
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 08-Feb-2018

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

APPLICANT

Keyland Developments
Ltd

DATE VALID

08-Jul-2016

TARGET DATE

28-Oct-2016

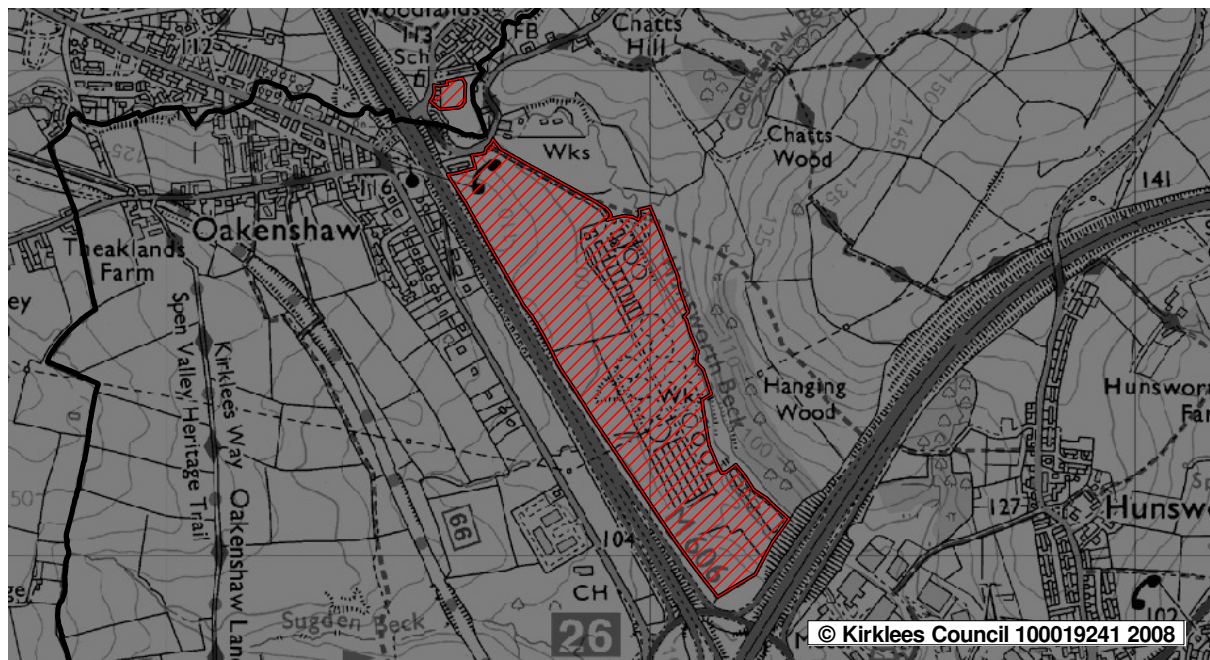
EXTENSION EXPIRY DATE

31-May-2017

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

Electoral Wards Affected: Yes

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to ensure

1. All off site associated highway works approved under s278 to be completed and made operational prior to any part of the commercial development on this application site being brought into use
2. A financial contribution of £71, 370 (calculated damage costs) to be used towards air quality mitigation measures within the vicinity of the site in the absence of detailed low emission projects equating to the identified damage costs or above, being submitted at reserved matters stage, and
3. £20,000 towards real time passenger information displays to two existing bus stops (reference nos. 14572 and 14567)

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

In addition to the above to secure a Section 106 Obligation (Unilateral Undertaking) from the applicant to provide the proposed 36 space car park, submitted to Bradford Council for Woodlands C of E Primary School application reference no.16/06146/MAO subject to Bradford City Council approving the application.

1.0 INTRODUCTION:

1.1 The application is brought to Committee for determination following the application being presented to Members as a position statement on 30th November 2017, where Members raised a number of issues relating to:

- Reducing gap resulting in coalescence of two settlements
- To review and re consider all the off- site highway proposals
- Overspill of tanks (where did/does this go)
- Anticipated business rates

This report sets out a response to these issues within paragraph nos. 3.4, 10.28, 10.29, 10.32 – 10.34, 10.38, 10.46-48, 10.51, 10.52, 10.76 and 10.77

The assessment report now also makes reference to updated information in relation to noise, contaminated land reports and air quality issues, submitted subsequent to the position statement being heard on 30th November.

A confidential appendix will be circulated to committee members that includes details of the viability assessment so they can consider the viability issues involved with this application.

- 1.2 The application is brought to Strategic Committee as the proposed development would represent a departure from the Council's Unitary Development Plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is located to the southern edge of Bradford between Oakenshaw and Cleckheaton, approximately 15km north east of Huddersfield and 5km south of the centre of Bradford. The site is located off the junction the M606 and adjacent to junction 26 of the M62. The site has undulating topography occupying structures relating to the former waste water works (WWTW) and is bounded to the west by mature landscaping along the M606 with a gently sloping embankment and south by the M62. To the north and east is open land with a wildlife habitat network area beyond the site. Access to the site is taken from Cliff Hollins Lane to the north. There is public right of way which follows the existing access road and crosses the site in the north-eastern corner of the site.
- 2.2 The site covers an area of approximately 23.2 hectares comprising of brownfield land covering a large extent of the central part of the site towards the east which is occupied by the former WWTW structures and greenfield land within the north western part of the site. The site is located within the Green Belt.

3.0 PROPOSAL:

- 3.1 The application as amended is submitted in outline with all matters reserved for the re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8). The supporting indicative details include plans showing parameters of where the proposed employment use/buildings are likely to be sited and where access to the site will be formed by utilising the existing access point shown to be realigned into the site with a spinal road shown running centrally within the site. The proposals although to be largely on the brownfield part of the site would involve extending onto an area of greenfield land, in the north west part of the site.
- 3.2 The application is for 35,284m² of B2 and B8 use with ancillary offices on a 30% B2 and 70% B8 split respectively including associated hard standing service yards and car park areas. The exact size, nature and location of the end users cannot be determined at this stage.
- 3.3 Whilst all matters are reserved for subsequent approval, the submitted information includes indicative details of proposed highway works and a

parameter plan which demonstrates the maximum floorspace and building heights in accordance the requirements of the Environmental Impact Assessment (EIA). This indicates the maximum height and floor space of the proposed buildings/uses could be up to 18m high with a floor space of 35,284m².

- 3.4 A further viability appraisal was received which is based on the quantum of the commercial development only. Details will be included within a confidential appendix that will be circulated to committee members.
- 3.5 For information this is a cross boundary application as an application is submitted to Bradford Council for a new car park to provide 36 car park spaces for Woodlands C of E Primary School on a separate parcel of land which lies in the Bradford district north of the application site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None recent relevant applications

5.0 HISTORY OF NEGOTIATIONS:

The applicants engaged in pre-application discussions with the LPA and undertook public consultation prior to the submission of the application.

11/08/16 – Acknowledgement of PROW running through the site
17/10/16 – applicant's agreement to pay for assessment of viability appraisal
21/10/16- Technical Addendum, which provides a response to comments raised in relation to the Transport Assessment
09/12/16 – meetings/negotiations with agent/applicant raising a number of issues
07/03/17- agents agreement to extension of time
26/05/17- brief outline concerns following the appraisal of the viability appraisal
10/10/17- preliminary revised master plan for discussions
02/11/17- formal submission of revised plans/details omitting residential element
09/11/17 – receipt of revised Design & Access and Planning Statements.
21/11/17 – receipt of Phase 1 report & revised parameters plan
28/11/17 – Phase 1 report
14/12/17 – phase 11 Geo- Environmental site investigation report
22/12/17 – noise & vibration report dated December 2017
11/01/18 – addendum to Viability Appraisal
11/01/18 – additional sections indicating distance and levels to nearest residential properties, to the north

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination

in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

G1 - Regeneration will be secured through developments which strengthen and broaden the economic base and increase employment, improve infrastructure & secure the reuse of land

G6 – Land contamination

B1 - employment needs of the district will be met by providing land to accommodate the requirements of existing Kirklees businesses and the establishment of new businesses

BE1 – Design principles

BE2 – Quality of design

BE11 – Building materials

DL1 – Derelict and neglected land

DL2 – Reclamation of derelict land

EP4 – Noise sensitive locations

EP11 – Ecological landscaping

NE9 – Development proposals affecting trees

R13 – developments affecting public rights of way

T1 – Transport: Strategy

T10 – Highway Safety

T16 – Pedestrian access

T19 – Parking standards

DL1 – Derelict and neglected land

DL2 – Reclamation of derelict land

6.3 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

PLP1 – Presumption in favour of sustainable development

PLP2 – Place shaping

PLP4 – Providing Infrastructure

PLP3 – Location of new development

PLP7 – Efficient and effective use of land and buildings

PLP9 – Supporting skilled and flexible communities and workforce

PLP19 – Strategic transport infrastructure

PLP20 – Sustainable travel

PLP21 – Highway safety and access

PLP22 – Parking

PLP23 – Core walking and cycling network

PLP24 – Design

PLP28 – Drainage

PLP30 – Biodiversity & Geodiversity

PLP31 – Strategic Green Infrastructure Network

PLP32 – Landscape

PLP33 – Trees

PLP34 – Conserving and enhancing the water environment

PLP51 – Protection and improvement of local air quality

PLP53 – Contaminated and unstable land

PLP59 – redevelopment of brownfield site in the greenbelt

Submission Document SD2- Draft Allocations & Designations- The site is identified as a draft employment allocation (reference E1985a):

Site E1985a

Site no	E1985a
Site address	Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Cleckheaton
Ownership	Private
Gross site area (Ha)	14.03
Net site area (Ha)	7.61 - developable area reduced to take account of a Department for Transport highways improvement scheme (M606 and M62), an area affected by a hazardous installation inner zone and a buffer for the Local Wildlife Site.

Constraints	<ul style="list-style-type: none"> ● Land to be safeguarded for M62/M606 widening scheme ● The access road will require widening into the site as well as improvements to its junction with Cliffe Hollins Lane ● Additional mitigation on wider highway network may be required ● Public right of way in close proximity to the north of the site ● Part of the site is within flood zone 3 ● Surface water issues ● Potentially contaminated land ● Potential for noise impact ● Potential for odour impact ● Site affected by hazardous installation / pipelines ● Proximity to a Local Wildlife Site ● Part/all of the site is within a High Risk Coal Referral Area ● Power lines cross the site
Proposed allocation	Employment
Indicative capacity (sq.m)	46,451
Reports required	<ul style="list-style-type: none"> ● Transport Assessment ● Travel Plan ● Flood Risk Assessment ● Surface water drainage report ● Contamination report (Phase 1 and 2) ● Air Quality Impact Assessment ● Noise assessment ● Predetermination archaeological evaluation ● Health Impact Assessment ● Coal Mining Risk Assessment ● Landscape Character Assessment
Other site specific considerations	<ul style="list-style-type: none"> ● Enhancements to biodiversity to be considered ● Prevention and mitigation to reflect Water Framework Directive requirements ● Residential amenity will need safeguarding through sensitive siting of buildings and landscape buffer areas ● Development may need to contribute to improvements to the strategic road network if committed schemes will not provide sufficient capacity.

6.4 National Planning Guidance:

Paragraph 7 – Sustainable Development

Paragraph 17 – Core Planning Principles

Chapter 4 – Promoting sustainable transport

Chapter 7 – Requiring good design

Chapter 8 – Promoting healthy communities

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

Chapter 11 – Conserving and enhancing the natural environment

Chapter 12 – Conserving and enhancing the historical environment

6.5 Other relevant guidance/documents:

Draft Local Plan Technical Paper: Employment (2017)

Kirklees Economic Strategy (2014) (KES) sets the district-wide vision for economic performance.

Leeds City Region Strategic Economic Plan 2016-2036 (2016) - sets out the economic vision for the City Region as a whole and is a key document in terms of informing the overall strategy to be taken in the Local Plan.

Kirklees Joint Health and Wellbeing Strategy

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Subsequent to the application being presented to Members as a position statement on 30th November 2017, the associated highway works were reviewed as suggested by Members. Consequently this has resulted in revisions to the proposed highway works to all three junctions. The publicity period for these revisions expired 6th February 2018. A further 14 representations were received.

Publicity of the application proposals and previously proposed associated highway works was advertised via site notice and through neighbour letters to addresses bordering the site, in line with the Councils adopted Statement of Community Involvement.

A total of 91 representations were received on the initial scheme. Following revised plans omitting the residential part of the scheme a total of 24 representations were received. One of which is a letter in support the others are objections.

The concerns raised of all the representations received are summarised below:

Amenity concerns:

- Noise & light pollution during after hours to properties on Cliff Hollins Lane, these being in close vicinity and in direct view of the site
- major reduction in air quality from the increase in commercial vehicles in the area
- Bungalows on cliff Hollins will be boxed in
- considerable increase in noise and vibration from HGV

- findings of the vibration tests along the A638 Bradford Road in the submitted report are dismissed and do not represent a true reflection
- concerns over increased vibration from HGV on these roads
- conflict between users of proposed housing and industrial on highway and air quality concerns to new residential properties.

Highway concerns:

- Substantial increase in commercial, vehicles and employees of the company commuting to and from work, traffic going up and down Cliff Hollins Lane which is in effect a country lane
- increase in traffic would substantially exacerbate existing problems on the surrounding highways
- Access to and from the development falls into two areas; a) a new roundabout being introduced at the junction of Mill Carr Hill Road and Cliff Hollins Lane.
- Oakenshaw village doesn't have the capacity to cope with the increase in traffic
- The increase in traffic and footfall will endanger children's lives, it is too close to the entrance of the Primary School (adjacent to their playground) exposing them to toxic fumes, the addition of an extra car park and drop off point will encourage more cars to use the area.
- The junction between Mill Carr Hill Road and Bradford Road is already dangerous and has a record of major accidents over the years involving cars and HGV vehicles.
- Concerns over emergency access not only to the new development but also the existing communities.
- The addition of a pedestrian crossing will reduce safety concerns but will exacerbate existing highway safety and traffic flow issues
- Mini roundabout and T junction for Cliff Hollins Lane will not assist traffic flow in and out at this junction
- No mention of incorporating footpaths
- alternative approach roads should be considered to the south of the site.
- The mini roundabout will be difficult for large vehicles to negotiate. It is extremely close to school entrance and crossings and will be a potential hazard to pedestrians.
- "Proposed site entrance is the scene of many accidents"
- "Do Highways have recent figures on the amount of traffic using Bradford Road, Mill Carr Hill Road, Cliff Hollins Lane – and not counts that are taken in the school holidays".
- Loss of existing footpath in front of bungalows on Cliff Hollins Lane to accommodate proposed realigned access into site.
- Concerns relating to car park would result in loss of green space, entrance would be on blind spot, drainage issues of this area
- No mention of remedial work on the narrow bridge to make it suitable for the additional traffic coming from the new estate nor any improvements to Cliff Hollins

Wildlife/ecology concerns:

- loss of semi rural area and having an impacting on the wildlife
- Loss of animal habitat such as bats and newts.

Concerns relating to constraints on site:

- The site is still constrained by the high-pressure gas pipeline and overhead power cables
- The effect of disturbing a waste treatment site which is believed to have asbestos waste from the old Mintex/BBA site.

Other/miscellaneous concerns:

- The Applicant states that a Consultation has taken place with the community, this was in 2014 for a previous proposal which was completely different to the latest application.
- No consultation with the community about the revised plan
- there is no evidence of a need for additional space
- The loss of Greenbelt from this total site which provides a buffer to urban sprawl.
- neighbouring towns merging into one another in the green belt
- no mention of proposed residential development of Oak Mill – Application 2016/92664 and the cumulative impact of this together with the proposals
- Are these likely to improve employment or merely move current employment and 'streamline
- Other sites discounted as not preferable sites
- The need is questioned
- Forecasted nos. of jobs to be created will not be an accurate figure as many of the jobs are not new jobs, people travel from other sites/places etc. An example of this would be Spring Ram when they said 2000 jobs would be created – they were granted planning permission on Green Belt Land off Mill Carr Hill Road and the 2000 became less than 1000 jobs

None material concern:

- Not enough schools, dentists, doctors shops etc to sustain any more people.

7.2 Local member involvement:

Kirklees Ward Councillors have been briefed of the proposals as submitted and revised. Relevant Councillors of the neighbouring authority have also been informed of the revised proposals.

Cllr Kath Pinnock and Cllr John Lawson state they “have five areas of concern” and make the following comments:

- “The traffic assessment states that the developers expect 186 2-way traffic movements in the morning peak period which is between 8 and 9. So an extra 186 vehicles, mainly HGVs, on Bradford Road, Mill Carr Hill and Cliff Hollins Lane. As this is the estimate for 2 way traffic, it still means that there will be an extra 93 or so vehicles between 8 and 9 in each direction.
- The proposal at the Mill Carr Hill / Cliff Hollins Lane junction is for Give way for traffic coming down Mill Carr Hill from Tong. There will be car parking created on the land opposite the school for school use.
- At the Mill Carr Hill / Bradford Road junction there will a minor widening of the road. Given the volume of traffic along Bradford Road there will surely be queuing traffic on that bit of Mill Carr Hill adding to road safety fears.

- At Chain Bar, there is already a big problem with traffic queuing from Oakenshaw . Drivers can wait for 20 minutes or more to get onto Chain Bar. More traffic on Bradford Road will only make this much worse. The development is proposing to add an extra lane for access to Chain Bar but this is only for a very short length and will do little to reduce the problem.
- We are already aware that more traffic is using Wyke Lane to avoid the long waits at Chain Bar. This significant extra traffic from the development will only add to this problem.
- We know from national air quality monitoring that the air around Chain Bar and that part of the M62 is heavily polluted. We are extremely concerned that considerable additional traffic, especially of HGVs, will make our air even worse”.

Bradford Cllr Sarah Ferriby has objected raising a number of issues which are summarised below:

- access and egress roads Bradford Road junction, Cliff Hollings Lane, Mill Carr Hill junctions which are unsuitable for high volumes of HGV, Light goods Vehicles and additional cars
- detrimental impact for both residents, pedestrians and local road users.
- proposed roundabout is in very close proximity to the school entrance creating conflicts between Traffic and pedestrians
- there have been numerous accidents including serious accidents and bumps at this point on Bradford road
- increase congestion on surrounding highway infrastructure in an area already congested
- loss of a large expanse of green belt between the local community creating more of an industrial sprawl while losing wild life habitat
- greater demands on site regarding surface water run off management
- considerable site issues including mine shafts which are in existence all over the local area
- great concerns regarding the previous site used for the disposal of waste which will be disturbed
- an alternative access and egress should be sought well away from those proposed to one at the southern end of the site

The applicant on acknowledgement of the concerns raised by Cllr Ferriby, on 21st November advised they intend to contact the Cllr Ferriby to offer a meeting to discuss the concerns in the next few days.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Government Office – raised no objections and wishes to make no comments
 The Coal Authority – no objections subject to conditions
 Highways England – comments in relation to **Bradford Road approach to Bradford Arm of M62 junction 26 roundabout (Chain Bar Roundabout)**.

Verbal comments received 30th January 2018- subject to the completion of satisfactory safety audits on the amended details which provide adequate

mitigation measures being received, Highways England would support the proposed revised highway works
Environment Agency- no objections
Forestry Commission/Natural England –standing advice
West Yorkshire Ecology – no comments received to date
K.C. DM Highways - No objection in principle
K.C. Strategic Drainage – no objections previously, comments awaited on revised proposals

8.2 **Non-statutory:**

K.C. Environmental Health – on receipt of additional information (noise report & contaminated land reports, no objection in principle subject to conditions including a contribution towards air quality mitigation projects, failing the receipt of such proposals prior to permission being granted
K.C. Trees - no objection to the proposals in principle
K.C. Biodiversity/ecology unit – no objections subject to mitigation / enhancement measures to be incorporated
K.C. Public Rights of Way - comments awaited on revised proposals
K.C. Landscape – support in principle
West Yorkshire Police Liaison Officer – no objections subject to conditions
Health & Safety Executive – advise to consult NGN
Yorkshire Water - indicative proposals not acceptable
Bradford Council DM Planning – comments awaited on revised associated highway works
Northern Gas Networks - Any development in proximity to pipelines on site would be subject to certain conditions relating to easement distances and proximity distances, in addition there will be restrictions as to any changes to the cover that currently exists over the pipeline and access roads.
Kirklees Public Health - recommendations to be incorporated into reserved matters/final layout to encourage health & well- being of future users of the site and surrounding areas

9.0 **MAIN ISSUES**

- Background
- Principle of development
- Impact on the green belt & very special circumstances
- Urban Design issues(layout & plateau areas)
- Amenity issues (noise & air)
- Highway issues
- Ecology, Landscape &Tree issues
- Flood risk & drainage issues
- Ground conditions (contaminated land)
- Representations
- Other matters

10.0 **APPRAISAL**

Background:

- 10.1 This site is a previously-developed and now a disused waste water treatment works, which currently lies in the Green Belt.

- 10.2 The area has not benefitted from new land allocations since the adoption of the Unitary Development Plan, which was adopted in 1999. This is a considerable period of time for a large part of the West Yorkshire conurbation to be constrained by a lack of suitable development sites.
- 10.3 The site is identified as a draft employment allocation (reference E1985a) in the "*Publication Draft Local Plan – Allocations and Designations*" DPD which has been the subject to Examination in Public during October 2017. The Publication Draft Local Plan – Strategy and Policies, identifies a requirement for 165ha of net additional employment land.
- 10.4 This application has been submitted prior to the formal allocation of the site in order to ensure that further growth, in line with the Kirklees and Leeds City Region Economic Plans, is not constrained by a lack of suitable property.
- 10.5 This application proposes a mixture of employment uses comprising of B1(c), B2 and B8. The supporting information states the principal aim of this development is to provide new accommodation for the north Kirklees/South Bradford manufacturing arc, a collection of complementary engineering, manufacturing and design businesses with a strong reputation for delivering gears, valves, pumps, turbos, chemicals and textile products. It also responds to the wider employment market and lack of good-quality land supply.
- 10.6 The site has a number of constraints, including the existing waste water treatment works, pumping station, mine shafts and adits, power lines, a gas pipe and a requirement to safeguard land in the south of the site for an improvement to the M62/M606 junction.
- 10.7 The proposed scheme has also been subject to discussions with both Kirklees and Bradford Councils since 2014. This has involved ongoing liaison with Kirklees Council's Officers, the submission of representations to Kirklees Council's emerging Local Plan, pre-application discussions, meetings with key stakeholders and a public exhibition. Feedback received during the application determination period has been considered and has resulted in a reduction in the development area and the removal of residential development from the scheme.
- 10.8 The application is accompanied with details of the public exhibition carried out prior to the submission of the application set out in the Statement of Community Involvement.

Principle of development:

- 10.9 The starting point for assessment is the National Planning Policy Framework (NPPF), in particular Section 9 entitled "Protecting Green Belt Land". Paragraph 79 of the National Planning Policy Framework (2012) (NPPF) advises that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 87 and 89 of the Framework include advice that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that the construction of new buildings should be considered inappropriate unless they fall within specific exceptions listed at paragraphs 89 and 90.

- 10.10 The NPPF also states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.11 Paragraph 173 of the NPPF refers to plan making, but offers important advice on the principles of considering viability. It notes that pursuing sustainable development requires careful attention to viability. It also notes that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 10.12 The Framework also clearly expects local authorities to adopt a positive and proactive attitude to decision-taking and foster delivery of sustainable development that delivers growth and improves economic, social and environmental outcomes. Authorities should pursue solutions with applicants and decision-takers (at all levels) should approve applications for sustainable development where they can.
- 10.13 The following paragraphs assess the proposals in light of the above followed by a summary of the matters raised by consultees to date.
- 10.14 **Impact on the green belt & very special circumstances (VSC):**
- 10.15 Other than the exception of two buildings the site consist mainly of low level development in the form of hard standings and water tanks below ground level which is concentrated mainly to the east and south areas within the application site with the remainder of the site undeveloped. The supporting information states the site is previously developed and already compromises the extent to which its green belt purposes are fulfilled and as such the harm from the proposals will be limited.
- 10.16 The proposals are shown to provide up to 35,284m² of employment use on 7.08ha not including the car park area submitted to Bradford Council. Whilst, the proposals are submitted in outline, the accompanying information sets out the maximum scale and height (18m) of the buildings for the employment uses. Thus the proposals are considered would have a greater impact on the openness of the green belt and the purposes of including land within it than the existing low level development. Furthermore, developing on the greenfield part of the site would result in further encroachment beyond the limits of the brownfield part of the site. The applicant does not dispute this and states the proposals have been considered against the purpose of including land within the green belt as set out in paragraph 80 of the NPPF.
- 10.17 Paragraph 79 of the NPPF stipulates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.
- 10.18 The site lies in an area washed over by green belt and whilst it is acknowledged that there is development on the west of Bradford Road, the site is detached from any settlement. The brownfield part of the site has been put forward for consideration as an employment site on the emerging deposited Local Plan.

This does not include the greenfield part of the site and as such it would be contrary to the purposes of including land in the green belt. As noted above the Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- 10.19 Having reviewed Bradford Council's proposals maps an area immediately beyond the green field part of the application site adjoining the boundary with Kirklees is retained as green belt. The distance from the Bradford boundary to the Kirklees local plan employment allocation is approximately 474m. This distance would be reduced to approximately 219m to the nearest block (based on the indicative layout submitted). Developing the greenfield part of the site would see the current separation distance between the two neighbouring towns of Oakenshaw and Cleckheaton being reduced (albeit noticeably less than the original proposal which included dwellings being located closer still to the site boundary than the revised plans). It is recognised the harm to this purpose would be limited due to the brownfield portion of the site. Nevertheless the resultant impact would come from developing a portion of the greenfield part of the site and result in a further loss of the countryside which does result in some unrestricted sprawl and narrowing the gap of built up areas.
- 10.20 The applicant's case for VSC to justify the above identified harm is based on the need for more employment land in the interim period prior to the adoption of the PDLP to encourage economic activity in the area.
- 10.21 Firstly with regards to employment land, the supporting information states the current UDP was adopted in 1999 and provided land allocations for the period April 1993 to April 2006. It goes on to state, to present day there has been no new employment land allocated for 23 years and as such the employment land supply in Kirklees is limited and unlikely to be suitable to meet the requirements of modern businesses as it was not intended to meet the needs from 2006 onwards. This view is consistent with the Council's own evidence where a critique of the current employment land supply has been undertaken to inform the emerging Kirklees Local Plan. The key findings from this assessment has been set out in the 'Kirklees Local Plan Employment Technical Paper' paragraphs 7.1- 7.8.
- 10.22 In view of this, the supporting information makes reference to the Kirklees Economic Strategy (KES) which aims to make Kirklees the heart of a growing manufacturing and engineering cluster, to enable the creation of employment and see this sector grow at twice the rate of the wider economy. The information recognises that the KES notes that the engineering and manufacturing sectors are also pronounced in neighbouring Bradford and Calderdale and that the sector locally is a priority for the Leeds City Region.
- 10.23 Officers agree that new strategic employment sites are needed to increase the volume of land available for employment and to meet key business sectors, particularly of this scale as set out in the KES. To clarify the brownfield part of

the site would support the economic objectives by providing land in a strategic important location which is of sufficient size to support the needs of larger businesses. However, in light of the identified constraints, the redevelopment of this brownfield site has resulted in a challenging viability equation. Officers are of the opinion and acknowledge the high abnormal costs must be balanced with adequate returns in accordance with paragraph 173 of the NPPF. The National Planning Practice Guidance advises decision must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth.

- 10.24 The proposals to provide employment use on this site with good accessibility to transport would be seen as a positive step towards opportunities for new investment and employment in the district.
- 10.25 Turning to the need for developing the greenfield part of the site, the fundamental reason for proposing development on this part of the site is stated to enable a viable scheme enable the redevelopment of this brownfield site which has a number of identified constraints.
- 10.26 The applicant states in total of 14 development options have been considered to find a viable scheme. The scheme before Members has been revised omitting the 101 dwellings which were previously proposed on the greenfield part of the site to the north west. The proposals were accompanied with a viability appraisal which stated that the proposed employment uses of the site can only be viably developed if the local planning authority allows enabling development in the form of 101 residential units.
- 10.27 The viability appraisal accompanying the application was independently assessed on behalf of the Council. Basically, the original conclusion was such that a planning compliant scheme is not viable unless enabling development was permitted which would in this case need to be accommodated on a proportion of the greenfield part of the site. In view of this and a number of other environmental concerns for the future residents of the residential dwellings in close proximity to the motorways and industrial uses, the plans have been revised omitting all the residential dwellings and replacing this with industrial uses. Moreover, the intake of area of greenfield to be included in the redevelopment of this site has now been reduced to approximately half that previously shown for the residential dwellings.
- 10.28 In view of the above and comments from Members on 30th November a further viability appraisal was submitted based on the quantum of the commercial development only as proposed on the revised plans. The viability appraisal has been assessed independently on behalf of the council and demonstrates that the proposals with the amount of floor space proposed alone for the site, does not make an excessive or windfall profit. In view of this Officers are of the opinion the revised proposals which includes an area beyond the brownfield part of the site would be commensurate with that required to enable the development of an employment only scheme and moreover would retain an adequate level of separation distance between Oakenshaw and circumvent coalescing with this neighbouring town.
- 10.29 Furthermore, it has been verified by the Council's independent assessor who states "the cumulative effect is that my planning compliant appraisal generates a viable scheme comprising 7 industrial units and producing a developers profit of 15% of Gross Development Cost". The valuer also advises that the profit

level to be achieved is in accordance with the level of return one would normally expect to see from similar schemes and would not be excessive when accounting for the development risks associated with developing the site speculatively. This is considered to be at a level which should be able to attract a developer to consider the site. This is in accordance with both the NPPF and NPPG which encourages the effective use of brownfield land, having particular regards to viability to incentivise bringing brownfield sites back into use.

10.30 The following now considers the harm to the green belt for the purpose of including land within it as set out in paragraph 80 of the NPPF, in particular the four bullet points which are relevant.

- *Checking the unrestricted sprawl of large built-up areas*
- *Preventing neighbouring towns from merging*
- *Safeguarding the countryside from encroachment*

10.31 The site is well-contained with recognised potentially permanent long term boundary features to the east, south and west in the form of motorways and an area of woodland and a Site of Wildlife Significance to the east. This together with the topography limits the extent to which an extension of development could be viewed beyond these boundaries.

10.32 The proposals to develop the brownfield part of the site would undoubtedly result in a sprawl of a built up area thus reducing a strategic gap between the main urban areas of south Bradford and the north of Cleckheaton. However, due to it being largely brownfield land, the openness of the green belt is already compromised thus having the effect of decreasing this separation distance between main urban areas. Officers are of the opinion to confine the proposals to the proposed developable area is the minimal uptake of land required to ensure a policy compliant viable scheme. Importantly it is noted the uptake of land as proposed is also less than the amount of employment land expected to be delivered on this site by the emerging publication draft Local Plan.

10.33 Bradford DM Planners have been consulted, who advised given that the site straddles the border with Bradford Council, it would be appropriate for a suitable landscaping scheme to be incorporated to minimise the visual impact of the development on the green belt.

10.34 Further section drawings are received which demonstrates the proposed levels within the site and distances to be achieved. Section F-F demonstrates existing land levels to the northern part of the site to be retained, beyond the proposed developable areas. Whilst retention of higher land levels at this point would mitigate some of the impact from the proposed development, which would sit on lower ground, subsequent reserved matters applications would need to include the provision of a landscaping scheme to be agreed on the edge of the developable area as shown on the submitted indicative plan. The applicant is agreeable to this

10.35 With regards to the countryside, again the proposals would compromise and result in the loss of some of the countryside. Accordingly, harm to the three purposes of including land in the greenbelt are however, already compromised due to the site being largely brownfield land.

10.36 Turning to the fifth relevant purpose (bullet point) of paragraph 80 which reads:

- Assist in urban regeneration, by encouraging the recycling of derelict and other urban land

10.37 The assessment above clearly identifies the proposals will to some extent conflict with some of the purposes of including land in the Green Belt resulting in inappropriate development, which should not be approved except in Very Special Circumstances (VSC) as is set out in paragraphs 88 and 89 of the NPPF.

10.38 To summarise, Officers have given substantial weight to this harm and consider VSC exist which outweigh the identified harm. As discussed above, the VSC are the identified need for more strategic employment sites at the current time and the development of this largely brownfield site, which would assist in urban regeneration by encouraging the recycling of derelict land. Thus the proposals would provide social gain through the provision of additional employment, job creation bringing economic gains by providing business opportunities for contractors and local suppliers not only during the construction phase and on completion by creating additional demand for local services and potentially increasing use and viability of local services. Moreover the employment uses would create employment and support the needs of the KES in a location with good transport links and contribute to the building of a strong economy.

10.39 **Urban Design issues(layout & plateau areas):**

10.40 The application documents include an indicative site block plan which demonstrates how the site could be developed. Whilst, this layout is acceptable in principle, consideration would need to be given on any subsequent application to the scale, design and materials to ensure the proposed buildings do not significantly detract from the openness of the greenbelt to accord with Kirklees Unitary development plan Policies BE1 and BE2, policies PLP24 and PLP59 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.

10.41 **Amenity issues (noise & air quality) :**

10.42 UDP Policy EP4 states that: “proposals for noise sensitive developments in proximity to existing sources of noise, or for noise generating uses of land close to existing noise sensitive development, will be considered taking into account the effects of existing or projected noise levels on the occupiers of the existing or proposed noise sensitive development.”

10.43 The 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, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability...”

10.44 With regards to noise, Environmental Health Officers requested an updated noise report, specifying the measures to be taken to protect the occupants of nearby noise sensitive premises at 6 – 16 (even numbers) Cliff Hollins Lane and 561 – 591 (odd numbers) and 626 - 676 (even numbers) Bradford Road from noise from the proposed development.

- 10.45 The indicative site/block plan indicates approximately a distance of 190metres to be achieved between the existing residential dwellings to the north west of the site to the nearest proposed commercial unit (no.6). Whilst this is considered to be an acceptable distance from these residential properties, to further mitigate any potential noise concerns, Officers are of the opinion there is an opportunity to use the commercial unit closest to the existing residential properties at Cliff Hollins Lane as an acoustic barrier for the remainder of the site with the service yard and external plant areas area to be sited away from the outer edge of the proposed developable area, to accord with UDP Policy EP4 and PLP52 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.
- 10.46 With regards to air quality the Air Quality Assessment (AQA) Chapter of the accompanying Environmental Statement Addendum, determines the potential air quality impacts during the construction and operational phases of the proposed development. Specifically, these are the impacts of road traffic emissions of nitrogen dioxide and fine particulate matter, albeit consideration has also been given to dust impacts during the construction phase. The AQA concluded that the background pollutant concentrations at the proposal site are well below the relevant annual mean objectives, and pollutant concentrations are predicted to decrease in the future due to anticipated improvements in vehicle technology regardless of whether the proposed development goes ahead or not.
- 10.47 The largest impacts due to the development have been predicted at receptors located on Bradford Road, near the junction with Mill Carr Hill Road and those on Cliff Hollins Lane, near to the site entrance. Environmental Health Officers on assessment of the amended Air Quality Impact Assessment confirm this now includes damage costs as previously requested. However it does not allocate these against any mitigation low emission projects to offset the impact from the development. In light of this the applicant is agreeable to accept a grampian worded condition which shall require the submission of low emission strategies to be submitted and approved, to the value of the identified damage costs of (£71, 370) to be incorporated into the proposals. Failing this, a contribution of the identified cost would need to be secured through a Section 106 as set out in the recommendation.
- 10.48 In addition to the above a separate condition will also be imposed requiring electric charging points within the car park areas to promote the use of electric vehicles and to ensure the cumulative impacts on air quality have been taken into account in accordance with the West Yorkshire Low Emissions Strategy and Policy PLP 24 of the Publication Draft Local Plan and paragraph 124 of the NPPF.
- 10.49 **Highway issues:**
- 10.50 Policies T10 and T19 of the Unitary Development Plan (UDP) sets out the matters relating to highway issues and parking standards against which new development will be assessed in terms of highway safety. Policy PLP 21 and 22 of the Publication Draft Local Plan endorses new development shall normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.

10.51 One of the matters Members raised on 30th November was for a review and further consideration be given to all the proposed associated highway works, prior to the application being brought back to committee. Consequently, meetings were held between representatives of the applicant along with both Kirklees and Bradford Highway officers/engineers. This has resulted in revised highway proposals at two of the junctions. The following sets out the original highway proposals and the revised proposals including those submitted separately to the neighbouring authority.

1. **Mill Carr Hill Road / Bradford Road Junctions.** A pedestrian crossing was proposed on Bradford Road with minor road widening.

It was proposed to provide a pedestrian crossing on Bradford Road to the north of Mill Carr Hill Road. This crossing was not considered necessary given that there is an existing pedestrian crossing in the vicinity of the Bradford Road / Wyke Lane junction and it would be sited in front of residential property on Bradford Road where the footways are narrow and there is an adjacent vehicular access.

It is now proposed to provide a road widening scheme to allow a left and right turning lane at the junction. A pedestrian island is shown to be provided as part of this scheme to improve pedestrian access to and from the School. This is shown on AECOM drawing 60345322-P-003 Rev C.

These proposals are considered acceptable in principle to highways subject to the completion of satisfactory stage 1 and 2 safety Audits.

2. **Cliff Hollins Lane / Mill Carr Hill Road Junctions.**

Following discussions with Bradford this requirement has been reviewed and a change in road priority at this junction with a new gateway feature on Mill Carr Hill Road is preferred to the roundabout. This has been shown indicatively on plan number 60345322-SKE-001.

Bradford Council has confirmed the details shown on plan Ref: 60345322-SKE-001 are acceptable as an indicative drawing for the change in priority at the junction of Mill Carr Hill Road and Cliff Hollins Lane. Notwithstanding this the associated highway works would need to be worked up in more detail when the s278 Agreement is being completed. In addition whilst the proposals are considered acceptable to highways, this would be subject to the completion of satisfactory stage 1 and 2 safety Audits, which can be conditioned.

3. **Site Access.** The re-alignment of Cliffe Hollins Lane

As part of the development proposals, it is proposed to amend the priority of Cliff Hollins Lane at the site access so that the development traffic has right of way and the continuation of Cliff Hollins Lane towards East Bierley then gives way. This is shown indicatively on plan no. 60345322-001

This arrangement is agreed by highway officers of both authorities given that the levels of development traffic will be greater than those travelling along Cliff Hollins Lane, and by changing the priority it makes it much less likely that any development traffic, particularly HGVs' would miss the site access and continue north along an unsuitable road

4. **Mill Carr Hill Road.** The proposed new car park for the Woodlands Primary School with a zebra crossing and footway improvements as shown indicatively on plan number 60221630-M003-P-004 rev A, are under consideration by Bradford Council. It is important to note whilst this would be a desirable provision for the school, this facility is not necessarily required for the delivery of the proposed commercial development on the application site.

5. **Bradford Road approach to Bradford Arm of M62 junction 26** roundabout (Chain Bar Roundabout). These works include widening of the approached to the roundabout to create 3 lanes. These works are shown on plan number 60221630 rev 2.

These works are considered acceptable to Highways England subject to the completion of satisfactory safety audits with mitigation measures being received.

6. In addition two 7.5 tonne lorry bans are proposed to Cliff Hollins Lane and Wyke Lane to prevent HGVs from the site using unsuitable roads.

West Yorkshire Combined Authority comments:

The main bus service that is accessible on Bradford Road is the Arriva MAX 268 / 268a service. This service provides a 10 minute frequency service between Bradford and Dewsbury with every other bus continuing through to Wakefield. The closest bus stops (reference 14572, 14567) both have shelters.

As part of this scheme, Real Time Passenger Information displays could be provided at these stops (£10,000 per stop) to improve the public transport offer. This will be secured through a S106 agreement as set out in the recommendation

10.52 To summarise, Officers are of the opinion the indicative associated proposed highway works are acceptable in principle. However, these proposals would need to be worked up in more detail with revisions under a s278 Agreement. The off-site associated highway works would be secured through a S106 agreement, to be signed by all interested parties. In addition the proposals would be subject to the completion of satisfactory stage 1 and 2 safety Audits. (to be conditioned). On the basis of the above, it is considered the proposals would be served adequately by the local highway network, subject to completion of all the highway improvements works being completed in accordance with the approved s278 works in accordance with Policies PLP 21 and 22 of the Publication Draft Local Plan and Policy T10 of the UDP.

10.53 **Ecology, Landscape & Trees issues:**

10.54 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. Paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity”. These include the conservation and enhancement of biodiversity in and around developments.

10.55 Also of relevance is UDP Policy NE9 seeks to retain mature trees on development sites. The importance of retaining trees is also highlighted in

paragraph 118 of the NPPF. Publication Draft Local Plan Policy PLP 33 states permission will not be granted which directly or indirectly threaten trees or woodland of significant amenity.

- 10.56 The most significant tree related constraint to the site comes from the adjacent ancient woodland beyond the eastern boundary. It is acknowledged this area is also identified as a local wildlife site on the Publication Draft Local Plan. Whilst the Council's Arboricultural Officer raise no objections in principle, it is advised any future applications be accompanied with a tree survey and Arboricultural Method Statement, in accordance with BS5837 in order to fully appraise the potential impact and risk to both trees on site and the adjacent ancient woodland.
- 10.57 Furthermore, the submitted indicative proposals give provision for a buffer of approximately 10m from the adjacent ancient woodland, Hanging Wood. However as the guidelines from Natural England are 15m standoff to all ancient woodlands the tree survey and method statement would need to address how the woodland can be protected both during construction and following completion on future reserved matters applications.
- 10.58 Turning to ecological and biodiversity interests, the Biodiversity Officer on assessment of the ecology information raises no objection to the proposals subject to suitable mitigation/enhancements measures and the recommendations of the ecological chapter of the submitted Environmental Appraisal being carried out and incorporated in to future redevelopment of this site.
- 10.59 With regards to the landscape, firstly the spaces around the employment areas have not been designed as a 'green streets' accessible setting for those working here or exercising at lunch times or break times. There is an opportunity to make this a high class well designed employment site with consideration of its workforce with opportunities for accessible greenspace for all. Health and well-being should be a prime consideration in these times and having green space close by should be at the minimum accessible. This is also reiterated in the recommendations suggested by Public Health Officers in accordance with the objectives of the Kirklees Economic Strategy (KES) and the Kirklees Joint Health and Wellbeing Strategy documents (JHWS). The documents associated with this planning application refer to the KES, but there is no mention as to how it will contribute to the aims and objectives within the JHWS. This needs to be included in future proposals at reserved matters stage.
- 10.60 Turning to the outer edges of the site it is currently intermittently screened from the adjacent roads with the existence of mature trees and undulating land levels. Further native planting along the outer boundaries together with the enhancement and management of the existing hedgerow could support and strengthen this green corridor. Moreover, well designed and effective mitigative planting is important and high quality well placed naturalised planting throughout the site would be advantageous to mitigate the impact on the greenbelt and act as noise barriers to neighbouring development. Again this would need to form part of the landscape details on future submissions.
- 10.61 The supporting information recognises that there will be an effect on the Green Belt as a result of the development and the character of the site will change. It also recognises the significant visual effects that will be caused to properties on the higher ground to the north of the development, as well as on

local footpath users. In view of this, mitigation measures are intended to be proposed that seek to address the effects set out above. These will be set out in the landscape masterplan which is intended to reflect the field patterns of the adjacent landscape and use topography, woodland blocks, hedgerows and trees to aid screening to break up the massing of the development. The mitigation measures will also act as an aid to reduce the effects on nearby residential receptors.

10.62 To summarise any future layout of the site should be designed to incorporate a sensitive landscape scheme and the above suggested measures to and to provide green streets and areas accessible for future users of the site and its surroundings, to accord with Policies PLP2, PLP3, PLP24, PLP31, PLP32, PLP33 and PLP34 of the Publication Draft Local Plan and Policies BE1, BE2 and EP11 of the UDP and guidance within the NPPF.

10.63 **Flood risk & Drainage issues:**

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

10.65 The application site is situated across Flood Zones 1, 2 and 3, although the majority of the developable area lies in Zone 1, with just a small area in the south eastern corner currently occupied by the WWTW filter tanks is identified as Flood Zone 2 and 3. The proposals are proposed to incorporate new site drainage on two separate systems and surface water will be restricted to greenfield run-off rates and incorporate sustainable drainage systems (SuDs). It is stated the proposed foul water drainage arrangements will be adopted by Yorkshire Water.

The Flood Risk Assessment and Drainage Strategy provided with the application provides an assessment of the likely significant effects of the proposed development on flood risk and drainage issues internally within the site and its surroundings.

10.66 Consultations have been carried out with the Environment Agency, Yorkshire Water and the Councils Lead Local Flood Authority (LLFA). In principle, no objections are raised subject to the development being carried out in accordance with the recommendations set out in the accompanying Flood Risk Assessment, all the proposed mitigation measures being incorporated into the development and recommended conditions by these consultees. The Councils LLFA also advises that all commercial buildings and their servicing access roads be located outside of the 100 year flood outlines determined by the FRC model in the supporting information to accord with Policies BE1 and guidance in the NPPF.

10.67 To conclude Officers are satisfied, flood risk and drainage matters can be addressed through the imposition of appropriate conditions in accordance with guidance within the NPPF and Policies PLP28 and PLP29 of the Publication Draft Local Plan

10.68 **Ground conditions (contaminated land):**

10.69 The Ground Conditions Chapter and associated technical reports within the accompanying ESA assesses the subsurface ground conditions beneath the application site that may potentially impact upon and be impacted by, the proposed development. This includes an assessment of general ground conditions, the presence of contamination and the possibility of mining instability.

10.70 Parts of the development site are shown as being on land that is potentially contaminated land due to its former use.

10.71 On assessment of the submitted Phase 1 and Phase 2 contaminated land reports received in November 2017, the Environmental Health Officers advise:

Phase 1 Environmental Site Assessment report by URS Corporation Ltd dated November 2006 (ref: 44320048) report identifies the former uses of the site including coal and iron pits with mine entries on site, also a tramway as well as the various developments associated with the former waste water treatment works. The report considers that there is likely to be made ground across the site associated with the previous development and levelling of the site and that the site could be potentially contaminated or grossly contaminated by that past use. The potential risk to the nearby Hunsworth Beck is also noted. The report recommends progressing to a Phase 2 intrusive survey including ground gas monitoring. Even though the report is 11 years old Environmental Health officers consider that the recommendations would be that same if more up to date information was also included. Therefore the report is a satisfactory Phase 1 Contaminated Land Reports and its recommendations are agreed with.

A Phase 2 contaminated land report has also been received and considered by Environmental Health officers. Environmental Health officers response relates to the contaminated land aspects of the report who confirm the report is satisfactory and the recommendations set out in the report are agreed with. In view of this, other than a condition dealing with unexpected contamination that may be encountered during the construction of the development, Environmental Health Officers advise no further site investigations or remediation work is recommended for the proposed development.

10.72 The Coal Authority concurs with the recommendations of the Environmental Statement (July 2016, prepared by Turley); that coal mining legacy potentially poses a risk to the proposed development and that further 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 recommends a number of conditions to address potential risk as set out in their consultation response dated 16th November 2017. Subject to the above, Officers are satisfied that contaminated land issues could be satisfactorily addressed for the proposed development on this site in accordance with guidance in the NPPF and Policies PLP52 and PLP53 of the Publication Draft Local Plan and Policy G6 of the UDP.

10.73 **Representations:**

10.74 The preceding paragraphs address the concerns received.

10.75 **Other matters:**

The site is accessible given its proximity to the motorway network. The West Yorkshire Police Liaison Officer raises no objection in principle but suggests number of recommendations taking into account the Secured by Design guidance to promote good security measures to minimise the risk of crime and meet with the specific needs of the site and its end users and to accord with Policy BE23 of the UDP, Policy PLP of the Publication Draft Local Plan and guidance within the NPPF.

10.76 The applicant submitted a viability appraisal which has been assessed by one of the council's independent viability advisors. These details contain commercially sensitive information that will be included within a private appendix that is exempt from public view. When the application was presented to committee as a position statement Members also requested predictive levels of investments along with information on the over spillage of the existing water tanks. With regards to employment/ investment forecasts, the following information is received:

The Proposed Development will have the following effects during the construction and operational phases:

Construction Phase

- Directly support 125 FTE gross construction jobs on site per annum over the construction period, of which 84 FTE could be supported within the local area.*
- Generate an additional £7.3 million in GVA for the wider economy for each year of construction.*

Operational Phase

- Support a total of 388FTE jobs in the local area, and a total of 770 net additional FTE jobs across the wider impact area once leakage and multipliers are included.*
- Generate £32.8 million in GVA annually in the wider impact area, of which £15.9 million GVA could be supported in the local impact area.*
- Generate circa £590,000 business rate revenue per annum could be retained by Kirklees Council*

10.77 Turning to the overflow/spillage of existing water tanks the applicant has yet to respond to this matter. Any information received shall be included in the committee update or on the day of committee.

11.0 CONCLUSION:

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

- 11.2 Subject to conditions, the revised plans/details address the highway, greenbelt and air quality issues previously raised. In addition, in view of the identified constraints, the redevelopment of this brownfield site has resulted in a challenging viability equation. The revised proposals would, in the opinion of officers, enable the development of a viable employment only scheme being brought forward whilst retaining an adequate level of separation distance between Oakenshaw and Cleckheaton.
- 11.3 To conclude, the proposals would not only assist in regeneration of a long standing derelict site but also provide social gain through the provision of additional employment, job creation with good transport links. Additionally the proposed development will bring economic gains, during the construction phase and on completion by creating additional demand for local services and contribute towards building a strong economy.

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

1. Approval of access, layout, scale, appearance, and the landscaping of the site reserved matters (standard O/L condition)
2. Plans and particulars of the reserved matters (standard O/L condition)
3. Application for approval of the reserved matters (standard O/L condition)
4. The timeframe for implementation of the development (Standard O/L condition)
5. Appropriate mitigation and enhancement measures as advised by the Biodiversity Officer
6. A lighting design strategy for biodiversity, for the whole development
7. Yorkshire Water conditions
8. Environment Agency conditions
9. Coal Authority conditions
10. Tree survey and Arboricultural Method Statement, in accordance with BS5837, in order to fully appraise the potential impact and risk to both trees on site and the adjacent ancient woodland. This should demonstrate how the trees can be protected both during construction and following completion.
11. Details for the treatment and enhancement of existing Public right of way
12. Lead Local flood Authority conditions
13. Highways Conditions

Background Papers:

Application and history files as noted above

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92298>

Certificate of Ownership – Notice B served on Mr M Pattinson & Leslie Stephen Driver

