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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 30-Nov-2017**

**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**

M Naylor, Keyland  
Developments Ltd

**DATE VALID**

08-Jul-2016

**TARGET DATE**

28-Oct-2016

**EXTENSION EXPIRY DATE**

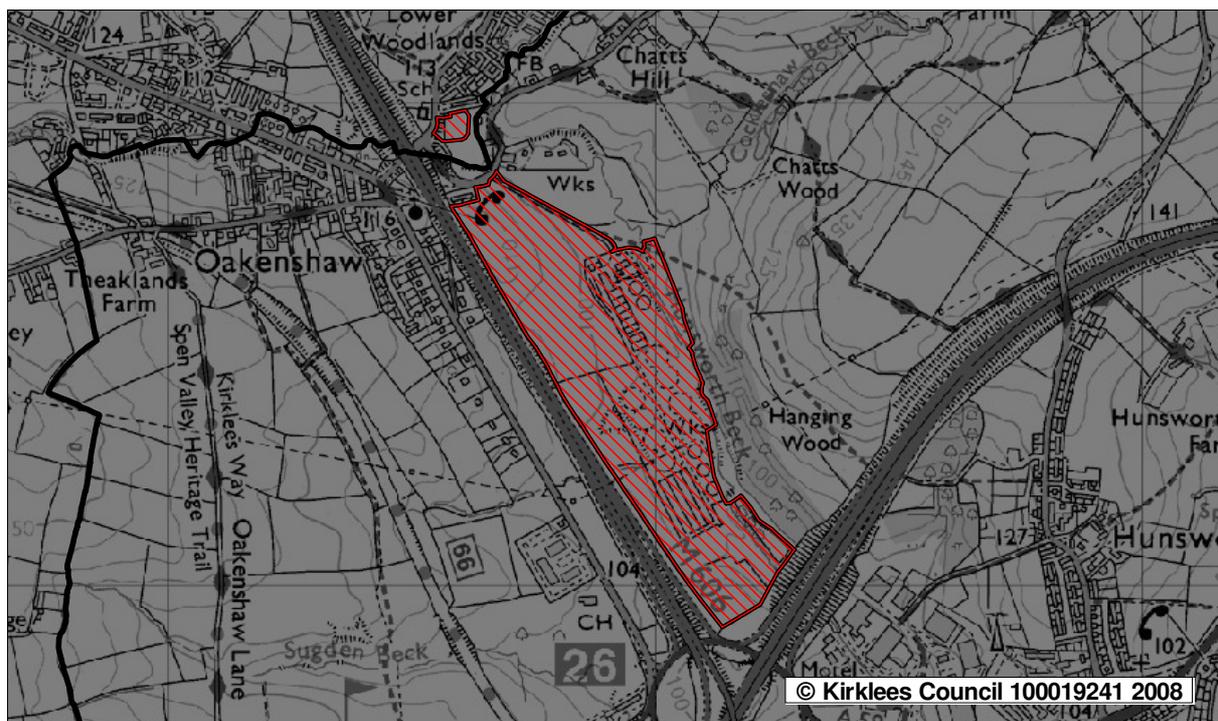
31-May-2017

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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**

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**Electoral Wards Affected: Cleckheaton**

Yes

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION: POSITION STATEMENT**

**For Members to note the content of the report and presentation and respond to the questions at the end of each section**

**1.0 INTRODUCTION:**

- 1.1 The application is brought to Strategic Committee as the proposed development would represent a departure from the Council's Unitary Development Plan.
- 1.2 The Councils Officer-Member Communication Protocol provides for the use of Position Statements at Planning Committees. They set out the details of the application, the consultation responses and representations received to date and the main issues with the application.
- 1.3 Members of the Committee will be able to comment on the main issues to help inform officers and the applicants. This position statement is not a formal determination, it does not predetermine Councillors and does not create any issues of challenge to a subsequent decision on the application by the Committee.

**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.

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.

### **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.

The application is for 35,284m<sup>2</sup> 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.

Whilst all matters are reserved the submitted information includes 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 35,284m<sup>2</sup>.

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 preapplication 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 – submission of revised Design & Access and Planning Statements.

21/11/17 – submission of Phase 1 report & revised parameters plan

## **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 25<sup>th</sup> 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. At this stage of the Local Plan process the Publication Draft Local Plan is considered to carry significant weight in the determination of planning applications. 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

**PLP3** – Location of new development

**PLP7** – Efficient and effective use of land and buildings

**PLP** – 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

#### 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 The application has been advertised via site notice and through neighbour letters to addresses bordering the site. This is in line with the Councils adopted Statement of Community Involvement. The end date for publicity (press) of the revised proposals is due to expire on 8<sup>th</sup> December 2017.

A total of 91 representations were received on the initial scheme which included a total of 101 residential dwellings. Following revised plans omitting the residential part of the scheme a total of 7 representations are received to date. One of which is a letter in support the others are objections. The concerns raised are summarised below:

- Noise & light pollution during after hours to properties on Cliff Hollins Lane, these being in close vicinity and in direct view of the site

- 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
- loss of semi rural area and having an impacting on the wildlife
- 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.
- 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 site is still constrained by the high-pressure gas pipeline and overhead power cables
- The loss of Greenbelt from this total site which provides a buffer to urban sprawl.
- Loss of animal habitat such as bats and newts.
- The effect of disturbing a waste treatment site which is believed to have asbestos waste from the old Mintex/BBA site.
- 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.
- there is no evidence of a need for additional space
- major reduction in air quality from the increase in commercial vehicles in the area
- no mention of proposed residential development of Oak Mill – Application 2016/92664 and the cumulative impact of this together with the proposals
- neighbouring towns merging into one another in the green belt
- Are these likely to improve employment or merely move current employment and 'streamline
- Other sites discounted as not preferable sites
- The need is questioned
- 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
- Bungalows on cliff Hollins will be boxed in
- No mention of incorporating footpaths
- considerable increase in noise and vibration from HGV
- alternative approach roads should be considered to the south of the site.
- 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.

- Oakenshaw village doesn't have the capacity to cope with the increase in traffic
- 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.

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 21<sup>st</sup> 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 - recommend that planning permission not be granted for a specified period -comments awaited on revised proposals  
 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 – no objection in principle subject to the receipt of additional information (noise report & contaminated land reports)  
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 proposals  
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 35,284m<sup>2</sup> 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 25<sup>th</sup> 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. Developing the greenfield part of the site, in the opinion of Officers would see the current separation distance from this area being reduced, moving a further step closer to some coalescing with the neighbouring town of Oakenshaw which currently maintains the appearance of separation. 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 the developing the greenfield part of the site and result in a further loss of the countryside thus representing an unrestricted sprawl and merging of large 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 DPLP 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 advices 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 conclusion was such that a planning compliant scheme is not viable unless enabling development is 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 based on the conclusion of the viability appraisal it is accepted enabling development would be required for the redevelopment of the brownfield part of the site. Officers are of the opinion the revised proposals, which shows a reduced area of greenfield land to be developed on would be commensurate with that required to enable the development of the brownfield part of the site and would retain an adequate level of separation distance between the Oakenshaw and circumvent coalescing with this neighbouring town.
- 10.29 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*
- 10.30 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 extend beyond these boundaries.
- 10.31 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. This has the effect of decreasing this separation distance between main urban areas. Officers are of the opinion to confine the

proposals to the brownfield and the now reduced area of greenfield that is put forward for enabling development would to an extent restrict and avoid the sprawl of urbanising, preventing coalescing of these neighbouring towns.

- 10.32 Bradford DM Planners have been consulted, who advised given the site straddles with the border with Bradford Council, it would be appropriate for a suitable landscaping scheme to be incorporated to minimise the visual impact on of the development on the green belt.
- 10.33 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.
- 10.34 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
- 10.35 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 VSC asset out in paragraphs 89 and 88 of the NPPF.
- 10.36 To summarise the 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. In addition it is considered the quantum of enabling development of the greenfield part of the site amounts to other considerations which would be outweighed by the benefits of the peruse of the brownfield element which would enable bringing forward significant commercial/industrial development. 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.

**Are there any comments that Members wish to make in relation to the principle & VSC of the proposed development at this stage?**

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

- 10.38 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.

**Are there any comments that Members wish to make in relation to the indicative layout & proposed plateau areas on the site block plan at this stage?**

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

10.40 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.”

10.41 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...”

10.42 Based on the revised proposals Environmental Health Officers have requested a 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. This can be conditioned.

10.43 However, turning to 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. The applicants are advised that the final layout is designed to reflect the above and to ensure any associated potentially noisy activities at this unit including the service yard and external plant areas are sited away from the edge of the proposed developable area on this part of the site to accord with UDP Policy EP4 and PLP52 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.

10.44 With regards to air quality the Air Quality Assessment (AQA) Chapter of the accompanying ESA, 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.

10.45 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 have yet to fully assess the air quality information, the outcome of which will be included in the update or reported on the day of committee.

- 10.46 In addition in order to improve air quality throughout Kirklees and in accordance with the West Yorkshire Low Emissions Strategy, Policy PLP 24 of the Publication Draft Local Plan and paragraph 124 of the NPPF a condition will be imposed to provide electric charging points to promote the use of electric vehicles and to ensure the cumulative impacts on air quality from individual sites is considered.

**Are there any comments that Members wish to make in relation to amenity issues at this stage?**

10.47 **Highway issues:**

- 10.48 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.

- 10.49 Based on the revised proposals, Kirklees Highways DM Officers make the following assessment:

*An up-dated Transport Assessment (TA) prepared by AECOM Limited is received. The TA supersedes both the previous North Bierley TA produced by AECOM in July 2016 and Technical Addendums produced by AECOM in October 2016.*

*The development is split as follows:*

- 2,648 sq. m of B1 (c) Office land use;*
- 24,478 sq. m of B2 Warehouse land use; and*
- 8,159 sq. m of B8 Warehouse land use.*

*The updated Transport Assessment reassesses the estimated trip generation, the assignment of traffic onto the highway network and the impact of the development on key junctions.*

*The site access plan number 603453222-001 shows access to the site directly from Cliff Hollins Lane which is shown to be completely realigned to give priority to vehicles entering the proposed development site. A new priority junction is shown to be created at the junction of the proposed new access road and the northern section of Cliff Hollins Lane.*

*A 36 space car park has been submitted to the neighbouring authority (Bradford) in order to alleviate existing on-street parking pressure occurring on Mill Carr Hill Road associated with Woodlands Church of England Primary School.*

*Operational assessments have been undertaken of the impact of the development traffic on the local road network in the AM and PM peak hours at the junctions identified below.*

- *Cliff Hollins Lane / Mill Carr Hill Road; and*
- *Mill Carr Hill Road / Bradford Road.*

*Improvement schemes are proposed at the Cliff Hollins Lane / Mill Carr Hill Road and Mill Carr Hill Road / Bradford Road junctions.*

*Cliff Hollins Lane/Mill Carr Hill Road. A mini roundabout is proposed at this junction.*

*Mill Carr Hill Road/Bradford Road. A pedestrian crossing is proposed on Bradford Road in order to regulate traffic flows to allow some alleviation of queuing traffic conditions on Mill Carr Hill Road. Widening is also proposed to improve turning movement for HGVs at the junction.*

*With regards to PROW, footpath no SPE/21/20 runs along the current site access road, crosses Hunsworth Beck and passes to the east of Hanging Wood. It is proposed to maintain this route with the section that runs through the site to provide segregated vehicle and pedestrian accesses within the site.*

*The Transport Assessment profiles the percentages of development related traffic against 2017 baseline flows and plots the percentage against this. From this it concludes that development flows equate to a 2% and 1% increase in the AM and PM peak periods through the M62 Junction 26.*

*Highways Development Management questioned the validity of this assessment in their previous highways consultation response dated 15th September 2016. Highways England are however the highway authority for the strategic road network and as such, should be consulted for their views in this regard.*

*The latest correspondence on file suggests that Highways England ( HE ) disputes the findings of the 2016 TA regarding the impact onto M62 junction 26.*

*In section 7 of this Transport Assessment AECOM confirm that through discussions with Highways England, it is agreed to assess the impacts of the proposed development on the M62 J26 circulatory carriageway. This assessment will use the approved traffic model provided by HE and results will be provided in an additional Technical Addendum.*

*Highways consider that this proposal is acceptable in principle however there are a number of outstanding issues. These are:*

- *Further consultation is needed regarding the proposed access arrangements, mini-roundabout, Bradford Road junction improvement and provision of the pedestrian crossing on Bradford Road.*
- *Confirmation from Bradford Council on the acceptability of the proposed School car park within their boundary.*
- *Highways England support of the revised proposals*
- *Safety Audits may be required for the realignment of Cliff Hollins Lane and the site access.*

- *The accident statistics need to be up-dated - they are currently only to 31st December 2016*

**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.*

10.50 To summarise Officers are of the opinion the proposals could be accommodated on this site and could be served adequately by the existing highway network subject to the above identified improvements works be carried out, in accordance with Policy PLP 21 and 22 of the Publication Draft Local Plan and policy T10 of the UDP.

**Are there any comments that Members wish to make in relation to highway safety matters at this stage?**

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

10.52 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.

10.53 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.

10.54 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.

10.55 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.

- 10.56 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.
- 10.57 With regards to the landscape, firstly the spaces around the employment 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.
- 10.58 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.
- 10.59 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 a aid to reduce the effects on nearby residential receptors.
- 10.60 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 it's 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.

**Are there any comments that Members wish to make in relation to Ecology, Landscape & Tree matters at this stage?**

**10.61 Flood risk & Drainage issues:**

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

10.63 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.

10.64 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.

10.65 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

**Are there any comments that Members wish to make in relation to Flood risk & drainage issues matters at this stage?**

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

10.67 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.

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

- 10.69 A contaminated land Phase 2 report is included in the Environmental Statement at part 8. This was assessed by Environmental Health Officers who confirm the phase 2 report makes reference to a phase 1 report dated November 2006 but does not form part of the submitted documents. It is advised before the Phase 2 report can be effectively assessed the phase 1 report, relevant to the current revised application is required that addresses the intervening period between 2006 to the current day. The Phase 1 report was received on 21<sup>st</sup> November 2017. Further consultation is sent to Environmental Health Officers, the outcome of which shall be included in the update or reported on the day of committee.
- 10.70 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. In view of this, Officers are satisfied subject to the receipt of the absent information that contaminated land issues could be satisfactorily addressed for the proposed development on this site by the use of the full range of contaminated land conditions in accordance with guidance in the NPPF and Policies PLP52 and PLP53 of the Publication Draft Local Plan and Policy G6 of the UDP.

**Are there any comments that Members wish to make in relation to Ground conditions (contaminated land) matters at this stage?**

10.71 **Representations:**

- 10.72 The preceding paragraphs address a number of the concerns received. Insofar as representations that have not been addressed through the above assessment these will be reported in the update.

**Are there any comments that Members wish to make in relation to representations at this stage?**

10.73 **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.

**Are there any comments that Members wish to make in relation to the above issues at this stage?**

**11.0 CONCLUSION:**

Members are asked to note the contents of this report. Members' comments on the following questions will be helpful in moving the application forward:

- 1. Do Members have any comments on the principle of the development?**
- 2. Do Members have any comments in relation Impact on the green belt & very special circumstances?**
- 3. Do Members have any comments in relation to Urban Design issues (layout & plateau areas) ?**
- 4. Do Members have any comments in relation to the amenity issues (noise & air) ?**
- 5. Do Members have any comments in relation to highway issues**
- 6. Do Members have any comments on the proposed highway works/ safety matters at this stage?**
- 7. Do Members have any comments in relation to Ecology, Landscape & Tree issues?**
- 8. Do Members have any comments in relation to flood risk and drainage issues?**
- 9. Do Members have any comments in relation to Ground conditions (contaminated land)?**
- 10. Do Members have any comments in relation to representations?**
- 11. Do Members have any comments in relation to other matters?**
- 12. Are there any other matters which Members wish to raise?**