  
Chapter 11 – Conserving and enhancing the natural environment  
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

### **Other Policy Considerations:**

Dewsbury Design Guide

## **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 DM:** No objections in principle

**K.C Environmental Services** – No objections subject to imposition of conditions

**K.C Flood Management Drainage** – Recommend imposition of conditions

**K.C Conservation and Design** - No objections in principle

**Yorkshire Water** - Recommend imposition of conditions, should planning permission be granted

**West Yorkshire Police Architectural Liaison Officer:** Recommends consideration is given to the treatment of the boundary adjacent to Bradford Road.

**Environment Agency:** No objection provided that the proposed college building is located entirely within Flood Zone 1

## **7. REPRESENTATIONS**

The application has been advertised by neighbour notification letter, site notices and press advert. One representation has been received in relation to site publicity. The concerns raised can be summarised as follows:

- Proposed access from Commercial Road may impact on operation of existing businesses
- Concern over increased potential for accidents at junction of Commercial Road and Bradford Road

## **8. ASSESSMENT**

### **General principle:**

The site has a defined envelope bordered by the existing road network to the north, east and west and supermarket development to the south. The site is unallocated on the Unitary Development Plan proposals map. Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... 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.

Paragraph 72 of the NPPF is also applicable to the proposed development and is an important factor in the assessment of such an application. Para. 72 states that:

*“ ..the Government attaches **great importance** to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.*

*They should:*

- **Give great weight** to the need to create, expand and alter schools; and
- *Work with schools promoters to identify and resolve key planning issues before applications are submitted”.*

As can be seen from the wording of Para. 72, the NPPF gives great weight and importance to education-based proposals. From a decision making perspective, this should weigh considerably in favour of this proposal.

The reuse of a derelict brownfield site in a prominent location in Dewsbury for a new further education establishment is a very good outcome both for helping kick start the transformation of Dewsbury and for regenerating a disused site. The introduction of a significant number of post-16 age students and associated teaching and support staff into the town is likely to create knock on benefits which will help regenerate Dewsbury and bring additional

footfall into the town. Significant weight is attached to the importance of enabling this scheme.

### **Impact on amenity:**

#### Impact on visual amenity

The site is located to the north west of Dewsbury Town Centre, on the edge of the Ring Road and immediately adjacent to the Northfields Conservation Area, also within the setting of two Grade II Listed Buildings (former retail and warehousing at 23 and 25 Bradford Road).

This site will include workshops for construction and motor vehicle courses as well as teaching space for business, health and social care and Art and Design; the college will also operate as a foundation college. The site is well connected by transport and pedestrian movements, with the site being less than half a mile from Dewsbury Train Station and the town centre. Further pedestrian movements will be improved by the installation of an external stair and platform to the building from Halifax Road.

The design of the workshops element of the development is based on functional architecture, and considered by Officers to be appropriate for the use. Due to the positioning of the workshops and their height they will be hidden from view by the more prominent teaching areas. These blocks will be three storey in height of a relatively modern design approach that is typical of the current architecture of school establishments, with extensive glazing, render and cladding and simple forms and shapes to both the building and the roof line. Where the buildings are particularly visible, in addition to the main public areas, the ground floor is to be faced in natural stone, punctuated by glazing, that provides a context and grounding with the surrounding buildings. The style, shape and finish of the entire college building will be at odds with the local character with although mixed is predominantly stone and slate with traditional designs and roof forms.

Through the course of the application, discussions have been ongoing between Officers and the applicant in order to ensure that the appearance of the development is of a high quality whilst respecting the character of surrounding development. Officers are seeking to secure the high quality finish and are exploring the use of a cladding panel to compliment the importance and grandeur of the building and the entrance feature. This is particularly important given the prominence of the site. At this time officers and the applicant are considering either a zinc natural material with a grey finish or a synthetic material which would have a rust colour effect with officers favouring the former due to the aspiration of wanting to deliver a high quality building which will have a legacy in this prominent location. Members will be advised that the Officer recommendation to support this application is for the natural high quality material finish but the Committee will have the opportunity to view both materials in the presentation to the Committee.

### Impact on residential amenity

The site is located within a predominantly commercial and industrial area with the exception of one residential property to the north west of the site, adjacent to the site boundary. This is located at the junction of Commercial Road and Halifax Road and occupies an elevated position, overlooking the application site. The proposed building would have an indirect relationship with this property, and due to the layout of the development, the nearest three storey element of the new building would be located approximately 60m away, separated by the single storey construction 'shed'.

As a result of the layout and design of the proposed development, and changes in topography between the site and Halifax Road, Officers consider that there would be no significant detrimental impact upon the amenity of the occupiers of 12 Halifax Road as a result of the development. Notwithstanding this, it is considered necessary to impose a condition, should permission be granted, requiring the submission of a noise report detailing external plant and any mitigation measures proposed, in order to ensure that the proposed development accords with Policy EP4 of the Unitary Development Plan.

The proposals would accord with Policies D2, BE1, BE2 and EP4 of the Unitary Development Plan and government guidance contained within Chapter 7 of the National Planning Policy Framework.

### **Heritage Impact:**

The site is currently vacant and contributes little to the setting of the adjacent heritage assets and the wider amenity of the surrounding area which is characterised by traditional industrial and commercial buildings of significant scale, in addition to a single storey contemporary food store. An extensive retaining wall forms the western boundary of the site adjacent to Halifax Road, which forms a downhill slope towards the town centre.

Special regard is required by the decision maker in relation to the desirability of preserving or enhancing the setting of the heritage assets. In terms of the setting of the Northfields Conservation Area, there has always been development on this land prior to the demolition of the former retail store. Whilst this was mainly open land associated with Spinkwell Mill to the south, further expansion of the mill led to the whole site being under buildings by the late 19<sup>th</sup> Century. Following demolition of the mills in the 20<sup>th</sup> century led to retail 'box' type development that contributed little to the heritage assets. The land levels from Halifax Road are substantially reduced from the Halifax Road level across the site to Bradford Road to such an extent that Halifax Road is supported by a stone retaining wall. Due to this and the boundary wall there are little views afforded of the site across from the Conservation Area at the present time. However, due to the need to gain pedestrian access to the proposed development from Halifax Road, the building will project above the wall to such an extent that the design is important here.

Nos. 23 and 25 Bradford Road are typical of mid Victorian retail and warehouse buildings, with external extensive decoration to indicate the status of the building and owner. However, No.23 is in a particularly poor condition and is in need of repair and reuse to secure its long term future. Whilst the need for repair is outside the scope of this application it is hoped that a new use on this site will aid its viability and bring about its restoration. The setting of these buildings is considerably reduced due to the vacancy of the site, therefore as with the buildings themselves, it is in need of a use. Immediately adjacent to the Listed Building will be car parking for staff which is considered to be the best use of this part of the site due to the presence of Batley Beck. Landscaping and boundary treatment is considered to be important in ensuring that the setting of the Listed Building is improved and does not lessen the ability to find a new use for the building.

Officers consider that the development does not cause any significant harm to the significance of the Listed Building, and less than substantial harm to the Northfields Conservation Area. Paragraph 134 of the NPPF advises that where this is the case, there must be a public benefit that overcomes this and in this case Officers feel there is substantial public benefit in providing such a use in close proximity to the town centre, the increase of use in this area and the general uplift in the amenities and character of the area overall. As such, the development would accord with Para. 134 of the NPPF Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Highway issues:**

The site is located on land between the A652 Bradford Road and the A638 Halifax Road to the south side of Commercial Road.

The proposed development would involve the relocation of a proportion of the two Dewsbury Centres of Kirklees College (Dewsbury Centre and Wheelwright Centre), providing new accommodation for most of the present uses at the existing Dewsbury Centres with the remainder being located on a different site in Dewsbury Town Centre.

The existing Dewsbury Centre of Kirklees College is located approximately 320m away to the north west of the application site and the Wheelwright Centre is located on Birkdale Road, a similar distance away.

Commercial Road is a two-way single carriageway road with a 30mph speed limit and street lighting. Double yellow lines are in place along the northern side of the road with limited waiting areas provided along the south side. Footways are provided along both sides of Commercial Road over its entire length.

Commercial Road provides direct access to several premises and also to Bright Street which connects to Albion Street and Victoria Road.

Due to the proximity of the main bus and railway stations in the centre of Dewsbury, the site is very well served by public transport.

The proposed development would provide a total of 82 parking spaces (including 3 disabled spaces) on site for staff, visitors and disabled students. The majority of these spaces are within a large staff car park on the eastern side of the site and will be retained for staff until such time as a future development is brought forward. Facilities for the parking of cycles and motor cycles, in addition to a charging point for electric vehicles, will also be provided.

There are currently 1630 students and 195 staff at the two existing Centres in Dewsbury. The overall number of students and staff is not expected to alter significantly as a result of the proposed relocations. The distribution of students and staff to the two new Centres (at the DLQ and town centre site) is likely to be 50:50. It is anticipated that there will be in the region of a maximum of 540 students and 61 teaching staff on the DLQ site at any one time.

The proposals include amendments to the existing waiting restriction which currently allows parking for 30 minutes no return within 1 hour to enable an approximately 15m length of Commercial Road to be used for drop off and pick up.

Through the course of the application, revised information has been requested from the agent with regard to the access arrangements and turning movements, and amended plans are awaited in this respect. This aspect will be covered in the update. Notwithstanding this matter, subject to conditions, the proposed development is generally considered to be acceptable from a highways perspective and in accordance with policies D2 and T10 of the Unitary Development Plan.

### **Drainage and Flood Risk:**

The Batley Beck runs across the north eastern part of the site. The Flood Risk Assessment submitted with the application states that surface water will be discharged to Batley Beck via a sustainable drainage scheme, providing a 30% reduction in run off rates. Whilst the FRA states that the site is currently positively drained, no information has been submitted to demonstrate where to.

Notwithstanding the above, the Council's Flood Management and Drainage Team recommend that a condition is imposed, should permission be granted, requiring the submission of a drainage scheme to be approved by the Local Planning Authority prior to commencement of development. This would ensure that the development accords with Policies D2 and BE1 of the Unitary Development, in addition to government guidance contained within Part 10 of the NPPF.



### **Crime Prevention:**

The West Yorkshire Police Architectural Liaison Officer recommends that consideration is given to the treatment of the Bradford Road part of the site, in order to aid security and define the border between public and private space. In addition, advice has been given to the applicant with respect to the provision of external lighting, CCTV and security specifications for doors and windows, to ensure that the development accords with Policy BE23 of the Unitary Development Plan. Amended plans have been received which take the advice of the Police Architectural Liaison Officer into account with respect to CCTV, lighting and security, however the matter of the boundary treatment to Bradford Road can be dealt with by condition.

### **Ecology:**

The site offers limited opportunities for biodiversity enhancement however the submitted site plan indicates the provision of defined areas of soft landscaping within the site comprising low maintenance grass seed mixes, native wildflower and wetland mixes. This would go some way to improving ecological opportunities on the site which currently has a large degree of hard landscaping, in accordance with government guidance contained within Part 11 of the National Planning Policy Framework.

### **Contaminated Land:**

The site has the potential for contamination due to its former use as a Mill. A contaminated land assessment has been undertaken which indicates that there are some contaminants present associated with the historic made ground at the site. The submitted information recommends proposals which will adequately deal with the risks, in accordance with Policy G6 of the Unitary Development Plan.

### **Other Matters:**

Pioneer House and the former Safeway site remain as significant assets in Dewsbury. The redevelopment of Pioneer House and the development of a new facility on Bradford Road/Commercial Road will not only provide a visible statement on the future of the town but also have a major impact in the regeneration of Dewsbury. The proposed College relocation and consolidation will introduce a significant level of footfall to the town centre with a significant opportunity for local businesses and premises to gain from the extra footfall.

The Combined Authority approved the funding envelope to help deliver this development through the approval of the Skills Capital Fund. Contract negotiations remain ongoing. Subject to the granting of planning permission, the college, through Keir, would commence build starting on 7 November, targeting opening in late 2017.

The existing college sites will remain operational until decant into the new facilities has completed. The existing sites are currently being assessed for redevelopment potential.

**Objections:**

The objection received relates to highway safety matters. This is addressed above.

**Conclusion:**

The proposals represent a form of development which is afforded great weight and importance within the NPPF. The application would result in proposals to provide a modern, high quality and architect led designed building for use as an educational facility within a sustainable location, whilst bringing back into use a derelict brownfield site and contributing to the regeneration of Dewsbury Town Centre.

The proposals would not result in any significant detrimental impact to local amenity, local ecology/biodiversity, and heritage assets in the immediate vicinity or the local highway network.

In such circumstances it is considered that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted. In such circumstances the application is recommended for approval.

**9. RECOMMENDATION**

Approve subject to the following 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. No part of the external walling/cladding of the new college building shall take place until samples of all facing and roofing materials has been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.

4. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to Batley Beck to a maximum of 70% (as advised by Strategic Drainage) of the existing pre-development flow rate to the same outfall, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority unless it can be demonstrated to the satisfaction of the Local Planning Authority that discharge from site does not cause an increased risk in flooding elsewhere. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

5. Surface water from vehicle parking hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

6. A report specifying the measures to be taken to protect the occupants of nearby noise sensitive premises from noise from plant associated with the proposed development shall be submitted to and approved in writing by the Local Planning Authority before development of the superstructure of the college building commences. The report shall include:

1. an assessment of noise emissions from the proposed development including proposed external plant and activities within the college buildings
2. details of background and predicted noise levels at nearby noise sensitive properties
3. a written scheme of how the occupants of noise sensitive premises will be protected from noise from the proposed development with noise attenuation measures as appropriate

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

7. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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 on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved 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 whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

8. A landscaping scheme (which includes details of hard and soft landscaping and boundary treatments and which makes specific reference to the planting of native tree, shrub and plant species) shall be submitted to and approved in writing by the local Planning Authority before development of the superstructure of the building commences.

9. On completion of the development the cycle storage facilities will be provided in accordance with the details shown on the approved plans, and the approved facilities shall thereafter be retained.

10. Details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority before the new college building is occupied. The approved details shall be provided before the development is brought into use and shall be retained thereafter.

11. The development shall be carried out in accordance with the submitted Travel Plan (produced by Hy Consulting, ref: 16067/July 2016). The approved Travel Plan shall be operated at all times that the development is occupied and shall be reviewed and updated on an annual basis in accordance with the details that are outlined in the approved plan. The Travel Plan and all updates shall be produced in accordance with current national, regional and local best practice guidance and shall include details of operation, Travel Plan Coordinator/s, targets, infrastructure to be provided, measures that will be implemented, monitoring and review mechanisms, procedures for remedial action that may be required and a timetable for implementing the plan.

12. A scheme detailing the location and cross sectional information together with the proposed design and construction for all the retaining walls and building walls supporting the adjacent existing highway including any proposed modifications to the existing private highway retaining walls on the A638 Halifax Road and Commercial Road shall be submitted to and approved in writing by the Local Planning Authority before development of the superstructure of the building commences. The approved scheme shall be implemented prior to the commencement of development of the building and thereafter retained.

13. Two electric vehicle charging points shall be provided before the college building is occupied, in accordance with the submitted details shown on the approved site plan, and shall thereafter be retained.

14. All windows in the rendered section of building shall be inset to a minimum of 0.070m from the elevation. Where possible the inset shall seek to achieve 0.10m from the elevation.

**NOTE:** A competent person should undertake any noise survey and developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/Pages/Links.htm> (01736 852958) or the Institute of Acoustics <http://www.ioa.org.uk> (01727 848195) for a list of members.

**NOTE:** 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.

**NOTE:** This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 for any proposed works or structures, in, under, over or within eight metres of the top of the bank of Batley Beck which is designated as a 'main river'. This was formerly called a flood defence consent. Some activities are also now [excluded](#) or [exempt](#). A permit is separate to and in addition to any planning permission granted. Further details and guidance are available at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

**NOTE** All contamination reports shall be prepared in accordance with CLR 11 and PPS23 and the Council's Advice for Development Documents or any subsequent revisions of these documents.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Site Plan	2045-2001	B	27.09.16
Proposed Ground Floor Plan	2045-2002	2	27.09.16
Proposed First Floor Plan	2045-2003	2	27.09.16
Proposed Second Floor Plan	2045-2004	2	27.09.16
Proposed Elevations	2045-2005	B	27.09.16
Proposed Elevations	2045-2006	B	27.09.16
External Lighting, CCTV and Power			26.09.16
First Floor Security and Access Layout			26.09.16
Second Floor Security and Access Layout			26.09.16
Ground Floor Security and Access Layout			26.09.16
Flood Risk Assessment	16/008.01		12.07.16
Phase I and Phase II Reports	7096/G/01		12.07.16
Ecological Appraisal			12.07.16
Design and Access Statement			12.07.16
Foul Drainage Layout	E06 P3		12.07.16
Proposed Surface Water Drainage Layout	E05 P3		12.07.16
Noise Assessment			12.07.16
Transport Assessment	16067 KC DLQ TA July 16		12.07.16
Technical Note 1			19.09.16
Travel Plan	16067/July 2016		12.07.16
Incoming services			12.07.16
Existing Site Plan	2045-2000		12.07.16
Ventilation and Extraction System			12.07.16
Sustainability Statement			12.07.16
Utilities Statement			12.07.16
Proposed Site Sections	2045-2008		12.07.16
Existing Site Sections	2045-2007		12.07.16
Proposed Cycle Store	2045-2010		12.07.16
Site Location Plan			12.07.16
Proposed Roof Plan	2045-2009		12.07.16

**Application No: 2016/92066**

**Type of application: 62m - FULL APPLICATION**

**Proposal: *Erection of hotel with associated external works including car parking, servicing and landscaping including realigning of access road***

**Location: *Stadium Way, Huddersfield, HD1 6PG***

**Grid Ref: 415369.0 417595.0**

**Ward: *Dalton Ward***

**Applicant: *Kirklees Stadium Development Ltd & Hotel***

**Agent: *Andrew Chapman, Brewster Bye Architects***

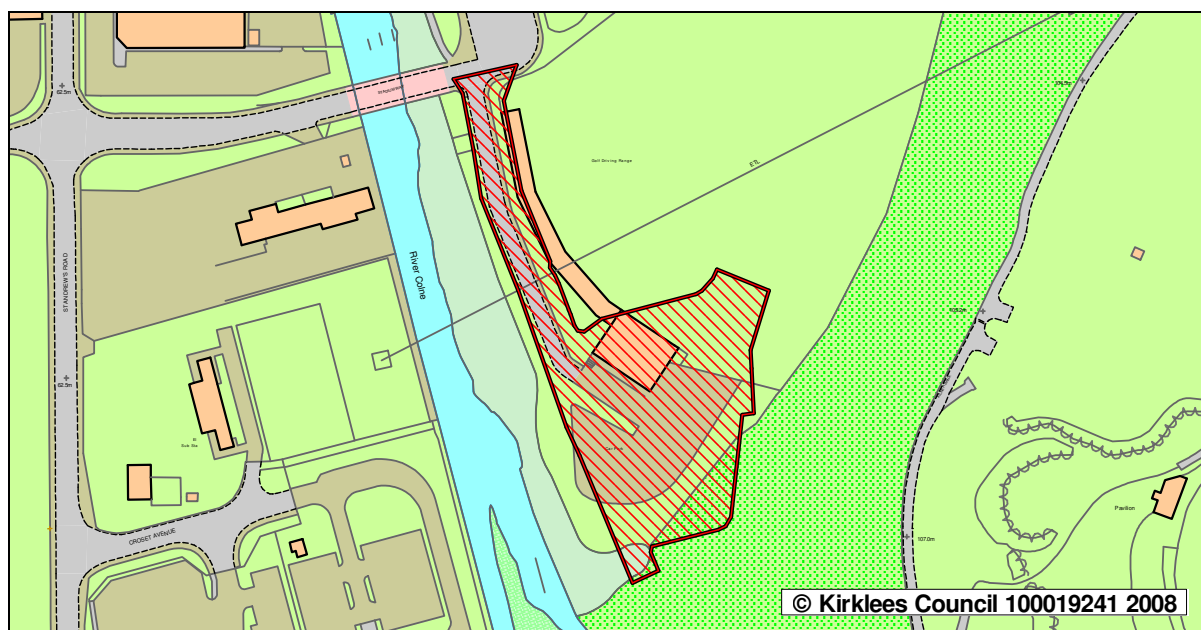
**Target Date: *19-Sep-2016***

**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

<b>Application Details</b>		
Type of Development	Erection of hotel with associated external works including car parking, landscaping and realignment of access road	
Scale of Development	Site area 0.68hectares	149 bed hotel
No. Jobs Created or Retained	Unknown at this stage	
<b>Policy</b>		
UDP allocation	Unallocated and in part Urban Green Space	
Independent Viability Required	No	
<b>Representation/Consultation</b>		
Individual Support (No.)	1	
Individual Objection (No.)	None	
Petition		
Ward Member Interest	None received	
Statutory Consultee Objections	HSE advises against granting permission	“The proposal lies over a High Pressure Gas Pipeline. The Health & Safety Executive (H&SE) advise against granting planning permission on the grounds of risk of harm to people at the proposed development”
<b>Contributions</b>		
• <i>Affordable Housing</i>	N/A	
• <i>Education</i>	N/A	
• <i>Public Open Space</i>	N/A	
• <i>Other</i>	N/A	
<b>Other Issues</b>		
Any Council Interest	Yes	The applicant is Kirklees Stadium Development Ltd (KSDL) and Hotel Land & Development Ltd
Planning Pre-Application Advice	Yes	General correspondence as part of the wider HD1 development on the stadium site
Pre-App Consultation Undertaken?	No	



<p><b>Comment on Application</b></p>	<p>In July 2010 outline planning permission was granted for the erection of a multi-use leisure and entertainment development with ancillary facilities plus hotel, office and residential uses on a large area of land around but principally to the south of the Stadium. This was subject to a S106 Agreement requiring public transport and travel plan measures, local highway works, managed habitat, affordable housing and off site open space. The decision was in accordance with a resolution by the Area Planning Sub-Committee on 21<sup>st</sup> January 2010.</p> <p>This application is submitted jointly by KSDL and Hotel Land and Development Ltd and seeks full planning permission for a 149 bedroom hotel to be operated as a Radisson Park Inn hotel. This application site forms part of area 5 as identified on the HD1 development masterplan.</p>
--------------------------------------	--

**RECOMMENDATION:**

**Grant Conditional Full Permission subject to delegation of authority to officers to:**

- A) Refer the resolution to grant conditional full permission to the Health & Safety Executive**
- B) Impose all necessary and appropriate conditions including those below.**
- C) Subject to there being no substantive changes to alter the recommendation, issue the decision notice.**

**2. INFORMATION**

This application is brought to the Strategic Planning Committee as the application site exceeds 0.5 ha for development proposed that is non-residential.

**3. PROPOSAL/SITE DESCRIPTION**

In July 2010 outline planning permission was granted for the erection of a multi-use leisure and entertainment development with ancillary facilities plus hotel, office and residential uses on a large area of land around but principally to the south of the Stadium. This was subject to a S106 Agreement requiring public transport and travel plan measures, local highway works, managed habitat, affordable housing and off site open space. The decision was in accordance with a resolution by the Area Planning Sub-Committee on 21<sup>st</sup> January 2010.

This application is submitted jointly by KSDL and Hotel Land and Development Ltd and seeks full planning permission for a 149 bedroom hotel to be operated as a Radisson Park Inn hotel.

The site is 0.68 Ha in area and is located to the south of the existing stadium, at the head of an existing access road off Stadium Way that currently serves the golf driving range.

The nearest residential properties are a minimum of approximately 120 metres to the south east at Kilner Bank and Bowness Drive

Part of the site is crossed by a major gas pipeline. The site also lies to the south of existing operations at the Syngenta site and therefore falls within the outer consultation zone associated with it.

#### **4. BACKGROUND AND HISTORY**

2008/92864 – Outline permission for erection of multi-use leisure and entertainment development with ancillary facilities plus hotel, office and residential uses issued 6<sup>th</sup> July 2010 with all matters reserved and subject to a S106 Agreement requiring public transport and travel plan measures, local highway works, managed habitat, affordable housing and off site open space. Conditions restricted the amount and type of retail floorspace as well as the amount of floorspace for each type of use.

2014/92610 – Outline consent for formation of snow sports slope (modified proposal to 2008/92864 – see above) with all matters reserved issued on 25<sup>th</sup> March 2015. This was subject to a legal agreement as a Deed of Variation to the Principal Agreement signed.

2016/92122 – Extension to time to previous permission 2008/92864 for outline application for erection of multi-use leisure and entertainment development with ancillary facilities plus hotel, office and residential uses. Currently under consideration.

2016/92177 – Reserved matters application for the formation of snow sports slope and associated facilities pursuant to outline permission 2014/92610 for Outline application for formation of snow sports slope (modified proposal). Currently under consideration.

2016/92195 – Application for approval of reserved landscaping currently under consideration.

#### **5. PLANNING POLICY**

The site lies mostly within the wider area for the stadium development on the UDP proposals map with the eastern part identified as part of a larger area of Urban Greenspace. The Kilner Bank running along the eastern boundary, is shown as a Green Corridor on the UDP proposals map.

### Unitary Development Plan

S1 – Town Centres/Local Centres shopping

B14 – proposals for major hotels

BE1 – Design principles

BE2 – Quality of design

BE23 – Crime prevention

D3 – Urban Greenspace

D6 – Green Corridor

G1- Regeneration

NE9 – Retention of mature trees

EP4 – Noise sensitive development

EP11 – Enhancement of ecology

T10 – Highway safety

T19 – Parking standards

B1 –Meeting the employment needs of the District

R13 – new links in the public right of way network

TC32 – Major developments outside the Ring Road: pedestrian links

### National Planning Policy Framework

Part 1. Building a strong and competitive economy

Part 2. Ensuring the vitality of town centres

Part 4. Promoting sustainable transport

Part 7. Requiring good design

Part 8. Promoting healthy communities

Part 10. Meeting the challenge of climate change, flooding and coastal change.

Part 11. Conserving and enhancing the natural environment

### **Other Policy/Legislative Considerations:**

Supplemental Planning Document 1 - adopted on 21 September 2007, supports the initiative for the Kirklees Strategic Economic Zone to promote new business development.

## **6. CONSULTATION RESPONSES**

**K.C. Highways Development Management** – Support subject to conditions

**K.C. Public Rights of Way (PROW) Team** – need details on levels, width and connectivity to be shown through to the wider area for the whole of the site identified on the master plan

**K.C. Environmental Services** – require updated reports/information relating to air quality, noise and contaminated land which can be conditioned

**K.C. Arboricultural Officer** – no objections.

**K.C. Planning Policy** – no comments.

**K.C. Conservation & Design** – no objections subject to appropriate use of materials

**K.C. Environment Officer** – no objections subject to conditions requiring development to be carried out in accordance with recommendations of ecological report and details of lighting strategy to be agreed

**K.C. Drainage** – no objections subject to conditions

**K.C. Landscape Architects** – limited information submitted. Require further details including bin storage/provision

**HSE (Automated response through PADHI system)** – HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case (see assessment below)

**Yorkshire Water** – no objection subject to conditions

**Environment Agency** – no objections subject to informative notes

**WY Police Architectural Liaison Officer** – no objections subject to appropriate measure to be incorporated into the scheme

**Coal Authority** – no objections subject to conditions

**Northern Gas Networks** – Standard advice and informative notes to be forwarded to the developer (see assessment below)

## **7. REPRESENTATIONS**

### **Publicity:**

This application was publicised by site notice and newspaper advertisement. Letters were not sent due to the significant distance to the nearest residential dwellings in accordance with the Council's agreed publicity procedure.

The period of publicity expired on 10<sup>th</sup> October 2016. Other than one letter of support from the Civic Society, no other representations area received.

## **8. ASSESSMENT**

### **General Principle:**

The application seeks full planning permission for the development of a 149 bed hotel. The application site falls within the proposed HD1 leisure and entertainment development that was granted outline planning permission in October 2010. (Planning ref: 2008/60/92864/W2)

The indicative masterplan for the wider HD1 development proposes a hotel, this also formed part of the description of the application.

As noted in the Background & History section of the report there is currently an application to extend the time for the implementation of the outline planning permission.

Land surrounding the Stadium has largely been developed, most noticeably to the north of the stadium with a leisure complex, cinema and associated parking. The southern part of the site is less intensively developed with large areas of surface parking and a golf driving range. The development proposed will displace the existing driving range.

The submitted information states the hotel will form the first phase of construction of the HD1 development and that it has been designed to fully integrate with the proposed masterplan once complete.

The site is located approximately half a mile north east of Huddersfield town centre. The stadium which opened in 1995 is located at the north east of the site and is the joint home to Huddersfield Town Football Club and Huddersfield Giants Rugby League Club

The site is not a recognised local centre nor is it an edge of centre location.

Policy S1 of the UDP states: *“Town and local centres will remain the focus of shopping, commercial, cultural and social activity and priority locations for environmental enhancement”*.

The publication of the NPPF and Practice Guidance are material changes in policy circumstances since the earlier permission in 2010. The NPPF states that the purpose of the planning system *“is to contribute to the achievement of sustainable development.”* The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. It states that these roles are mutually dependent and should not be taken in isolation. *“Economic, social and environmental gains should be sought jointly and simultaneously through the planning system.”* The NPPF stresses the presumption in favour of sustainable development.

Part 2 of the National Planning Policy Framework ‘Ensuring the vitality of town centres’, indicates that local authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

A hotel is recognised as a town centre use. Given that the site is in an out of centre location, the applicant would normally be required to undertake a sequential assessment to consider whether there is vacant property or land within Huddersfield town centre that could accommodate the proposed hotel development, in accordance with paragraph 24 of the National Planning Policy Framework. Policy B14 of the UDP also sets out the criteria for consideration of major hotels, stating along with other considerations that such facilities will normally be permitted in town or local centres.

However given that the outline planning permission is still extant (by virtue of the fact that the application to extend the time limit of the outline permission was submitted before the expiry of the outline permission), the principle of development is established.

The HD1 development as a whole broadly accords with the Core Planning Principles set out in the NPPF as it would represent sustainable development by delivering significant economic and employment opportunities and social benefits for Huddersfield. With regard to environmental impacts, the mitigation measures proposed will minimise any adverse effects.

Additionally, the Council published its Economic Strategy which identifies a “lack of major tourism attraction to draw in footfall and spend” as a weakness of the Kirklees local economy. In response to this, the Council identified the delivery of the HD1 development as a priority action. The supporting information states that the proposed hotel would provide an important support service to the extensive range of leisure and entertainment uses that will come forward through the HD1 development. Furthermore, due to its close proximity to the stadium it would help to provide accommodation for those attending sports events, festivals and conferences at the stadium.

In terms of sequential test, the applicant contends that the viability of the overall scheme is dependent upon the wider package of proposed development being delivered. As such it is accepted that the proposed hotel, which forms part of the wider masterplan, cannot reasonably be disaggregated from the wider scheme and located either within or on the edge of the town centre.

Additionally, as previously accepted, it still remains the case that the proposed hotel will not divert trade away from Huddersfield town centre and that given the connectivity with the town centre spin off benefits would remain through linked trips.

Finally, from the information submitted it is recognised the HD1 development is progressing with the development being 75% pre let with the aim of completing funding by the end of this year and development commencing in 2017. The hotel is intended to be the first phase of the HD1 development, where the hotel operator and developer wish to commence construction as soon as possible.

### **Urban Greenspace Policy D3:**

The eastern part of the site falls within a wider area of land identified as Urban Greenspace on the UDP proposals maps.

It is noted that this area of land formed part of the outline planning permission and was shown on the indicative masterplan to accommodate a ski slope, retail, multi-level car park, coach parking and associated access. The principle of development within part of the wider Urban Greenspace has therefore been established.

The proposed hotel would extend into part of this same area of Urban Greenspace.

The UDP Written Statement at paragraph 2.12 (supporting policy D3) explains that *“Exceptionally, there may be a case for areas within designated urban greenspace to be released for development not associated with open land uses, where it can be shown that the proposed development would result in a specific benefit to the community. The community benefit might take the form of ... sport, recreation, health or social facilities.”* Policy D3 states that *“On sites designated as urban greenspace, permission will not be granted unless the development proposed is ... necessary for the continuation or enhancement of established uses or involves changes 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.”*

It is considered that the development proposed, being an integral part of the HD1 development provides direct community benefits in terms of the wider regeneration and investment the HD1 scheme delivers with opportunities for sport, recreation and employment.

In total, only a small part of the area designated as Urban Greenspace is considered for development and the remaining Greenspace would safeguard the balance within the urban area. The function and quality of the Greenspace, in terms of visual backdrop to Huddersfield centre would be maintained.

In the light of this it is concluded that this proposal would not cause any demonstrable harm to the general thrust of the Urban Green Space policy and in light of the Outline Planning Permission the siting of the hotel would not prejudice the wider objectives of the UDP policy.

### **Health & Safety:**

The proposal lies over a High Pressure Gas Pipeline. The Health & Safety Executive (H&SE) advise against granting planning permission on the grounds of risk of harm to people at the proposed development. They note that the risk of a major accident is small but *“it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation.”*

The H&SE raised no objections to the previous planning application approved in 2010. The report to the Area Planning Committee at the time noted that the high pressure gas main runs behind the Stadium across the area occupied by the golf driving range and then directly west beneath the river to St Andrews Road. However it is noted that the outline permission was for the principle of development with all matters reserved and that the distribution of uses across the site were indicative only.

At the time of the outline application it was stated that the high pressure gas main would be protected by an easement; furthermore Northern Gas Networks provided guidance on the recommended distances between the pipeline and buildings/ trafficked routes and advised that these be taken into account in the detail of any subsequent application.

The current proposals identify an easement showing distances between the pipeline and the proposed hotel and traffic routes which appear to have taken account of the advice previously provided by Northern Gas Networks (NGN).

Northern Gas Networks were notified who advice:

The work is in the vicinity of NGN pipeline, which was laid in a legally negotiated easement to which certain conditions apply. This pipeline has a 6m easement and a 14m proximity distance. This means that no buildings are allowed to be built within 14m of the pipeline.

Having examined the proposals NGN do not consider that this is going to be compromised. However, a short distance the NGN pipeline will be covered by the proposed new car park area as such the pipelines cover must not be increased or decreased because of these works as such it will have to be protected by a concrete raft as part of the construction of the car parking area.

NGN have provided a generic design for the concrete raft acceptable and which could enable the proposed car park areas to be provided without compromising their pipeline. Furthermore, NGN has advised the developer contacts them prior to any work commencing on site to ensure the works and any hand dug trial holes are supervised. In addition it is advised that no mechanical excavation can take place within 3m of the pipeline without NGN personnel being present.

Whilst development would be within the easement identified by Northern Gas Networks, this is a private matter for the applicant to resolve independently from any planning permission. However the full response from NGN shall be included on the decision notice.

The Planning Practice Guidance on Hazardous Substances notes that the decision on whether or not to grant planning permission rests with the Local Planning Authority. Nevertheless *"In view of its acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from Health & Safety Executive that planning permission should be refused for development for, at or near to a hazardous installation or pipeline should not be overridden without the most careful consideration."*

The HSE advises that there are sufficient reasons on safety grounds to advise against the granting of planning permission in this case.



Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Members will need to balance this against the positive regeneration benefits of the development both in its own right and as part of the wider scheme which enjoys the benefit of planning permission. Furthermore the potential risk of harm from the proposal must be seen in proportion to the current risk to the existing Stadium development.

On balance Officers consider that the regeneration benefits of the scheme outweigh the level of risk identified by the HSE.

If Members are minded to grant permission against HSE advice the Executive requires 21 days' notice to give further consideration to the proposal before a decision is issued and determine whether or not to request the Secretary of State to call-in the application. This is reflected in the recommendation.

#### **Contamination, Noise and Air Quality:**

Policy EP4 of the UDP relates to noise sensitive development in proximity to existing sources of noise. National guidance in the NPPF paragraphs 123 and 124 relates to pollution, including air quality and is relevant when assessing the proposals in this location in close proximity to the stadium and other noise generating uses.

In considering the outline application it was concluded that the information submitted at the time was sufficient to demonstrate that the extent and severity of the contamination on the site was not such as to preclude further development or to require extensive remediation, subject to conditions which would require further testing, monitoring, preparation of risk assessments, a remediation strategy and verification plan. Environmental Services advised at the time that a remediation statement and validation report would be required for the entire site. These matters were conditioned as part of the outline permission.

Whilst it is considered unlikely that the situation on site in respect of contamination will have changed significantly since the grant of outline planning permission, Environmental Services advise that the information accompanying the application refers back to the information submitted as part of the outline permission and has not been updated. As such to ensure that any unexpected contamination is dealt with appropriately and to protect the future occupants of the development, updated information will be required. This matter, together with details of proposed ventilation and air quality mitigation can be addressed by conditions.

Subject to appropriate conditions, the proposals are considered acceptable having regard to Policies EP4, G6 and relevant guidance in the NPPF.

### **Impact on visual amenity:**

National policy in the NPPF highlights the importance of design to the built environment. Good design is a key aspect of sustainable development and should contribute positively to making places better for this and future generations. Policies BE1 and BE2 relate to general design principles and achieving quality design. Policies BE23 states new development should incorporate crime prevention measures to achieve, pedestrian safety on footpaths and natural surveillance of public spaces and secure locations for car parking areas.

The application site falls within the southern end of the HD1 development and was identified as area 5 of the wider outline scheme. The application boundary falls entirely within the blue line of the wider masterplan (i.e. land within the control of the applicant).

The steeply sloping Kilner Bank forms the eastern boundary to the application site. The west boundary is defined by the existing access road and river bank with the car parking areas to the stadium beyond the northern boundary. The site has an irregular shape that tapers to the south with the convergence of Kilner Bank and river bank. The site is accessed from Stadium Way and currently accommodates a golf driving range and unsurfaced car parking. The site has a gently sloping topography from the higher south west corner down to the lower north east.

The proposed hotel would take an 'L' shape and provide 149 bedrooms with ancillary accommodation over six floors. The western facade would overlook the River Colne with the northern façade looking towards proposed multi storey car park, the stadium and the snow sports slope and the central plaza of the broader HD1 scheme. The hotel entrance is proposed to be a key feature point which is designed to give greater prominence and would be the element initially viewed when approaching the site from Stadium Way. It is proposed to provide the hotel "drop off" point to the northwest corner of the building, served from the main access road, defined with alternative surface materials. The facades of the building would have a vertical emphasis comprising light grey cladding and large openings and secondary frame clad in dark ceramic panels.

The design is intentionally modern and of contemporary style; one which incorporates detailing such as double height curtain walling, a projecting canopy, key architectural detailing around the building, a corner feature to the entrance, inset balconies and glazing separated by vertical brick panels. Officers acknowledge and accept that the proposed design is modern and contemporary with the use of curtain walling and glazing to break up large areas of walling which in return lessens the overall mass and scale of the building. The proposals are considered to integrate with the wider site and with the masterplan for the HD1 development. KC Heritage & Design suggest that a materials palette be submitted for prior approval as part of any permission to ensure the proposals integrate well with the surrounding

development in accordance with UDP Policies BE1 and BE2 and guidance in the NPPF.

The hotel being 6 storey in height would be seen against the backdrop of Kilner Bank which forms a wooded area at an elevated level. Given the land level and the level of the surrounding development it is considered that the development would respond to and integrate well with the immediate surroundings and not detract from the wider visual amenity of the area.

The proposal would involve the realignment of the existing access road adjacent to the river bank with a continuous riverside walk/cycleway proposed to run alongside the new access road. This is intended to connect to the southern part of the wider HD1 development. 71 car park spaces are shown, mainly concentrated along the north and eastern boundaries of the site.

Turning to the landscape treatment of the site, the information submitted is limited and largely relies on existing vegetation along the River Colne frontage and Kilner Bank which forms a steeply sloping wooded edge to the east. An area of landscaping is proposed to the northern boundary with smaller areas of landscaping within the site. The Council's Landscape Architect advises that "high quality design is fundamental to making places more attractive, sustainable, safe and accessible. The way buildings and spaces are designed improves the built and natural environment. Good design can help reduce and mitigate the impacts of climate change; promote healthier lifestyles; create safer places and make high quality and attractive places that foster civic pride." In light of the above, a suitably worded condition will be imposed requiring a detailed landscape scheme to be submitted.

Finally, the West Yorkshire Police Architectural Liaison Officer provides formal comments on the proposed development. Whilst no objections are raised to the principle, it is acknowledged that some hotel developments in the past have experienced crime problems. In light of the above the West Yorkshire Police Architectural Liaison Officer advises that measures to address the type of crime that the premises could be vulnerable to should be incorporated into the scheme. This will be included as a condition to ensure the proposals include the measures suggested, in order to accord with UDP Policy BE23.

### **Ecological issues:**

Paragraph 118 of the NPPF states that "*when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity by applying a number of principles.*" These include the conservation and enhancement of biodiversity in and around developments. The application is submitted with a Phase 1 Habitat Survey Report which concludes that the proposals would be largely confined to the existing hard standing/surfaced areas which have low ecological value. A small part of the development will extend into the amenity grassland areas which also have low ecological value and a small proportion of the proposed development will take place in the woodland habitat. This area is stated to be of moderate ecological value and adjacent to the River Colne. The report concludes that no nature conservation

designations will be impacted upon by the proposed development and based on the findings of the desktop study and site survey, a number of recommendations and enhancements are recommended. These include:

- clearance work that affects these habitats should be completed outside of the breeding bird period
- A bat scoping survey is required on those trees scheduled for removal by the proposed development to ensure that no potential roosts will be affected
- An amphibian exclusion fence should be erected around the perimeter of the development site.
- lighting should be used within the development, such as lights with downward-facing hoods and lights that emit only one wavelength and minimal ultra-violet radiation.
- The loss of any trees and vegetation should be mitigated through the planting of native trees and shrubs. A planting scheme can be instructed to aid the selection of plant species and the location of the planting around the development.
- Should any protected species be found during any stage of the development, all work must stop immediately and Natural England must be contacted. Natural England will provide advice on the best course of action.

The Council's Ecology Officer is satisfied that the development can be constructed and operated without significant impact to biodiversity subject to adherence to the recommendations set out in the report. In order to avoid any adverse impact on the biodiversity resource along the river corridor, which is designated as a Bio Diversity Action Plan site, any lighting scheme/strategy would need to be approved prior to occupation of the hotel.

The recommendations in the Phase 1 Habitat report can be secured by condition.

### **Flood Risk & Drainage:**

The site is located in an area classified as Flood Zone 1 (i.e. the area least likely to flood). There are no objections raised by KC Flood Risk & Drainage who recommend conditions in the event of approval for the level of surface water run-off from the site to be reduced by 30% from the current discharge rates.

### **Highway considerations/safety:**

The proposed hotel would be served off Stadium Way. KC Highways DM on assessment of the proposals advise that the transport impacts and accessibility issues associated with the wider scheme were fully assessed as part of the outline planning application 2008/92864. A full transport assessment was undertaken for the whole of the HD1 masterplan, which included a hotel broadly in the same location as now proposed.

It was concluded that the development was acceptable subject to planning conditions to require improvements to the junction of Cooper Bridge with Wakefield Road along with a car park management plan. A section 106 Agreement was also secured which covers funding for highway works on the wider highway network as part of the Kirklees Strategic Economic Zone(KSEZ) and public transport/ travel plan measures.

The current proposals are submitted as a separate standalone application. KC Highways DM advise that the proposal for the hotel alone does not trigger Section 106 funding requirements for highway works in respect of St Andrews Road/ Wakefield Road junction or funding for public transport measures. As such it is not necessary to consider again the off-site impacts as they are the subject of various conditions and agreements which remain a requirement on the extant outline planning permission for the wider HD1 development.

It is however necessary and appropriate to look at the site specific transport and highway elements of a standalone application. From a transport perspective the key issues are car parking and the geometric design of the access road included within the red line of this application. It is noted that it is not the intention of the applicant to seek the adoption of the internal road system. A drop off area is provided adjacent to the hotel entrance and the internal road circulates around the hotel building to provide access to car parking and for service vehicles. The road as drawn is advised by Highway Officers, adequate for the types of vehicle that will require access.

From a parking perspective, a total of 71 standard spaces and 3 disability spaces are proposed to compliment the 149 bedroom hotel. Reference to Kirklees standards (Appendix 2 of the UDP) identifies a maximum parking standard of 1 space per bedroom for guests and 1 space per 3 members of staff. This clearly falls short of the required standards. The information submitted with the application recognises this and the applicant makes the following statement about where and how the shortfall in on-site parking will be met.

*“The hotel is an integral part of the broader HD1 scheme, functioning as a support service and therefore catering for those visiting HD1 and the stadium (its leisure/entertainment/conference facilities). In order to encourage non-car modes of transport and recognising that those drawn to the HD1 development would use a number of different activities/services during their visit (multi-purpose trips), a reduced level of car parking was considered acceptable and sustainable by the Council’s Highways Service (around 1,800). The bulk of these car park spaces are to be accommodated at multi-storey car parks within the HD1 site.*

*A multi-storey car park is proposed adjacent to the hotel site as part of a later phase of development. The multi-storey will be available to hotel guests when constructed, but until that time, use of the existing service level car parks which serve the stadium will be available to hotel guests, if required. These car parks are located less than 250m away from the hotel. It is considered that the availability of car parking within the hotel site coupled with car parking*

*to be provided as part of the broader HD1 scheme would adequately address visitor demands and would not raise any car park issues.*

*Furthermore a contractual agreement between Kirklees Stadium Development LTD (KSDL) and HD One stipulates a minimum number of car parking spaces must remain before, during and after the redevelopment of the site, in order to maintain the current level of operation at the stadium. A minimum of 1,168 is specified within the agreement. This maintains the same level of parking available on match days and would provide more than enough parking during non-match times. The hotel parking shortfall is considered to be 65 spaces (based on 10% of hotel guests using alternative modes of transport) and KSDL confirm that this level of provision can be accommodated at all times”.*

Based on the above KC Highways DM are satisfied that the parking provision to be accommodated by the existing stadium spaces together with the proposed 71 spaces on site, in the interim period, until the proposals for the multi storey car parks come forward on the wider HD1 site would provide adequate parking provision.

However, KC Highways DM recommend that motor cycle parking is required and it is requested that space to accommodate 4 motorcycles be provided. Suitable anchor points for each space are also required. In addition cycle parking is required at the standard of 1 space per 15 bedrooms. On this basis, 10 cycle parking spaces need to be provided. This can be conditioned.

Furthermore, Highway Officers confirm with reference to the additional information previously requested by Highway Development Managements (HDM) during the course of the application, the points raised have been addressed in the main with the exception of the following:

- swept path analysis to demonstrate the acceptability of the on-site roads for the vehicles that will use them;
- long sections and cross sections to show gradients and general arrangement of infrastructure;
- general indication of construction details;
- location and design of the riverside walkway / cycleway

To enable the proposal to move forward, HDM considers that the above points can be dealt with by planning conditions. As such, the proposed hotel (and associated parking provision) is considered acceptable from a highways point of view subject to the conditions to accord with UDP Policy T10.

Finally, KC Public Rights of Way (PROW) advise that the information submitted is insufficient, particularly along the riverside. Furthermore, the link route to the wider scheme appears inadequate for the purpose of the described footpath/cycle way. Whilst the continuous riverside walk/ cycle

way, to run alongside the new access road is considered the most appropriate route for continued connectivity to the wider development, this needs to be clearly identified and details agreed prior to occupation of the hotel. This matter can be resolved by condition to accord with Policy R13 of the UDP.

### **Other Issues:**

#### Land stability:

Retaining structures are proposed at the base of Kilner Bank which is shown to extend to the north east corner of the site, adjacent to the proposed car park area and site circulation road. No visual or technical information is submitted in relation to this structure.

Guidance in the NPPF states that 'where a site is affected by...land stability issues; responsibility for securing a safe development rests with the developer/landowner'.

Paragraphs 120 and 121 of the NPPF clearly state that to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. This is also reiterated in National Planning Practice Guidance.

In light of this and the lack of information submitted, Officers advise that all temporary and permanent highway retaining structures should be constructed to a standard that does not compromise the safety of all users of the site and adjacent land. This is to ensure the proposed new retaining structure is structurally suitable for the purpose intended whether the internal road is to be adopted or not. On this basis a suitably worded advisory note shall be included on the decision notice advising the applicant/ developer that the responsibility of land stability issues securing a safe development rests with the developer/landowner, in accordance with the advice in the NPPF and advice in the National Planning Practice Guidance.

#### **Bin storage:**

A small internal refuse/bin area is shown to be provided on the ground floor. Concern is raised about the size of the proposed refuse storage area and the lack of detail in relation to the capacity and no. of bins required to serve the development. As such to ensure that an adequate refuse storage area and the capacity/no. of bins to serve the development would be conditioned to be provided and approved prior to the occupation of the hotel, in the interests of Policy T10 and guidance within the NPPF.

#### **Electric Charging Point:**

Environmental Health recommends the addition of an electric vehicle charging point condition. This is because 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 new developments this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition. This is deemed necessary as there is a greater likelihood of visitors and staff using private cars.

### **Coal Risk:**

The site falls within the defined Development High Risk Area where within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority's information indicates that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment Report (prepared by Earth Environmental; & Geotechnical and dated May 2016), which accompanies this planning application.

The Coal Mining Risk Assessment Report has been informed by an appropriate range of sources of information; including a Coal Mining Report and BGS borehole records. The Report correctly identifies that the application site has been subject to past coal mining activity and based on the review of existing sources of geological and mining information the Report is able to conclude that ground investigation is carried out to determine the position of the mining legacy on site and mitigation has been suggested to overcome the potential risk associated with unrecorded shallow coal workings.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report that coal mining legacy potentially poses a risk to the proposed built development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority raises no objections, subject to the inclusion of conditions to secure the intrusive site investigation works.

### **Conclusion:**

The principle of development is considered acceptable and by virtue of the previous planning permission is still extant (by virtue of the fact that the application to extend the time limit of the outline permission was submitted before the expiry of the outline permission), the principle of development is established.

In terms of the application, the proposed hotel represents the first phase of construction and has been designed to integrate with the wider master plan of the HD1 site. The proposals would enable a significant contribution to the Council's regeneration objectives for Kirklees Strategic Economic Zone. The



proposals would provide wider community benefits with opportunities for employment and social facilities.

The hotel is well designed and detailed and subject to good quality materials being used during the construction the hotel should demonstrate that Kirklees is striving to achieve high quality design that improves the character and appearance of the area.

All material planning considerations, relevant UDP and national planning policy objectives are considered to be addressed. Subject to conditions and appropriate mitigation measures, there would be no materially harmful effect on highway safety, visual amenity or the biodiversity/ecology interests on the application site and adjacent land.

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.

**RECOMMENDATION: -**

**Grant Conditional Full Permission subject to delegation of authority to officers to:**

- A) Refer the resolution to grant conditional full permission to the Health & Safety Executive**
- B) Impose all necessary and appropriate conditions including those below.**
- C) Subject to there being no substantive changes to alter the recommendation, issue the decision notice.**

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. A materials palette for all external materials shall be shall be left on site for inspection and approval in writing by the Local Planning Authority before works to construct the superstructure of the approved hotel commences. The development shall be completed in accordance with the approved materials and thereafter retained as such.

4. Notwithstanding the submitted plans and prior to the completion of the internal access road and car park layout, details of landscaping to include:

- Design, height and materials of the proposed retaining structure to be erected along the north and eastern boundaries, and
- soft landscaping (species, density/numbers, planting height)

shall be submitted to and approved in writing by Local Planning Authority. The retaining structure shall be erected before the hereby approved hotel is first occupied and thereafter retained in accordance with the approved details.

5. Any planting, seeding or tree management works forming part of the soft landscaping scheme referred to in Condition 4 shall be carried out during the first planting, seeding or management season following the commencement of construction, or as otherwise may be approved in writing by the Local Planning Authority and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced with like for like species.

6. 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.

7. 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.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no. 7 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.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no. 8. 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.

10. 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.

11. Prior to the completion of the hereby approved hotel, a lighting design strategy for the whole of the site, including the means of lighting for the car park areas and the proposed footpath cycleway along the riverside on the western boundary shall be submitted to and approved in writing by the Local Planning Authority. The strategy/scheme should include the following information:-

- a) identification of the areas/features on or adjacent to the site that are particularly sensitive for bats and otters and where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging,
- b) the proposals to minimise or eliminate glare from the use of the lighting installation, for areas identified in a), above,
- c) design details of lighting and location of any lighting columns/structures, and
- d) levels of maintained average horizontal illuminance for the site.

Thereafter the development shall be completed in accordance with the approved lighting scheme and operated in accordance with the approved details on occupation of the hotel/site.

12. Notwithstanding the submitted plans the development shall include 7 plug in charging points for electric vehicles. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. All works involved in providing the charging points shall be completed prior to occupation of the hereby approved hotel.

13. The superstructure of the hereby approved hotel shall not commence until details of:

- a full ventilation scheme for all habitable rooms,
- acoustic performance (in terms of resistance to external sound and/or expected noise levels within habitable rooms of the development from the system itself), including any external plant/air conditioning units with any attenuation measures, and
- an associated maintenance scheme for the above,

has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved system shall be installed before completion and occupation of the hereby approved hotel accommodation and thereafter maintained and serviced in line with the manufacturers/installers guidelines.

14. Notwithstanding the submitted plans, the security measures detailed in the consultation response by the West Yorkshire Police Architectural Liaison Officer dated 7<sup>th</sup> July 2016 shall be incorporated into the hereby approved development of the whole of the site, before the development is first occupied and shall be retained as such thereafter.

15. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 70% (as advised by Strategic Drainage) of the existing pre-development flow rate, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority unless it can be demonstrated to the satisfaction of the Local Planning Authority that discharge from site does not cause an increased risk in flooding elsewhere. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall thereafter be implemented, maintained and serviced in line with the manufacturers/installers guidelines

16. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

17. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

18. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

19. The hereby approved development shall be carried out and completed in accordance with the conclusions and recommendations outlined within Section 4 of the Phase 1 Habitat Survey Report by JCA Limited Arboricultural Consultants Ref, 12798a/JoC, received on 10<sup>th</sup> August 2016.

20. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the avoidance of impacts to amphibians has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a. purpose and objectives for the proposed works;
- b. detailed design(s) and/or working methods(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c. extent and location of proposed works shown on appropriate scale maps and plans;
- d. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e. persons responsible for implementing the works;
- f. initial aftercare and long-term maintenance (where relevant);
- g. disposal of any waste arising from works.

thereafter the development shall be carried out in accordance with the approved details.

21. Prior to development commencing, intrusive site investigation works should be undertaken to establish the exact situation regarding coal mining legacy issues on the site. In the event that site investigations confirm the need for remedial works to treat the areas of shallow mine workings, a scheme of intrusive site investigations for approval shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of

- the undertaking of that 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 for approval; and
- implementation of those remedial works

thereafter, the development shall be carried out and completed in accordance with the approved details.

22. Before the development hereby approved is first brought into use, details of a waste management scheme for the proposed bin storage area, the nos. and capacity/size of bins to be used to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The waste management plan shall thereafter be adhered to at all times.

23. The development shall not commence until a scheme detailing:

- a) Coach and service vehicle swept paths on the internal access road from the sites junction with Stadium Way, internal circulation and turning areas.
- b) The proposed finished gradients of the internal access and internal circulation areas.
- c) Pedestrian footway/routes and dropped crossing points from the sites access with Stadium Way to the Hotel Entrance and car park.
- d) Secure and sheltered parking for 10 cycles, and 4 motorcycles.
- e) The location and design of the riverside walkway / cycleway.

has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme (a, b, c and d) has been implemented and (e) programmed for its delivery. Thereafter, the implemented approved schemes (a, b, c, and d) shall be retained in accordance with the approved details.

24. The development shall not commence until a scheme detailing
- a) Construction (Inc. Demolition and site preparation) traffic timing and routing to and from the site.
  - b) Wheel washing on site and street cleaning arrangement
  - c) Parking arrangement for site staff
  - d) Construction/build schedule

has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to prior to and throughout the construction phase, until completion of the approved development.

25. The development shall not be brought into use until a scheme detailing the location of an over-flow car park to accommodate 65 spaces (including the protocol for relocating the over-flow car park throughout the development of the sites master plan) has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and thereafter maintained in accordance with the approved details.

**NOTE - Advisory notes from Northern Gas Networks**

“This work is in the vicinity of our pipeline, which was laid in a legally negotiated easement to which certain conditions apply. This pipeline has a 6m easement and a 14m proximity distance, this means that no buildings are allowed to be built within 14m of the pipeline. Having examined your proposals I do not believe that this is going to be compromised. I note however that for a short distance our pipeline will be covered by your new car park, the pipelines cover must not be increased or decreased because of these works and in addition it will have to be protected by a concrete raft as part of the construction of the car parking area. I have attached a generic design for the concrete raft for your information that is acceptable to NGN.

Prior to any work commencing on site it is essential that you contact Chris Wright (Network Technician) 07813538143 and he will locate the pipeline for you and supervise any HAND DUG trial holes.

Please be aware that no mechanical excavation can take place within 3m of the pipeline without NGN personnel being present. 7 days notice, or shorter by prior arrangement with NGN, is required before any work may commence within the easement.”

### **NOTE - Advisory notes from the Environment Agency**

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Colne, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the [contaminated land](#) pages on GOV.UK for more information.

### **Waste Management**

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. The Environment Agency recommends that developers should refer to:

- the Definition of Waste: Development Industry Code of Practice on the [CL:AIRE](#) website and;
- The [Environmental regulations](#) page on GOV.UK.

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the [Hazardous Waste](#) pages on GOV.UK for more information.

#### **NOTE – Advisory notes from Yorkshire Water**

**FOUL WATER** - The development of the site should take place with separate systems for foul and surface water drainage. Foul water domestic waste should discharge to the 1650mm diameter public combined sewer recorded in St. Andrew's Road at a point approximately 140 metres from the site.

From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must be agreed.

Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

**SURFACE WATER** - The public sewer does not have capacity to accept any surface water from the development Sustainable development requires appropriate surface water disposal. **It is understood that the River Colne is located adjacent to the site.**

Restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.

Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hardstanding must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator. It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required.



The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

### **Water Supply**

Company records indicate there are no water mains recorded in Stadium Way as it crosses River Colne. Therefore, some off-site main laying may be required to serve the development.

A water supply can be provided under the terms of the Water Industry Act, 1991.

### **NOTE - Construction 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.

**NOTE:** In relation to condition no. 14 above, please see link below to full response by the West Yorkshire Police Architectural Liaison Officer dated 7<sup>th</sup> July 2016

[https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application\\_number=2016/92066&file\\_reference=594282](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2016/92066&file_reference=594282)

**NOTE:** All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

**NOTE:** The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner

**NOTE:** No removal of trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active bird's nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that appropriate measures can be put in place to protect any birds, their nests, eggs or young. Any such written confirmation should be submitted to the local planning authority.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Design & Access Statement		E	June 2016
Supporting planning Statement by Signet Planning			June 2016
Location Plan	469/01(03)006	B	June 2016
Existing site/ block layout	469/01(03)001	B	June 2016
Proposed site/ block layout	469/01(03)002	D	June 2016
Proposed elevations (CC & DD)	469/01(03)302	A	June 2016
Proposed elevations (AA & BB)	469/01(03)3021	A	June 2016
Proposed section 01	469/01(03)201	A	June 2016
Proposed Ground floor plan	469/01(03)003	D	June 2016
1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> and 4 <sup>th</sup> floor plan	469/01(03)004	D	June 2016
Proposed 5 <sup>th</sup> floor plan	469/01(03)005	C	June 2016
Arboricultural Statement	12798/SR		June 2016
Environmental Statement		C	June 2016
Flood Risk Assessment		C	
Phase 1 Habitat Survey	by JCA Limited Arboricultural Consultants Ref, 12798a/JoC,	-	10 <sup>th</sup> August 2016
Addendum to Noise Assessment			June 2016
Transport Statement		C	June 2016
Coal Mining Risk Assessment	By Earth Environment & Geotechnical		June 2016
Appendix to Coal Risk Assessment			June 2016

**Application No: 2016/90146**

**Type of application: 60m - OUTLINE APPLICATION**

**Proposal: Outline application for erection of residential development**

**Location: Land at, Lancaster Lane, Brockholes, Holmfirth, HD9 7TL**

**Grid Ref: 415286.0 410535.0**

**Ward: Holme Valley North Ward**

**Applicant: Mr J Wood**

**Agent: Andy Rushby, Assent Planning Consultancy Ltd**

**Target Date: 22-Apr-2016**

**Recommendation: MR - MINDED TO REFUSE**

**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. INFORMATION

<b>Application Details</b>		
Type of Development	Residential (Outline Application with access the only matter applied for)	
Scale of Development	Site area: 0.49 hectares	Units: N/A
No. Jobs Created or Retained	N/A	
<b>Policy</b>		
UDP allocation	Urban Greenspace	
Independent Viability Required	No	
<b>Consultation/Representation</b>		
Individual Support (No.)	N/A	
Individual Objection (No.)	15	
Petition	No	
Ward Member Interest	Yes	Correspondence received from Councillor Greaves requesting updates on the application
Statutory Consultee Objections	No	
<b>Contributions</b>		
• <i>Affordable Housing</i>	As required by policy - secured by S106	
• <i>Education</i>	To be provided if the total number of units exceeds 25	
• <i>Public Open Space</i>	As required by policy – secured by S106	
• <i>Other</i>	N/A	
<b>Other Issues</b>		
Any Council Interest?	No	
Pre-application planning advice?	No	
Pre-App Consultation Undertaken?	No	
<b>Comment on Application</b>	A previous outline application for residential development was refused on the basis of the site's ecological value as open land. This ecological value has since been degraded following the introduction of pigs onto the land. Notwithstanding the existing ecological value, it is considered that the extent of development being proposed would prejudice the long-term value of the Urban Greenspace allocation.	

## **RECOMMENDATION:**

**TO INFORM THE PLANNING INSPECTORATE THAT THE LOCAL PLANNING AUTHORITY WOULD HAVE REFUSED THE APPLICATION HAD ITS DETERMINATION REMAINED WITHIN ITS REMIT.**

## **REASON FOR REFUSAL:**

1. The site is allocated as Urban Greenspace on the Council's Unitary Development Plan (UDP) Proposals Map. The extent of development proposed would prejudice the site's value as open land whereby the potential exists for the ecology of the site to recover. In such circumstances the Urban Greenspace is not deemed to be surplus to requirements. The proposed development is therefore contrary to Policy D3 of the UDP and paragraph 74 of the National Planning Policy Framework. The loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing.

## **2. INFORMATION**

This application is brought to Strategic Planning Committee as the development proposed departs from the provisions of the Council's Unitary Development Plan.

The Council has recently received notification that an appeal against the non-determination of the planning application has been lodged with the Planning Inspectorate.

Subject to the appeal being accepted, the Planning Inspectorate will now determine the application.

As part of the appeal process this Authority will inform the Planning Inspectorate as to what decision would have made if the determination of the application had remained within its remit. A resolution from the Strategic Planning Committee is therefore sought on this basis.

## **3. SITE DESCRIPTION & PROPOSAL**

### **Site Description**

The application site comprises an area of 0.49 hectares which lies between Lancaster Lane (an unmade track which forms a public right of way) and New Mill Road in Brockholes. The site sits towards the south eastern end of River Holme View which is a relatively modern self-contained housing development. The site slopes steeply upwards in a westerly direction from River Holme View/Lancaster Lane to New Mil Road.

The site is currently used for keeping pigs and is enclosed by a mixture of stone walls and metal security fencing.

The site is an irregular shaped parcel of land which is allocated as Urban Greenspace on the Kirklees Unitary Development Plan Proposals Map. The application site comprises the entirety of the allocation.

The site is flanked to the north by 238 New Mill Road which forms a large detached dwelling and separates the site from a parcel of scrubland further to the north which is also allocated as Urban Greenspace. To the south of the site lies Holme Valley Camping and Caravan Park and the southern boundary of the application site forms a boundary with the adjacent Green Belt land. To the east of the site, and on the eastern side of New Mill Road, is some ribbon development and an area of trees which forms part of a strip of Urban Greenspace. Dwellings at River Holme View lie to the west and north west of the site.

### **Proposal**

The application seeks outline permission for the erection of residential development. Access is the only matter applied for with scale, layout, appearance and landscaping being reserved.

The proposed access to the site is taken off River Holme View and would effectively form an extension of the existing cul-de-sac. A roughly 'T' shaped estate road would be created within the site.

The application form indicates that 14 dwellings are being applied for and an indicative layout has been provided that shows 8 detached dwellings and 3 pairs of semi-detached houses. The southwestern corner of the site is shown as being undeveloped.

## **4. BACKGROUND AND HISTORY**

The following application for residential development on the site was refused by Strategic Planning Committee in April 2015:

**2014/93579** Outline application for erection of 14 dwellings – Refused for the following reasons:

*1. The site is allocated as Urban Greenspace on the Council's Unitary Development Plan (UDP) Proposals Map and the proposed development is contrary to Policy D3 of the UDP which relates to development on such sites. The site is considered to have ecological value as open space and as such it is not deemed to be surplus to requirements and the development is also therefore contrary to paragraph 74 of the National Planning Policy Framework. The loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing.*

*2. The site includes Habitats of Principal Importance and functions as a habitat for a protected species. Furthermore, the location of the site and its linkages to adjacent natural areas, including land allocated as a wildlife corridor and a Special Wildlife Site on the Unitary Development Plan Proposals Map, enhances the overall biodiversity value of this site because of its contribution to local habitat networks. The development would result in significant harm to biodiversity which cannot be adequately mitigated or compensated for and as such the development is contrary to paragraph 118 of the National Planning Policy Framework which indicates that in such circumstances planning permission should be refused.*

Outline planning permission for residential development on this site was approved on appeal in 1999:

**1998/91665** Outline application for residential development – Refused & Appeal Upheld 19 January 1999

Application refused by the LPA as harmful to the character and appearance of the area and the site's allocation as Urban Greenspace in the draft UDP.

Three subsequent applications were refused:

**2001/91485** Erection of 3 detached dwellings with integral garage and associated road (Plots 1 -3) – Refused 10 April 2003

Refused for the following reasons:

- Urban Greenspace, contrary to Policy D3 of UDP
- Greenfield site, contrary to PPG3 (now cancelled)
- Piecemeal development
- Insufficient flood risk information

**2002/93722** Erection of 2 detached dwellings with integral garages (plots 4 & 5) – Refused 10 April 2003

Refused for the following reasons:

- Urban Greenspace, contrary to Policy D3 of UDP
- Greenfield site, contrary to PPG3 (now cancelled)
- Piecemeal development
- Insufficient flood risk information

**2003/94593** Variation of condition 2 on previous outline planning permission for residential development, granted on appeal on 19 January 1999 (ref. 98/60/91665/W3) to allow application for approval of the reserved matters to be made to the Local Planning Authority before the expiration of six years from the date of this permission – Refused 18 December 2003 (Appeal invalid)

Refused for the following reasons:

- Urban Greenspace, contrary to Policy D3 of UDP
- Greenfield site, contrary to PPG3 (now cancelled)

Also relevant to the current application is outline application **2016/90138** for erection of residential development on a separate parcel of Urban Greenspace off Lancaster Lane that lies to the north. This application was reported to the Strategic Planning Committee at the previous meeting and the Committee resolved to approve that application.

## **5. PLANNING POLICY**

### Kirklees Unitary Development Plan

D3 – Urban Greenspace  
BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about buildings  
BE23 – Crime prevention  
T10 – Highway safety  
T19 – Parking standards  
H10 – Affordable housing  
H12 – Arrangements for securing affordable housing  
H18 – Provision of open space  
G6 – Land contamination

### National Planning Guidance

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

### Other Guidance

SPD 2 Affordable Housing

## **6. CONSULTATIONS**

The following is a brief summary of consultee advice. Further information is contained within the report assessment (where necessary).

**KC Highways** – No objection subject to conditions.

**KC Environmental Health** – No objection subject to conditions.

**KC Flood Management & Drainage** – No objection subject to conditions.



**KC Strategic Housing** – There is a need for affordable housing in this area and the development should provide 30% of the floor area for affordable housing.

**West Yorkshire Ecology Services** – Object on the grounds of the loss of an area of land that forms part of a Wildlife Habitat Network.

**Environment Agency** – No objection based on the indicative layout because housing is kept out of flood zone 3 and within the area of lowest risk (flood zone 1).

**Yorkshire Water** – No objection subject to conditions

## **7. REPRESENTATIONS**

The application has been advertised by site notices, press advert and neighbour notification letters.

Representations: 9 received

The main points of objection are:

### General principle:

Loss of Urban Greenspace

Assessment of the principle of development should be undertaken in the context of the emerging Local Plan

### Highways:

Increased road traffic and impact on highway safety

Improvements to Lancaster Lane should be secured in the interests of the safety of cyclists and walkers

Access would be needed directly onto New Mill Rd which is very busy with vehicles and pedestrians

Gradient of access road too steep

Engineering works could undermine New Mill Road

### Amenity:

Impact on the character of the area

Visual impact of housing on established open space

Visual impact of housing on adjacent camping and caravan park (loss of seclusion and tranquillity). A reduction in visitor numbers to the camping and caravan park would reduce secondary spend and harm local economy

Vehicles using Lancaster Lane/New Mill Rd junction as an access/exit route

Adjacent caravan and camping site has rights of access and these would need to be maintained.

### Drainage/Flood risk:

Increased risk of flooding to properties on River Holme View  
Existing site is very boggy. Soakaways would not work on this site due to topography.  
Major sewer close to the site

### Ecology:

Detrimental impact on wildlife including protected species  
Impact on adjoining natural areas and habitat networks  
Development contrary to the biodiversity aims and objectives of the NPPF  
Applicant has wilfully set out to degrade the wildlife value of the site since the previous refusal

### Other issues:

Trees have previously been removed from the site and pigs put on the land  
Potential loss of tourism  
No attempt to address the requirement of POS & affordable housing  
Impact on local school places

**Holme Valley Parish Council:** *“Support the application subject to equivalent number of houses being taken out of the site allocations in the Kirklees draft Local Plan (Holme Valley).”*

## **8. APPLICANT’S STATEMENT**

The Design and Access Statement sets out the applicant’s case in support of the principle of development.

Firstly, the applicant highlights that the Council is unable to demonstrate a five year supply of deliverable housing sites and therefore the presumption in favour of sustainable development is engaged (NPPF paragraph 49).

Secondly, the applicant refers to the findings of the Inspector at the UDP inquiry with regard to the merits of designating the application site as Urban Greenspace and the findings of the Inspector when allowing an appeal for residential development on the site in January 1999 (application ref 1998/91665). To summarise, the Inspector at the UDP Inquiry considered that the value of the land as open space was limited and the appeal Inspector found no reason to disagree with this view when subsequently allowing an appeal for outline consent for residential development on the site. The applicant contends that the appeal decision is still sufficiently relevant to be a material planning consideration in the determination of this application, particularly because considerable weight was given to the emerging UDP within that decision.

Thirdly, it is argued that the ecology reports submitted in support of the current application demonstrate that the reasons for refusal on application 2014/93579 are no longer valid.

In addition, the Design and Access Statement asserts that the site lies within a sustainable location which further supports the principle of development.

## **9. ASSESSMENT**

The proposed development is very similar to the previously refused application however the current application is accompanied by ecological information that reflects the fact that the land is now used for keeping pigs and provides relatively detailed biodiversity mitigation measures. This is intended to address the previous reasons for refusal.

### **General principle of development:**

The site is identified as Urban Greenspace on the Council's Unitary Development Plan Proposals Map. The starting point for consideration is therefore Policy D3 of the Unitary Development Plan (UDP).

Policy D3 sets out at part (i) that on Urban Greenspace sites planning permission will not be granted unless the development is necessary for the continuation or enhancement of the established use(s) or involves a 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, as in part (ii), the development includes an alternative provision of Urban Greenspace equivalent in both quantitative and qualitative terms to that which would be developed and reasonably accessible to existing users.

The community benefit element of the policy within part (i) is not consistent with the considerations of paragraph 74 of the National Planning Policy Framework (NPPF). The majority of the policy is however in accordance with the National Planning Policy Framework and as such Policy D3 should be afforded significant weight.

The proposal is for residential development on a site which comprises open land. The development is not necessary for the continuation or enhancement of the use of the site and does not involve change of use to alternative open land uses. No alternative provision of Urban Greenspace is included within the scheme. The proposal is therefore contrary to Policy D3 and represents a departure from the Council's development plan.

Planning permission should only be granted if the harm is outweighed by other material considerations.

Paragraph 212 of the NPPF indicates that the policies in the Framework are a material consideration to be taken into account.

NPPF paragraph 74 advises that existing open space, sports and recreational buildings should not be built on unless:

- *“an assessment has been undertaken which has clearly shown the open space to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which outweigh the loss”.*

The development proposed does not make replacement provision for the loss of the open space and it is not for alternative sport and recreational provision. It is therefore necessary to consider whether the Urban Greenspace is clearly surplus to requirements (the application does not include an assessment to consider whether the site is surplus to requirements as open space).

Paragraph 14 of the National Planning Policy Framework (NPPF) outlines a presumption in favour of sustainable development. For decision-taking this means (unless material considerations indicate otherwise):

- *“approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted”.*

Footnote 9 of the Framework lists examples where specific policies within the Framework indicate that development should be restricted. The examples include land designated as Green Belt and Local Green Space; the application site does not fall into either of these categories.

The NPPF sets out at paragraph 49, *“housing applications should be considered in the context of the presumption in favour of sustainable development.”*

### Sustainable development:

The National Planning Policy Framework (NPPF) states that the purpose of the planning system “is to contribute to the achievement of sustainable development.” (para 6). It further 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).

The 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). The NPPF goes on to stress the presumption in favour of sustainable development. The proposals have been assessed in relation to the three strands of sustainable development as follows:

### Economic:

The proposal will bring economic gains by providing business opportunities for contractors and local suppliers, creating additional demand for local services and potentially increasing the use and viability of local bus services.

### Social:

There will be a social gain through the provision of new housing at a time of general shortage, which includes affordable housing.

### Environmental:

The development of this greenfield site represents an environmental loss but it may be possible to mitigate the environmental impacts and secure compensating environmental gains through the imposition of conditions and through consideration of the layout at reserved matters stage. With regard to specific ecological impacts, these are addressed later in this assessment.

Although national policy encourages the use of brownfield land for development, it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.

In this case, assessing the policies in the National Planning Policy Framework as a whole in accordance with the paragraph 14 test, the environmental harm arising from the development of this greenfield site is considered to be outweighed by the benefits to be gained from the provision of housing.

The NPPF also recognises the need to locate significant development in sustainable locations as a core planning principle.

The site lies within the defined settlement boundary of Brockholes and would adjoin an existing area of housing. The site is around 350m from what could be described as the centre of Brockholes where there is a public house, post office and convenience store which would generally provide for 'top-up' grocery shopping. There is also a church and junior and infant school in the same vicinity. There are some commercial premises forming part of the ribbon development along New Mill Road between Brockholes and Honley that would provide some scope for employment opportunities. The Large Local Centre of Honley (as allocated on the UDP Proposals Map) is just under 2 kilometres from the site and this is where the nearest medical facilities and a more substantial, but not extensive, range of shopping facilities are located.

There is a bus stop adjacent to the site which provides a public transport link to Honley (approximately 10 minutes) and Huddersfield town centre (approximately 25 minutes). Huddersfield is the nearest centre which provides a comprehensive range of employment, leisure and retail opportunities. The site is also within walking distance of Brockholes train station which provides direct links to Huddersfield, Barnsley and Sheffield.

The site provides easy access on foot to a reasonable range of local facilities and it has good public transport links which enables future occupiers to access a greater range of facilities by sustainable means. It is inevitable that there would be a reliance on the private car for a proportion of essential trips but the harm caused by this must be weighed against other material considerations. In this instance the delivery of new housing is considered to outweigh any harm which would arise from increased car trips.

It is to be noted that this judgement on the impact of increased car trips is consistent with a recent appeal decision at Netherthong (APP/Z4718/A/14/2219016 - Land off St Marys Avenue). In that case the Inspector found that in the context of the emphasis on growth within the NPPF, the need to boost the supply of housing and in the absence of a 5 year housing land supply, that development's contribution to housing supply in the District would "significantly and demonstrably outweigh the harm that would arise as a result of increased trips by private car." It is to be noted as well that the current application site has much greater accessibility to public transport than the appeal case which is a material difference in favour of the proposal.

It is concluded that the development is sustainable having regard to the NPPF. In this context it is considered that a judgement should be made about the quality of the Urban Greenspace, set against the departure from Policy D3 of the UDP and paragraph 74 of the NPPF, taking into account the provision of housing in a sustainable location. Also to be weighed in the balance is the fact that the Council is unable to demonstrate a 5 year supply of land for housing.

### Value assessment:

The site's value as open space was assessed under the previous application (2014/93579). The assessment was based upon information contained within the Council's Open Space Study which was first published in 2007 and subsequently revised in 2010.

The Open Space Study classified the application site as 'natural/semi-natural greenspace' (unused land with no public access) and categorised it as being of medium quality and low value as open space (study assessment made 2006). The site was not specifically identified at that time as being potentially surplus to requirements. The value assessment of the site was based on a number of considerations, including scarcity value; level of use; indices of multiple deprivation; meeting the needs of different groups of people and visual amenity; providing specific benefits, e.g. structural and landscape, ecological, education, social inclusion and health, cultural and heritage, amenity and sense of place and economic benefits; and other information such as any nature designation or listed buildings.

The overall assessment score for this site within the Open Space Study was very low, taking into account level of use and indices of deprivation for the area.

When assessing the previous application it was considered that the general value of the site remained low. The site was not considered to have any scarcity value (even taking into account the potential for development on a separate parcel of Urban Greenspace slightly to the north), was not considered to provide any recreational value or meet the needs of different groups of people because it has no public access and was deemed not to have any significant visual amenity value or provide a strategic landscape function. The surrounding area's classification under the indices of deprivation was also very unlikely to have altered significantly since the revised Open Space Study.

The site was however identified as providing a specific benefit at the time of the previous application. This was in relation to the ecological value of the land which meant that the Urban Greenspace was considered to be of high value overall. The ecology report accompanying the previous application confirmed that the site consisted of several habitats, some of them being defined as Habitats of Principal Importance and containing plant species typical of such habitats. The report also indicated that the site had an important function as a habitat for a protected species. The ecological value of the site was considered to be enhanced by the site's function as part of a broader wildlife habitat network. The application was refused on the basis of the ecological value of this piece of open land.

Shortly after the previous application was refused the applicant introduced pigs onto the land and erected more robust fencing to some of the boundaries to fully enclose the site. The pigs have remained on the site ever since.

The use of the land by pigs has significantly altered the make-up of the land. Vegetation has been stripped back and large swathes of the land now consist of muddy ground. The effect of the land being used for keeping pigs has been to significantly degrade its ecological value.

The submitted ecology reports confirm that the site no longer supports the diversity of habitats that it did at the time of the previous application, including Habitats of Principal Importance. It is therefore accepted that the ecological value of the site as it currently exists is negligible. Having said that, there is not a long history of the site being used for the keeping of livestock; the site was a grassed paddock in the late 1990s but up until the previous application was refused in April 2015 it had been allowed to evolve into acid grassland, neutral grassland and scrub, with the scrub areas beginning to undergo natural succession to woodland. As such there is a degree of uncertainty around the intentions of the landowner and the likelihood of the existing situation continuing in the medium to longer term.

It is therefore reasonable to conclude that there is the potential for the land to recover to some extent and for it to revert back to a functioning part of the the established ecological corridor and broader wildlife habitat network that exists towards the south and west along the River Holme corridor and adjacent woodland (which is allocated as a wildlife corridor and Site of Scientific Interest (reclassified as a Special Wildlife Site) on the UDP Proposals Map).

Independent ecological advice has been obtained which indicates that at least part of the site is likely to recover if livestock were no longer kept on the land; this would principally be the upper part of the site which has been least degraded by pig activity. Ground conditions on the lower part of the site are likely to be such that new vegetation would not be of any significant merit from a biodiversity perspective.

The indicative layout shows development on the majority of the site with an area left undeveloped towards the southwestern corner because this part of the site falls within flood zone 3 and is at greatest risk of flooding; development in this area of the site would be contrary to guidance in the NPPF. The developable area of the site is therefore limited to the land lying outside of flood zone 3, which includes the upper part of the site where the biodiversity value of the site is most likely recover if given an opportunity.

The proposed development of 14 dwellings would necessitate development across the entirety of the developable area as described above. The proposal would therefore prevent any ecological value being restored to the Urban Greenspace in the future including over the course of the emerging draft Local Plan. It is therefore considered that the extent of development that is being proposed is prejudicial to the site's value as open land.



In the circumstances it is considered that the site is capable of accommodating some residential development without prejudicing the value of the Urban Greenspace or developing in flood zone 3. However the applicant has supplied an indicative plan showing development across the site and has not proposed any mechanism to protect development from the areas where ecological value could exist should the field recover. Thus it is the extent of development that would occur within the developable part of the site that means that the proposal would prejudice the value of retaining the site as open land.

At this stage it is necessary to consider the extent to which the ecological impacts of the development could potentially be mitigated for the purposes of balancing the harm against other material considerations. It is considered that there is no realistic prospect of adequate mitigation being provided because a development of 14 dwellings would necessitate building on the upper slope of the site which would prejudice the land's ability to recover and thus provide some ecological value which in turn gives value to the Urban Greenspace.

On the question of potential mitigation, it is concluded that the ecological impacts arising from the loss of this open land could not be adequately mitigated through this application.

On balance, it is considered that the development would harm the Urban Greenspace by prejudicing its value as open land. Having made this judgement, the weight to be given to the protection of the Urban Greenspace is substantial.

In considering paragraph 74 of the NPPF, this indicates that the open space should not be built on unless it is clearly surplus to requirements. The site was not classified as being surplus to requirements under the Open Space Study and an assessment has not been provided with the application to demonstrate to the contrary. The value of the open space which has been identified gives weight to the requirements of paragraph 74 when set against paragraph 49 of the Framework.

To conclude, on balance it is considered that the loss of this Urban Greenspace site is not outweighed by the provision of housing - including affordable housing as would be required through this development - and taking into account the shortfall in the District's supply of housing land that currently exists.

#### Response to the applicant's case:

In respect of planning policies related specifically to housing in the UDP, consideration must be made as to whether these can be classed as 'up to date' following the publication of the NPPF. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed. However, NPPF paragraph 14 states that in such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework. It is considered that the harm identified that would result from the loss of the Urban Greenspace outweighs the benefits of housing delivery.

The Inspectors' findings at the UDP inquiry and the planning history of the site – in particular the development allowed on appeal under application reference 1998/91665 – are material considerations.

In considering the Urban Greenspace designation at the UDP inquiry, the Inspector stated that “In my view the land is of unexceptional appearance, being a paddock with a few trees, and has very little impact on its surroundings. While the Council emphasises views of the land from New Mill Road, the site does fall away from the road, so that only pedestrians looking down from the adjoining footway could see it. The land is well screened from the adjoining Green Belt. Whereas it would be seen by pedestrians in Lancaster Lane, this does not justify keeping the land open because it does not have particular visual quality and does not afford important views of other open land. A benefit is claimed from the separation created between residential development and New Mill Road but I see no reason why this should be regarded as desirable”.

Despite the Inspector's view that allocation as Urban Greenspace was not justified and the recommendation that the site should be allocated for housing, the site was allocated as Urban Greenspace on the adopted UDP (March 1999). The site's designation as Urban Greenspace was based on its surface, landscape and boundary features, its visual and recreational amenity value, its contribution to the setting of the River Holme valley, and its context within the nearby wildlife corridor which runs north towards Honley and south to Thongsbridge.

Application 1998/91665 sought outline permission for residential development on this site. The application was refused on the grounds that it would be harmful to the character and appearance of the area and because the site was allocated as Urban Greenspace in the draft UDP. An appeal against the refusal of permission was upheld in January 1999, two months before the adoption of the UDP.

At the time of the appeal the Council confirmed that the site was to be designated as Urban Greenspace. However, in the decision letter the appeal Inspector concluded that there was no reason to disagree with the UDP Inspector's assessment of the site's (limited) contribution to visual and recreational amenity and its wildlife value.

In summary, the Inspector found that the development would not result in any significant harm to the character and appearance of the area given the physical characteristics of the site and its surroundings and that there were other areas of greater visual importance in the vicinity of the site. Furthermore, it was found that the development would not lead to such a reduction in the amount of open land in this part of Brockholes that it would be materially harmful to its overall appearance or character and it was also found that the development would not materially reduce the separation distance between Brockholes and Thongsbridge to the south.

The comments made by the Inspectors provide an assessment of the value of the site as Urban Greenspace as the land stood in the late 1990s. At that time it did not have any significant ecological value with it being a well-established grassed paddock.

Since the appeal Inspector assessed the site the make-up of the land evolved such that it became a valuable part of a wider ecological network. This represents a material change in circumstances since the appeal decision in 1999. Whilst the specific ecological value has recently been decimated it is considered that the land retains some strategic importance as open land in the context of the habitat corridor which is evidenced by the habitats which it supported at the time of the previous planning application. Although not a reason for refusal it is considered that some potential benefits to the wider ecological habitat would result if the site recovered and the upper slopes were left undeveloped.

#### Conclusion on the principle of development:

In conclusion, it is considered that the departure from Policy D3 of the UDP and Paragraph 74 of the NPPF is, on balance, not outweighed by the provision of housing in a sustainable location and the lack of a 5 year housing land supply given the high value of this Urban Greenspace allocation.

#### **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 development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design. The scale, appearance, layout and landscaping of the development are reserved matters and are not under consideration although an indicative site layout plan and indicative site sections have been provided.

The development would essentially form an extension of the existing River Holme View development which was built sometime around the early 1990s. The existing cul-de-sac is to be extended into the application site to form a roughly 'T' shaped estate road. The indicative site layout shows 8 detached dwellings and 3 pairs of semi-detached dwellings grouped around the road.

The site comprises an area of around 0.49 hectares and 14 dwellings would equate to a development density of around 28 units per hectare. The indicative layout does not include any development within the part of the site that is within flood zone 3 (i.e. highest risk). This effectively reduces the amount of developable site area to approximately 0.35 hectares which equates to a density of 40 dwellings per hectare. The undeveloped southwest corner does nevertheless provide scope for a substantial green buffer.

The residential development comprising River Holme View is made up of a mixture of dwelling types. Two storey detached dwellings predominate but there are also some terraced and semi-detached properties, detached bungalows and courtyard style development. Immediately to the east of the site are a row of closely spaced detached houses and a row of terraced houses.

The proposal would form a natural extension of the existing River Holme View development - albeit the proposal would rise up from the existing development which occupies the flatter valley floor - and a mixture of detached and semi-detached dwellings set around a cul-de-sac would generally be in keeping with the character of the area. However, in light of the constraint on development within the south west corner of the site, there is a concern with the indicative layout in that the plots have a somewhat cramped form. Nevertheless, the layout is only indicative at this stage and it is considered that this could be addressed through a reserved matters application; for example there would be scope to alter some of the large detached dwellings to the north of the access into semi-detached or even terraced houses.

The density of development on the overall site is comparable to that of River Holme View although there is a disparity when the flood zone is omitted and density is calculated on the developable part of the site only. Nevertheless, it is considered that the density is unlikely to result in any significant detriment to the character of the area. There are parts of River Holme View that are more densely developed than others (for example numbers 22-42 on the west of River Holme View and the terraced houses comprising 71-81) and as such the density of the development would not be wholly out of keeping with the urban grain. What is more, by omitting development from the south western corner this naturally builds in open space and has a benefit in giving greater openness around the public footpath and in relation to existing development. The NPPF requires that developments optimise the potential of a site to accommodate development (paragraph 58) and overall it is considered that the amount of development is acceptable.

Indicative site sections have been provided and demonstrate that the site's existing topography can be utilised to give the development a stepped profile. Dwellings to the eastern part of the site would be at the highest level and would be partially dug into the sloping ground with the roof areas being broadly level with New Mill Road. Dwellings in the central part of the site would be set further down with the properties gradually becoming lower towards Lancaster Lane. The sections suggest that the properties would be

two storeys in height. Officers are satisfied that dwellings of an appropriate scale which respect the topography of the site can be accommodated without having any significant detrimental impact on visual amenity.

There is variation within the design of the dwellings on River Holme View although pitched roof gables are a characteristic feature. This existing development is constructed of stone with concrete tiles to the roofs. It is considered that an acceptable design could be achieved which respects the prevailing local vernacular. Facing materials are to be agreed at reserved matters stage but materials that in keeping with those on River Holme View are likely to be the most appropriate.

As discussed in the previous section of this assessment, the visual amenity value of the open land is considered to be limited and it is relevant to note at this stage one of the main findings of the Inspector when allowing the appeal to application 1998/91665 which was essentially that residential development on this wedge of land could be accommodated without materially harming the character and appearance of the surrounding area. Officers consider that this remains the case on visual grounds.

In conclusion, Officers are satisfied that an acceptable scheme can be agreed that would not adversely affect the visual amenity and character of the area and which would satisfy Policies BE1 and BE2 of the UDP and guidance in the NPPF.

### **Residential amenity:**

Policy BE12 of the UDP sets out the Council's policy in relation to space about buildings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified in the policy will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises or potential development land.

The indicative site layout suggests that Policy BE12 could be satisfied although careful consideration of the relationship between new dwellings and the curtilage of 238 New Mill Road would be required. Adequate separation distances to other surrounding properties are readily achievable and it is considered that a scheme could be agreed under a reserved matters application that ensured that the amenity of neighbouring properties would not be unduly prejudiced. Furthermore, the indicative layout suggests that minimum separation distances internal to the site can be met, subject to consideration of the dwellings' internal layout and window arrangements.

Access to the site will be via River Holme View and intensification in the use of this road is unlikely to result in any significant detriment to residential amenity. This remains the case when taking into account any development on the separate parcel of Urban Greenspace to the north which is the subject of

a separate planning application for residential development and also takes access off River Holme View.

The Council's Pollution and Noise team have assessed the application and no issues have been raised with respect to air quality and noise. Conditions relating to the provision of electric vehicle charging plug-in points and contaminated land have been recommended.

The site is separated from the adjacent camping and caravan site by a belt of trees and with the River Holme lying in between. At its closest point the application site is approximately 25m from the boundary of the caravan site. It is considered that this relationship would mitigate the potential for any issues arising between the campsite and future occupiers of the development.

### **Highways issues:**

The proposals are to construct a residential development of 14 dwellings on land to the south of the present development served by River Holme View.

The site is located at the southern end of River Holme View and to the east of Lancaster Lane. Lancaster Lane currently provides the means of access to the parcel of land. The site is currently not in use and is generally steeply sloping down from the A616 New Mill Road to a public right of way known as Lancaster Lane.

River Holme View is a residential cul de sac with a 5.5m carriageway and footways and street lighting to both sides. It presently serves 74 dwellings along its length and on several minor side streets off it. There is a turning head at its southern end which also abuts a public right of way known as Lancaster Lane which provides access to a single dwelling to the north and leads on to the A616 New Mill Road and a camping / caravan park to the south before joining the A6024 Woodhead Road to the west.

At its northern end River Holme View forms a priority junction with Rockmill Road. The latter is about 7m wide with footways and lighting to both sides. Rockmill Road provides the main access to a small commercial estate known as Brockholes Business Park. Rockmill Road forms a priority junction with the A616 New Mill Road. This junction benefits from sight lines which comply with Manual for Streets.

The A616 New Mill Road forms part of the strategic highway network providing a link between Huddersfield, Brockholes and New Mill and continues towards Sheffield. In the vicinity of the development site it is a single two way carriageway with footways on both sides.

### **Access:**

Vehicular access to the development will be formed by extending River Holme View across the right of way known as Lancaster Lane.

Parking and turning spaces within the site are proposed to allow vehicles to enter and leave in a forward gear.

**Traffic Generation:**

The TRICS database has been used to derive the peak hour generation rates for this level of residential development. Whilst the present proposals are for 14 dwellings for the purposes of the submitted transport assessment a development of 18 units has been used for robustness and to allow for some scope in the design and layout of the scheme. Using TRICS generation rates for 18 units the following traffic flows can be calculated for the proposed development:

AM Peak: 4 vehicles in and 10 vehicles out

PM Peak: 9 vehicles in and 6 vehicles out

When combined with the existing traffic flow for the existing 74 dwellings these figures result in the following combined flows:

AM Peak: 21 vehicles in and 49 vehicles out

PM Peak: 46 vehicles in and 30 vehicles out

The combined existing and proposed development flows on River Holme View would be between 70 and 76 vehicle movements per hour at peak periods or 1 to 2 vehicle movements per minute along River Holme View at peak hours.

The applicants have also undertaken an assessment of the operation of the existing junction Rock Mill Road and A616 New Mill Road with the addition of development traffic from the proposed development as well as traffic generated by a separate nearby site that is the subject of outline application 2016/90138 (approved by Strategic Planning Committee at previous meeting). This assessment has used the PICADY capacity analysis program.

The results of the assessment show that the existing junction with the addition of traffic from both developments will continue to operate within capacity.

Based on recorded injury accidents in the last 5 years the Rockmill Road/A616 New Mill Road junction is considered to be operating efficiently.

**Conclusion:**

In conclusion, Highways Development Management generally concurs with the findings of the Transport Assessment and there are no objections subject to conditions relating to the approval of a scheme of works for the adoptable estate road and public footpath, approval of measures to restrict vehicle access to New Mill Road via Lancaster Lane, approval of all highway retaining structures and approval of details of waste storage collection. Subject to conditions the application complies with Policy T10 of the UDP.

## **Ecology:**

The general ecological value of the site has been discussed earlier in this report but with respect to the impact on specific protected species officers are satisfied that any development could be mitigated so as to ensure that there would not be any undue harm to protected fauna.

## **Trees:**

The Council's Arboricultural Officer assessed the previously refused application and no objections were raised at that time. There have not been any changes in the intervening period that would alter that assessment.

## **Flood risk & drainage:**

Kirklees Flood Management and Drainage have assessed the application and no objections have been raised. Full details of the surface water drainage strategy for the development would need to be provided and approved under planning condition.

Yorkshire Water has not raised any objections provided that a suitable separation distance is maintained to a nearby sewer.

The Environment Agency raises no objections to the development based on the indicative site layout plan because development is kept out of the part of the site which is classified as being at high risk from flooding.

Based on the above consultee advice the application is considered to satisfy chapter 10 of the NPPF subject to conditions and subject to details required under the reserved matters.

## **Contributions:**

### Affordable housing:

In accordance with Policies H10 & H12 of the UDP, guidance contained within SPD2 and national Planning Practice Guidance, the provision of affordable housing is a material planning consideration and would be applicable to this development. As this is a greenfield site, the contribution would normally be 30% of the total floor space of the development. A draft S106 has been submitted to deal with this.

### Public Open Space:

Policy H18 of the UDP requires the provision of POS on sites put forward for housing development which are over 0.4 hectares. The site area is approx. 0.49 hectares and therefore the requirements of Policy H18 apply.

An off-site contribution is likely to be needed to fully satisfy Policy H18. A draft S106 has been submitted to deal with this.



### Education:

The development does not trigger a contribution towards education provision.

### **Crime Prevention:**

Consideration of specific Crime Prevention issues will need to be given at Reserved Matters stage in respect of site layout and design.

### **Objections:**

The main issues raised by the objectors relate to the principle of development on Urban Greenspace, highway safety, amenity, drainage and ecology. An assessment of all of these matters has been provided within this report.

Concerns have been raised that the development would impact on tourism because of the potential harm that would arise to the setting and amenity of the adjacent camping and caravan park. Officers consider that the impact of the development on the camping and caravan park would not be significant subject to details under the reserved matters. As such there is very unlikely to be any material impact on local tourism.

### **Conclusion:**

Having regard to the specific value of the site as Urban Greenspace Officers consider that the benefits of the development in terms of the provision of housing are not outweighed by the harm that would result from the loss of the Urban Greenspace and therefore there is no justification for a departure from Policy D3 of the UDP. The harm that would be caused by the loss of the open space and the associated ecological impacts mean that the development is unsustainable and is therefore contrary to the NPPF.

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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

## **9. RECOMMENDATION**

### **INFORM THE PLANNING INSPECTORATE THAT THE LOCAL PLANNING AUTHORITY WOULD HAVE REFUSED THE APPLICATION FOR THE FOLLOWING REASON:**

1. The site is allocated as Urban Greenspace on the Council's Unitary Development Plan (UDP) Proposals Map. The extent of development proposed would prejudice the site's value as open land whereby the potential exists for the ecology of the site to recover. In such circumstances the Urban Greenspace is not deemed to be surplus to requirements. The proposed development is therefore contrary to Policy D3 of the UDP and paragraph 74 of the National Planning Policy Framework. The loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Design & Access Statement	-	-	
Highway Statement	-	-	
Location Plan	-	-	
Indicative Site Layout & Sections	-	-	
Ecology Report	-	-	
Bat Survey	-	-	
Protected Species Report	-	-	
Flood Risk Assessment	-	-	