
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 05-Sep-2024

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

APPLICANT

Bradley Villa Farm

DATE VALID

27-Sep-2023

TARGET DATE

27-Dec-2023

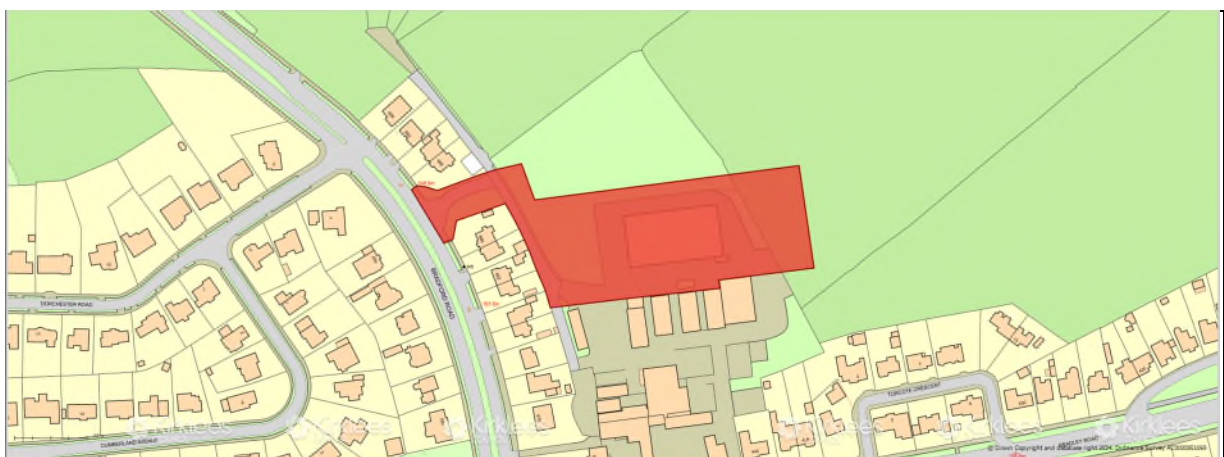
EXTENSION EXPIRY DATE

12-Sep-2024

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Ashbrow

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

REFUSE permission for the following reason:

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

1.0 INTRODUCTION:

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

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

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

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

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

1.3 Cllr Homewood's request is considered valid.

2.0 SITE AND SURROUNDINGS:

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

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

3.0 PROPOSAL:

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

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

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

...

(g) for -

...

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

(iii) any industrial process,

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

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

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

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

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

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

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

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

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

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

Application site

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

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

Land to north

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

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

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

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

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

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

Pre-application stage

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

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

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

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

Application stage

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

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

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

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

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

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

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

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

6.5 Relevant Local Plan policies are:

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

Supplementary Planning Guidance / Documents and other documents:

6.6 Relevant guidance and documents:

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

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

Climate change

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

National Planning Policy and Guidance:

- 6.9 The National Planning Policy Framework (2023) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant chapters are:
- Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 5 – Delivering a sufficient supply of homes
 - Chapter 6 – Building a strong, competitive economy
 - Chapter 8 – Promoting healthy and safe communities
 - Chapter 9 – Promoting sustainable transport
 - Chapter 11 – Making effective use of land
 - Chapter 12 – Achieving well-designed places
 - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 – Conserving and enhancing the natural environment
 - Chapter 17 – Facilitating the sustainable use of materials
- 6.10 Since March 2014 Planning Practice Guidance for England has been published online.

6.11 Relevant national guidance and documents:

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

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

7.0 PUBLIC/LOCAL RESPONSE:

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

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

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

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

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

8.3 Non-statutory:

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

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

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

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

Informative also recommended.

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

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

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Land use and principle of development

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

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

Loss of agricultural use

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

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

Housing need and delivery

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

Site allocation

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

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

Employment and economic considerations

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

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

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

Other considerations

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

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

Planning balance regarding land use and principle of development

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

Amenity impacts

- 10.37 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings. Policy LP52 states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally-sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted.
- 10.38 The application site's red line boundary meets the curtilages of existing residential properties at 678 to 688 Bradford Road. Several new dwellings are to be constructed immediately to the north of the application site, increasing the number of adjacent sensitive receptors.
- 10.39 The proposed development raises no significant concerns in relation to neighbouring residential amenity. By definition, E(g)(ii) and (iii) uses "can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit", and such uses are often located adjacent to residential curtilages without significant harm being caused to the amenities of residents.
- 10.40 KC Environmental Health have reviewed the proposals, and have accepted that the site is suitable for E(g) uses in relation to noise. The number of vehicle movements likely to be associated with the proposed uses is not considered to be significant enough to harm residential amenity. No concerns have been raised by KC Environmental Health regarding odour, fumes or dust emanating from the proposed employment units.
- 10.41 At some employment sites, intrusive outdoor security lighting can adversely affect neighbouring residential amenity. Had the proposed development been considered acceptable in all other respects and recommended for approval, a condition controlling the use of such lighting would have been recommended.
- 10.42 Construction-phase works have the potential to cause harm to neighbouring residential amenity, although at this site such impacts would be limited by the fact that the site's existing building would be retained and converted. Nevertheless, had the proposed development been considered acceptable in all other respects and recommended for approval, a condition securing the submission and implementation of a Construction Environmental Management Plan would have been recommended. This would have secured measures to limit hours of works, noise, artificial lighting, dust and other matters during the construction phase.

Urban design matters

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

Trees and landscaping

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

Biodiversity

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

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

Highway and transportation issues

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

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

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

Flood risk and drainage issues

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

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

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

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

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

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

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

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

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

Site contamination and stability

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

Other matters

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

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

11.0 CONCLUSION

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

12.0 REASON FOR REFUSAL

- 12.1 The following reason for refusal is recommended:

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

Background Papers

Application and history files.

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

Certificate of Ownership – Certificate A signed.