
Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 05-Jul-2018**

Subject: Planning Application 2018/91432 Erection of industrial unit (use classes B2 and B8), office, research and development building (use classes B1a and B1b), and associated internal roads, car park, service yard and landscaping Land Adj, Bradley Business Park, Dyson Wood Way, Bradley, Huddersfield, HD2 1GZ

APPLICANT

Aflex Hose Ltd

DATE VALID

02-May-2018

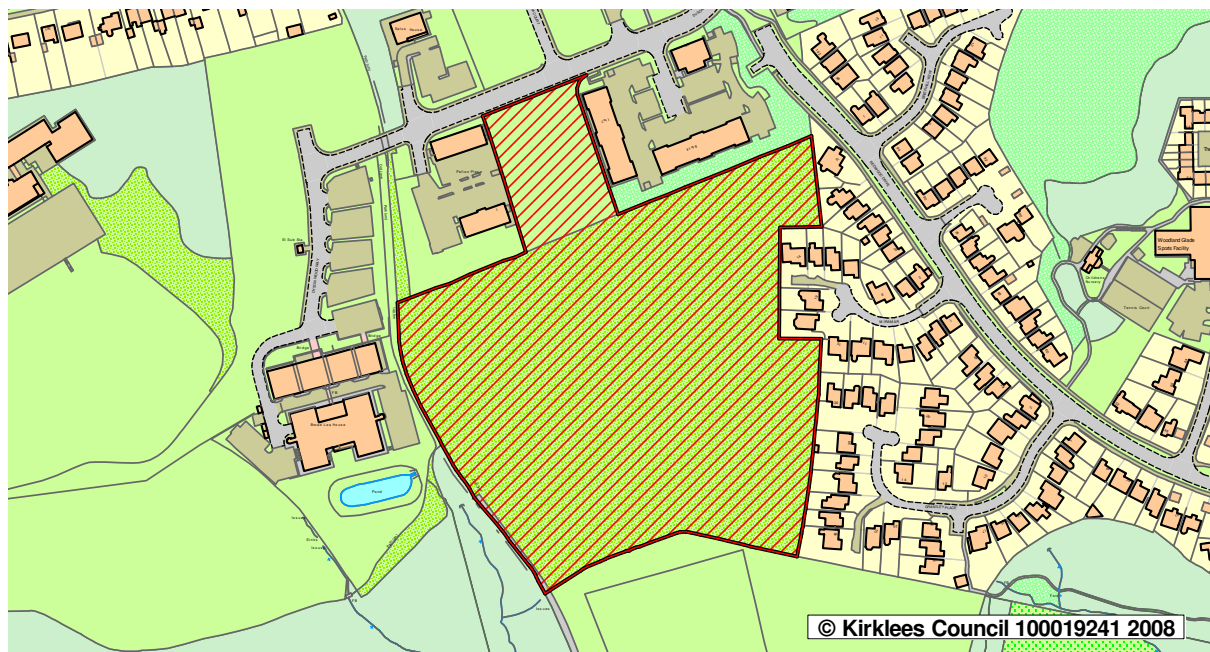
TARGET DATE

01-Aug-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: Ashbrow

Yes

Ward Members consulted

POSITION STATEMENT – For Members to note the content of the report and presentation, and to respond to the questions at the end of each section.

1.0 INTRODUCTION:

- 1.1 This application for full planning permission is presented to Strategic Planning Committee as the proposed development represents a departure from the Kirklees Unitary Development Plan.
- 1.2 The council's Officer-Member Communication Protocol provides for the use of Position Statements at Planning Committees. A Position Statement sets out the details of an application, the consultation responses and representations received to date, and the main planning issues relevant to the application.
- 1.3 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the application, and discussions between officers and the applicant. This Position Statement does not include a formal recommendation for determination. Discussion relating to this Position Statement would not predetermine the application and would not create concerns regarding a potential challenge to a subsequent decision on the application made at a later date by the Committee.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 4.7 hectares in size, has an irregular shape, and slopes downhill from north (150m AOD approx.) to south (130m AOD approx. at the site's southeast corner). The site has a 65m (approx.) frontage to Dyson Wood Way and a track (Old Lane, which is an adopted highway) runs along the site's western boundary.
- 2.2 No buildings exist within the site's boundaries. Parts of the site are overgrown with self-seeded trees and shrubs, giving the site a ruderal character. No trees on the site are the subjects of Tree Preservation Orders (TPOs), however Lower Fell Greave to the southwest of the site is an ancient and semi-natural woodland, and Screamer Wood, Dyson Wood and Bradley Gate Wood to the east are ancient replanted woodland.
- 2.3 The site is not within a conservation area or within the setting of a listed building. Undesignated heritage assets close to the site include Old Lane, nearby footpaths, dry stone walls and field patterns. The site is visible from public vantage points to the south, and sites within an attractive natural landscape setting.
- 2.4 No public rights of way cross the application site.

- 2.5 Residential properties on Redwood Drive, Miramar, and Grantley Place abut the application site to the east. To the north, either side of the site's street frontage, are Cartwright Court and Pellon Place, both office developments. To the west is the office block Broad Lea House and its extensive parking areas. A pond exists directly to the south of Broad Lea House. Land to the south and southwest of the application site is undeveloped and/or in agricultural use.

3.0 PROPOSAL:

- 3.1 The application is for full planning permission for the erection of a 17,127sqm B2 (general industrial) / B8 (storage and distribution) building, and a 1,701sqm B1a (offices) and B1(b) research and development building, along with 343 car parking spaces, internal roads, service yard and soft landscaping. A 374sqm storage unit, a plant room and substation, and a freestanding isopar tank, are also proposed to the west of the B2 / B8 building. The development's total floorspace would be 19,202sqm, and 280 employees (full-time equivalent) would be accommodated on site.
- 3.2 The applicant is Aflex Hose, a manufacturer of flexible hose lined with polytetrafluoroethylene (PTFE).
- 3.3 The three-storey B1a / B1b building would be located at the north end of the site, adjacent to boundary shared with Pellon Place. The large B2 / B8 building is proposed in the larger part of the site, downhill from the site entrance. The building would be T-shaped, with maximum width and length dimensions of approximately 121m and 123m. Shallow pitched roofs are proposed to the building, and due to the shapes of these roofs and the site's topography, the heights of the building would vary – the southernmost elevation would stand approximately 12m high, the corner nearest to Grantley Place would be approximately 14m high, and the highest roof apex of the building would be approximately 14m (measured on the building's west elevation).
- 3.4 The development would be accessed from Dyson Wood Way. 50 car parking spaces are proposed behind the B1a / B1b building. A parking area for 293 vehicles would wrap around the north and east sides of the B2 / B8 building. Covered parking spaces for 42 cycles are proposed. The proposed service yard would be located on the south side of the B2 / B8 building, and would be accessed by goods vehicles via the west side of the building.
- 3.5 Soft landscaping is proposed around the site. This would include buffer planting along the east and west edges of the site, and drainage swales along the site's south edge.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2000/92152 – Outline planning permission granted 20/10/2000 for class B1 business use, construction of access road and associated engineering works. This related to a large site (now the Bradley Business Park) and included the current application site.
- 4.2 2002/93548 – Planning permission granted 13/03/2003 for the development of Bradley Road Business Park for B1 use on the upper plateau, including site access / infrastructure and levelling works, flow-balancing works and off-site infrastructure works to allow development of the remainder of the site. This

application related the northern part of the current application site, and land further northwards as far as Bradley Road.

- 4.3 Later applications for planning permission were submitted for the various buildings that now exist within the business park.

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

- 5.1 The applicant requested pre-application advice from the council in late 2017. A meeting attended by the applicant team, Members and officers was held on 21/12/2017, and written pre-application advice was issued by the council on 12/01/2018 (ref: 2017/20417), the main points of which are summarised as follows:

- Proposed development can be supported, subject to details and the resolution of highways, amenity and other matters.
- Development of the site for B1, B2 and B8 use is acceptable in principle. Existing site allocation (B8.16 in the Kirklees Unitary Development Plan) refers only to B1 uses, however significant weight can be attached to proposed site allocation E1836 in the draft Local Plan which expands the allocation to include all the B uses.
- Proposed B2 / B8 building and B1a / B1b building raise no major concerns in terms of their design and appearance, however details of materials and landscaping would be required, and an assessment of the development's prominence in longer views would be necessary.
- The proposed development would increase vehicle movements at Dyson Wood Way. Trip generation information is required. Cumulative impacts resulting from other developments (including the Broad Lea House development) should be considered.
- Contribution towards improvements to the strategic road network may be required.
- Temporary soft landscaping should be proposed over part of the 300-space car park until those spaces are required.
- Use of sustainable forms of transport should be encouraged.
- Adjacent residential properties to the east are sensitive, and their amenities will need to be protected during construction and operational phases. With adequate mitigation and protection, hours of operation would not necessarily need to be controlled.
- Greenfield run-off rates (5 litres per second per hectare) should not be exceeded.
- Habitat enhancement should be provided.
- Loss of trees with moderate bat roost potential would be contrary to planning policy and would weigh negatively in the balance of planning considerations. On-site mitigation could, however, outweigh this harm in the context of the development's public benefits.
- Proposed treeplanting would form an adequate buffer between the development and the adjacent ancient woodland.
- Outdoor lighting must be designed and controlled to not adversely affect wildlife.
- Traffic generated by the development would pass through an Air Quality Management Area. These impacts, and those at the application site, will need to be assessed.

- Outside the planning process, under other legislation, other licences and permits may be required for certain aspects of the proposed development.
 - The site may contain an area of archaeological interest.
 - Parts of the site are within a High Risk Coal Referral Area.
 - Pre-application public consultation is encouraged.
 - Request for an Environmental Impact Assessment (EIA) Screening Opinion should be made before submitting a planning application.
- 5.2 On 01/06/2018 the council issued an EIA Screening Opinion, confirming that the proposed development did not constitute EIA development, and that an EIA Environmental Statement did not need to be submitted with the current planning application.
- 5.3 During the life of the current planning application, officers have to date raised the following queries and concerns:
- Transport Assessment should consider the cumulative impacts resulting from other developments, including the development approved at Broad Lea House.
 - Queried why 343 car parking spaces are proposed for 280 employees.
 - Requested a breakdown of skilled and unskilled jobs, which departments apprenticeships are offered in, and how many would be employed in research and development.
 - Regarding odour, queried what measures would need to be implemented to reduce the “Slight Adverse Effects” (predicted at four neighbouring properties) to negligible.
 - In relation to neighbouring residents’ concerns relating to the substances used by Aflex Hose in their manufacturing processes, queried what licenses would be required from the Environment Agency or other bodies.
 - Requested amendments to the materials of the B2 / B8 building.
 - Queried design approach to the B1a / B1b building, including its location close to Pellon Place, and elevational treatments.
 - Requested full sections through the B2 / B8 building, and a 3D image looking from Grantley Place.
 - Requested more information regarding the sustainability of the proposed development.
 - Requested that the applicant’s ecological consultant be asked to look for evidence of species said by neighbouring residents to be present on site, including barn owls.
 - Additional treeplanting requested within a 15m buffer in the site’s southwest corner.
- 5.4 The applicant team have responded to some of the above queries and concerns, and these responses are included in the discussion below. Responses on other matters are awaited.
- 5.5 On 08/06/2018 further information relating to highways matters was submitted by the applicant team.
- 5.6 Corrected floorspace figures were provided by the applicant team. An error in the Qualitative Odour Assessment (the reference to a “frying facility” at paragraph 4.2.1) was identified.

- 5.7 The applicant team have prepared a response to the Coal Authority's objections. The Coal Authority's further comments are awaited.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site is allocated for B1 (business) use in the UDP (allocation ref: B8.16, policy B2). The east and south edges of the site are allocated as a buffer zone (policy B3).
- 6.3 Outside the site, land to the south is designated as Urban Greenspace.
- 6.4 Relevant policies are:

- G1 – Regeneration
- G4 – Design
- G5 – Equality of opportunity
- G6 – Land contamination
- NE9 – Mature trees
- BE1 – Design principles
- BE2 – Quality of design
- BE10 – Archaeology
- BE11 – Building materials
- BE23 – Crime prevention
- EP3A – Culverting and canalisation
- EP4 – Noise sensitive development
- EP6 – Noise levels
- EP10 – Energy efficiency
- EP11 – Landscaping and ecology
- EP30 – Prolonged construction work
- T1 – Transport priorities
- T2 – Highway improvements
- T10 – Highway safety
- T14 – Pedestrian safety
- T16 – Pedestrian routes

T17 – Cycling
T19 – Parking standards
B1 – Business
B2 – Land for business and industry
B3 – Buffer zones
R13 – Rights of way

Kirklees Draft Local Plan Strategies and Policies (2017):

- 6.5 The application site is allocated for employment use under draft site allocation E1836. The site is also within a proposed Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands).
- 6.6 Outside the site, part of a Core Walking Cycling and Riding Network is proposed along Old Lane, land to the southwest is part of a proposed Wildlife Habitat Network and a Green Infrastructure Network, and Urban Greenspace is designated to the south of the site. Further to the southwest, ancient woodland has been identified. A Priority Employment Area is proposed to the north of the application site.
- 6.7 Relevant policies are:
- PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP3 – Location of new development
PLP4 – Providing infrastructure
PLP7 – Efficient and effective use of land and buildings
PLP9 – Supporting skilled and flexible communities and workforce
PLP19 – Strategic transport infrastructure
PLP20 – Sustainable travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP23 – Core walking and cycling network
PLP24 – Design
PLP27 – Flood risk
PLP28 – Drainage
PLP30 – Biodiversity and geodiversity
PLP31 – Strategic Green Infrastructure Network
PLP32 – Landscape
PLP33 – Trees
PLP34 – Conserving and enhancing the water environment
PLP35 – Historic environment
PLP47 – Healthy, active and safe lifestyles
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

- 6.8 Relevant guidance and documents are:
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
 - Kirklees Landscape Character Assessment (2015)

National Planning Policy and Guidance:

6.9 The National Planning Policy Framework (2012) 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 paragraphs/chapters are:

- Paragraph 17 – Core Planning Principles
- Chapter 1 – Building a strong, competitive economy
- 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

6.10 Since March 2014 Planning Practice Guidance for England has been published online.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised via seven site notices posted on 24/05/2018, a press notice on 25/05/2018, and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 15/06/2018.

7.2 Over 400 representations from occupants of over 290 properties were received in response to the council's initial consultation. The following is a summary of the concerns raised:

- Site is inappropriate for development. Council's own assessment found this site to be unsuitable for B8 use. Brownfield site should be built on instead. Development would be close to homes, schools, small businesses, a farm and a children's hospice.
- Objection to reallocation of site for B2 and B8 uses. Small-scale B1 development was expected.
- Increased congestion, including when other developments are completed. Bradley Road is already at a standstill most evenings between 16:30 and 18:00.
- Other developments need to be taken into account in assessment of highway impacts.
- Highway improvements, park-and-ride scheme and bicycle purchase scheme should be considered.
- No new jobs would be created for Kirklees residents.
- Query as to what would happen to a bespoke building of this size if the occupant relocates.
- Impacts upon wildlife (including protected species) and losses of habitats. Applicant's report does not mention barn owls.
- Loss of trees. Damage to ancient woodland.
- Impacts on farmland.
- Loss of privacy.
- Loss of natural light to neighbouring properties.
- Proposed B1a / B1b building too close to Pellon Place, and too high.
- Light pollution.

- Noise pollution. Constant hum would be heard. Impacts from noise upon health and wildlife.
- Buffer zone inadequate.
- Increased flood risk to neighbouring properties.
- Concerns relating to toxic substances to be used.
- Increased pollution.
- Risk of fire.
- Cumulative amenity and environmental impacts.
- Development proposed close to borough boundary in Calderdale Local Plan should be considered.
- Future extensions are possible, causing greater impacts.
- Tree planting would take years to mature and be effective.
- Overdevelopment of site.
- Design objections – size of factory inappropriate, out of keeping with area, devoid of pleasant aesthetic attributes.
- Objection to fencing against existing rear fences of Grantley Place and increased sense of enclosure.
- EIA required.
- Lack of levels and contour information.
- Impact on value of properties.

7.3 Responses to these comments are set out later in this report.

7.4 One response expressed support for the proposed development, stating that it would economically be beneficial to Kirklees, and that its impacts can be mitigated.

7.5 A further update on the number of responses will be provided prior to the meeting of the Strategic Planning Committee, or will be reported verbally.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – Applicant's junction assessments should be revised. Applicant's figures discount staff using the proposed shuttle bus, however there is no information as to how long this service would operate. A sensitivity test (assuming no shuttle bus provision) is needed. Arcady modelling for the Bradley Bar roundabout (2018 existing p.m. peak) shows a queue of only four vehicles on Bradley Road, which is considered incorrect as vehicles regularly queue back towards and sometimes through the traffic signals at Bradley Road / Dyson Wood Way. Applicant's assessments should include the anticipated growth in staff numbers to 2028 and related traffic growth. Arrival and departure figures quoted in relation to Broad Lea House need to be reconsidered. Swept path diagrams needed to demonstrate that a 16.5m articulated vehicle can enter and exit the site from Dyson Wood Way, and enter, turn and exit within the proposed service yard.

KC Strategic Drainage – Proposed development is largely supported, but further information is needed. Further investigation needed in relation to an existing watercourse. Recalculation of run-off rates may affect what attenuation is required. SuDS features should be provided.

Coal Authority – Objection, and fundamental concern with the proposed development. Site is within the Development High Risk Area. Applicant's Coal Mining Risk Assessment should have included more consideration of the site's mine entries and the risk these pose to the development. Location of these features should have also informed the proposed design. Building over, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped. Further information and consideration requested, and revisions may be required.

Yorkshire Water – Recommend condition be applied securing compliance with applicant's submitted documents. In order to assess whether the proposed development can be supplied, applicant should provide information regarding their requirements. No objection regarding waste water, however restrictions on surface water disposal may be imposed by other parties.

8.2 **Non-statutory:**

KC Business, Economy and Regeneration – Recognise investment being brought into area. Fully support application and job creation, inward investment and the wider value of Kirklees being a centre for manufacturing excellence. Request further information regarding wider positive impact for local supply chain businesses and information relating to local plant, labour and materials used in construction.

KC Environmental Health – No response to date.

KC Ecology – Cannot support proposal based on the available information. Applicant's Preliminary Ecological Appraisal is not sufficient to support a planning application of this scale. Surveys and assessments provided to date are not sufficient to enable assessment of the application against biodiversity policy or to consider the potential for impacts to protected species. Ecological Impact Assessment (EclA) required, and this should include the survey work currently being carried out. A more detailed assessment of potential for barn owls at this site is required.

No consultation with Natural England is required.

Nitrogen deposition in particular is known to affect woodland habitats, and there is an ancient woodland (an "irreplaceable habitat" according to the NPPF) to the southwest. The EclA should therefore include an assessment of the potential for the development to affect woodland habitats in relation to air quality.

KC Public Health – Concerned regarding excessive number of car parking spaces, which would discourage use of sustainable modes of travel and active travel. Welcome proposed shuttle bus service. This and other considerations justify reduction in number of parking spaces. Other measures should be explored such as car sharing, working from home, conference calling, pool bikes, cycle-to-work schemes, personal travel plans, Cycle to Work scheme, and training, rewards and incentives. Shower and changing facilities welcomed. Safe and secure cycle storage should be provided instead of cycle parking. Cycling facilities should be suitable and accessible for all, including wheelchair users. Query number of disabled parking spaces.

Applicant should consider provision of in-house gym facilities and healthy food and beverages. Secured by Design principles should be applied. Applicant should clarify if a smoke-free workplace is proposed. As development would not have windows allowing in natural light, developer should consider providing access to managed green space to promote physical and mental wellbeing.

KC Public Rights of Way – No objection to the applicant securing the perimeter of the site with fencing, however it would be preferable if the fencing was pushed back into the application site. Details of boundary treatments and landscaping along Old Lane required. Contribution towards improvements to Old Lane and nearby footpaths would be welcomed.

KC Trees – Buffer zone is needed between the development and the adjacent ancient woodland in order to comply with chapter 11 of the NPPF. Minimum buffer width of 15m is required. A 15m landscape buffer is proposed, but would be a mix of grass, wildflowers and trees, and includes regrading – to be effective in protecting the ancient woodland, the buffer zone needs to be free from any construction activity, regrading of this area should not be proposed, and the buffer should be planted with a native tree mix to include a dense understory including evergreen species. If the buffer zone is fenced off to prevent access during construction there would be no need for the tree protection fencing specified in the applicant's arboricultural method statement.

If the buffer zone is amended as above, the adjacent woodland would be protected from direct construction impacts and any possible long-term impacts from increased noise, light and particulate levels that may be associated with the proposed development.

Mature trees would be removed, however these provide less visual public amenity than the trees to be retained around the site's boundaries. Their removal can be supported provided that mitigation is provided – this should include a contribution towards enhancement planting within the adjacent woodlands.

Environment Agency – Proposal falls outside the scope of issues the EA wish to be consulted on.

Historic England – Do not wish to offer any comments. The views of the council's specialist conservation and archaeological advisers should be sought.

Natural England – No response to date.

Police Architectural Liaison Officer – Site is very accessible given its proximity to main roads and the motorway network, and the development could be vulnerable to crime and disorder including burglary, robbery and vehicle crime. Condition recommended requiring crime prevention measures. Secured by Design guidance should be followed, and applicant may wish to apply for Secured by Design award.

West Yorkshire Archaeology Advisory Service – Agree that a post-determination evaluation would be appropriate. This would require excavation of archaeological evaluation trenches. Further advice will depend on the results of the evaluation. Evaluation should be carried out as early as possible. Condition recommended.

9.0 MAIN ISSUES

- Site allocation, land use and principle of development
- Urban design issues
- Amenity issues (including air quality, noise and odour)
- Highway issues
- Drainage issues
- Ecological considerations
- Trees
- Ground conditions
- Public health
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL

Site allocation, land use and principle of development

- 10.1 The site is currently undeveloped. Historic maps indicate that a building (annotated as “Brier Hill”, and later shown as a ruin) once stood at the northern part of the site, however the majority of the site is not previously-developed (brownfield) land. There are no green belt or Urban Greenspace designations restricting development of the site.
- 10.2 Adopted site allocation B8.16 in the UDP refers to B1 uses, therefore the proposed B1a / B1b building is fully compliant with planning policy in terms of land use. The proposed B2 / B8 use, however, is not compliant with the adopted site allocation, and this has necessitated the advertisement of this application as a departure from the UDP.
- 10.3 Draft site allocation E1836 in the emerging Local Plan would expand the range of appropriate use by referring to “employment” uses, which the council defines as all the class B uses. This proposal to amend the allocation reflects the requirements of the NPPF. Paragraph 14 of the NPPF states that local planning authorities should positively seek opportunities to meet the development needs of their area, and that Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change. Paragraph 20 of the NPPF states that, to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Paragraph 21 states that, when drawing up Local Plans, local planning authorities should positively and proactively encourage sustainable economic growth, and should support existing business sectors, taking into account whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. It adds that policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.
- 10.4 The council first proposed to move from B1 to a more flexible approach on employment allocations at the Draft Local Plan stage. On 06/10/2015, Cabinet

approved this draft document to go out for consultation. This first consultation ran between 09/11/2015 and 01/02/2016, and involved direct contact with Members, focus groups and all contacts on the Local Plan mailing list, as well as the distribution of consultation documents at deposit locations, a press release, local press advert, an online campaign and other forms of publicity. Following this consultation changes were made to the draft Local Plan, and the Publication Draft Local Plan was put to consultation between 07/11/2016 and 19/12/2016. Both these consultation exercises were carried out in accordance with the council's Statement of Community Involvement. In addition, members of the public who had commented on the emerging Local Plan were invited to attend and participate in the examination in public, which ran between October 2017 and April 2018. The council's approach to the Local Plan consultation process itself was examined during Stage 1 of the examination in public.

- 10.5 In several consultation responses residents have objected to the proposed reallocation, stating that B2 and B8 uses are not appropriate for this site, given the impacts that such uses would have on neighbouring residential properties, the local road network, nearby ancient woodland, nearby schools, and other sensitive receptors. These concerns are noted and are considered later in this Position Statement (and Members' comments on these concerns are invited), and it should also be noted that relevant planning considerations do not fall away when a site is allocated for a specific use – indeed, the text that accompanies draft site allocation E1836 lists key constraints and considerations that would need to be addressed should any such proposal for development come forward at this site. These constraints and considerations include residential amenity, highways impacts, air quality and ecology. The council's highlighting of these matters reflects paragraph 14 of the NPPF, which notes that local needs should be flexibly met but that any adverse impacts of development remain material.

- 10.6 Several residents have noted the previous comments of Environmental Protection officers (summarised in the Kirklees Local Plan Accepted Site Options – Technical Appraisal, July 2017 at page 8) regarding the proposed site allocation. These stated:

“This site has houses to the east and is not suited for B2 and B8 on eastern side. Would like to see B1 close to houses. It is very far from motorway junction, would require driving through AQMAs to get to motorway, so wouldn't like to see B8 if possible”.

- 10.7 These points are noted, and the matters raised are considered later in this Position Statement (and will be considered further in light of forthcoming, application-specific comments from the council's Environmental Protection team). It is noted that the above comments were among the many considerations taken into account when the council decided to proceed with the proposed allocation, and that that above-mentioned document also concluded, with regard to the application site:

“No significant constraints identified. Site is an existing UDP employment allocation and remains suitable for employment in the Local Plan, in view of this option accepted. 0.43ha has been removed from the net area to reflect biodiversity issues. Proximity to residential has been noted and appropriate mitigation and types of business operations will be considered”.

- 10.8 Residents have also stated that they were not aware that reallocation of the application site was proposed in the emerging Local Plan, and that consultation on the proposed reallocation was inadequate. While these are matters more relevant to the Local Plan adoption process, it is noted that extensive public consultation was carried out in accordance with the council's Statement of Community Involvement, as detailed above.
- 10.9 Notwithstanding the above concerns, and although the Local Plan is not yet adopted, given that it has been the subject of extensive public consultation and is at an advanced stage of adoption, it is considered that significant weight can be attached to the draft site allocation in the emerging Local Plan, and that B2 and B8 uses can be accepted in principle at this site.
- 10.10 Further positive weight (supporting the principle of development) can be identified with specific regard to the nature of the applicant's proposed operations. These involve highly-skilled processes, including manufacturing of PTFE-lined hoses from raw materials, in-house manufacturing of machinery for the hose production process, and on-site research and development. These aspects of the proposed development closely accord with the priorities of the Kirklees Economic Strategy, which includes a focus on developing precision engineering and innovative manufacturing in the borough.
- 10.11 In relation to jobs, it is noted that, following relocation of the 280-strong existing workforce from Aflex Hose's four sites in Calderdale, short-term expansion to 300 employees is planned. The submitted Planning Statement states that this would rise to approximately 500 by 2028. At pre-application stage the applicant team stated that around 40% of the applicant's existing workforce are Kirklees residents, and that the planned expansion of the business would create job opportunities within the borough. The applicant currently employs nine apprentices in various office and factory roles, and in accordance with draft policy PLP9 in the emerging Local Plan the provision of apprenticeships and local employment initiatives would be required at the Bradley Business Park site. The applicant's existing workforce comprises approximately 70% highly skilled, 17% skilled and 13% unskilled employees, with most of the unskilled workers currently undergoing training. 33 people are employed in the applicant's research and development department.
- 10.12 Residents have queried whether the applicant could be directed to an alternative, less constrained site. Unlike certain other kinds of development (such as out-of-town retail, or residential development within a flood plain), however, industrial developments are not required by the NPPF to undergo a sequential test. There may be other sites large enough to accommodate Aflex Hose in the employment allocations proposed in the emerging Local Plan, however even if these allocations are adopted it is not known when they would be available for development, or if they would meet all of the requirements of the applicant. It is noted that Aflex Hose were attracted to the Bradley Business Park site as it is relatively close to the motorway network, has enough space to accommodate long floorplates, is a ready-to-develop site, is relatively close to Aflex Hose's existing sites and workforce, and is not at a high risk of flooding. These requirements limit the applicant's options for relocation.
- 10.13 Regard must be had to the NPPF's presumption in favour of sustainable development, and the role of the planning system in contributing to the achievement of sustainable development. On the basis of the information submitted to date, and having regard to the controls that can be applied through

the use of conditions, the current proposal is considered to be sustainable development, given its location on the edge of an existing settlement, the proposed creation of jobs within a populated area, the efficiencies and improved productivity that is likely to result from the consolidation of the applicant's four existing sites, and the opportunities to enhance the local environment. Further information, amendments, commitments, consideration and conditions will be necessary, however, to address the three dimensions of sustainable development:

- Economic dimension (for example, further information relating to local supply chain businesses has been requested);
- Social dimension (for example, mitigation relating to neighbour amenity will be necessary to ensure people will want to continue to live and build community in the area); and
- Environmental dimension (for example, additional buffer treeplanting has been requested adjacent to the ancient woodland, as have further measures to encourage the use of sustainable modes of transport).

10.14 Are there any comments that Members wish to make in relation to the site allocation, land use and the principle of development at this stage?

Urban design issues

- 10.15 Although the site is not within a conservation area or the setting of a listed building, it is visible from public vantagepoints, and sits within an attractive natural landscape setting. It is therefore important to ensure that any development at this site is of a high quality, and this is required in any case by UDP policies G4, BE1 and BE2 and emerging Local Plan policy PLP24. Draft site allocation E1836 adds that development at this site should be of a design and quality of a higher level.
- 10.16 The proposed B2 / B8 building responds to site constraints (including topography) and meets the needs of the applicant, including the specific need for long, uninterrupted floorplates for the production of hoses. The result is a functional, clearly industrial design, configured around the sequential stages of the applicant's manufacturing process, with raw materials delivered to the north end of the building, and finished goods taken from the south end.
- 10.17 Although such developments tend to have a utilitarian appearance, and although the external appearance of buildings should generally reflect their uses, there are opportunities for industrial developments to provide some contextual references, and for their architecture to speak of Kirklees and the borough's common patterns of development, materials and other aspects of design. Natural local stone predominates in Kirklees, and – as most noticeable from elevated vantagepoints such as Castle Hill – much of the valley-bottom industrial development of recent years has used a relatively consistent, subdued palette of pale grey metal cladding, in some cases above stone walls. The applicant, however, proposes large areas of dark grey metal cladding above paler cladding, no natural stone, and delivery and dispatch doors highlighted in a corporate accent colour (bright yellow). Officers have queried whether natural stone could be used in the lower parts of the elevations, whether stone and carefully-designed illumination could instead be used for the delivery and dispatch doors, and have requested that light grey cladding (in two shades, if necessary) be used. The applicant team's full response is awaited.

- 10.18 The proposed three-storey B1a / B1b building would have a blank front elevation at ground floor level, with two glazed storeys above. Officers have asked the applicant team whether thought was given to an alternative design that located windows and the building's entrance on the front (street) elevation. Regarding the position of the building, it is noted that this would be close to the adjacent office building (Pellon Place) which has side (east-facing) windows – officers have asked the applicant to explain what thought was given to the location of this building, and the need to minimise impacts on the adjacent offices, as the massing development diagrams set out at p25 to p27 of the applicant's Design and Access Statement do not appear to test alternative layouts for this part of the site. Although it is noted that offices are not the most sensitive neighbouring use, impacts should be minimised wherever possible. Officers have also queried whether the B1a / B1b building could be moved eastwards to reduce impacts, and to lessen the streetscape impact of the building – spacing and soft landscaping could help the proposed building sit more comfortably in Dyson Wood Way where existing buildings have very different designs to what is currently proposed. The applicant team's full responses to these points are awaited.
- 10.19 With regard to the proposed materials of the B1a / B1b building, it is noted that many of the existing buildings within Bradley Business Park do not speak of Kirklees and do not reflect the appearance of most development found in the borough. Pellon Place, however, has natural stone elevations. Officers have suggested to the applicant that stone would be appropriate for the ground floor elevations of the B1a / B1b building instead of the proposed dark brick, and that a stone entrance feature would be more appropriate than the proposed bright yellow framing. The applicant team's full response to these suggestions is awaited.
- 10.20 The site is visible from public vantagepoints to the south, including Old Lane, public footpaths, the junction of Wiggan Lane and Tenter Hill Lane, the junction of Wiggan Lane and New House Road, and possibly other locations in Brackenhall and Riddings. The site is also visible from properties and private land in these areas. Some of these views also take in the adjacent woodlands.
- 10.21 The proposed B2 / B8 building would certainly be visible in these views, however with the requested amendments to the materials, and with the treeplanting proposed to the site's southwest corner and along its southern boundary (which would help screen the building, car park and service yard), it is considered that the visual and landscape impacts of the proposed development would be limited.
- 10.22 As noted above, the site is not within a conservation area or the setting of a listed building. Undesignated heritage assets close to the site include Old Lane, nearby footpaths, dry stone walls and field patterns. Impacts upon these heritage assets would be limited given the proposed positioning of the B2 / B8 building away from the site's boundaries and the treeplanting and other soft landscaping proposed.
- 10.23 Are there any comments that Members wish to make in relation to urban design issues at this stage?**

Amenity issues

- 10.24 In the core planning principles set out under paragraph 17 of the NPPF, the Government states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 sets out policy relating to noise, paragraph 124 relates to air quality, and paragraph 125 states that, by encouraging good design, planning decisions should limit the impact of light pollution from artificial light on local amenity.
- 10.25 UDP policy BE1 states that all development should be of good quality design such that it contributes to a built environment which promotes a healthy environment, including space and landscaping about buildings and avoidance of exposure to excessive noise or pollution. UDP policy EP4 states that proposals 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. UDP policy EP6 states that existing and projected noise levels will be taken into account in considering applications for developments which are, or have potential to be, noise generators. UDP policy EP30 states that conditions will normally be applied to planning permissions for development proposals which involve prolonged construction work. With regard to sites allocated for business and industry, UDP policy B3 states that proposals for development should ensure that identified buffer zones are kept free of industrial buildings and should provide for treeplanting or other means of screening.
- 10.26 In the emerging Local Plan, policy PLP20 states that the council will support measures which would improve areas with low levels of air quality. Policy PLP24 states that development proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones. Policy PLP47 states that healthy, active and safe lifestyles will be enabled by ensuring that the current air quality in the district is monitored and maintained and, where required, appropriate mitigation measures included as part of new development proposals. Policy PLP51 states that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. Policy PLP52 states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce to 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.
- 10.27 The shortest distance between existing residential properties and the proposed B2 / B8 building would be approximately 51m, measured from the east wall of the new building (at the apex of its roof, where the elevation would be approximately 15m high) to the rear elevation of 17 Miramar. Between the east corner of the new buildings and the side elevation of 30 Grantley Place, a distance of approximately 55m would be maintained. These are significant distances, and would ensure that the B2 / B8 building would not significantly impact upon neighbouring residential properties in relation to natural light and outlook.

- 10.28 The applicant proposes to secure the perimeter of the site with paladin fencing. Residents have asked for this fencing to be moved 20m into the applicant's site, however this is not considered necessary, and that the aesthetic and amenity implications of the fencing can be considered further at conditions stage, should approval of planning permission be recommended.
- 10.29 The proposed B2 / B8 building's east elevation would have vehicular access and personnel doors, but no windows. Again noting the location of the proposed building in relation to neighbouring residential properties, it is considered that residents to the east would not experience a significant loss of privacy. This would also be ensured by the significant treeplanting proposed along the eastern edge of the site, which would additionally limit overlooking from the proposed car park.
- 10.30 The applicant's Noise Impact Assessment sets out details of a weekday and weekend background sound study, and notes that receptors are located to the east of the site, in the form of residential properties. It also notes the proposed hours of operation of the proposed development, as follows:
- Office hours: 08:00 to 17:00 Monday to Thursday, and 08:00 to 13:45 Fridays. Possible working on Saturday mornings.
 - Manufacturing work: 75% to be carried out within the above hours. 25% to be carried out in a three-shift system, 24 hours a day from Monday to Saturday morning.
 - Braiding and computer numerical control (CNC) machining: 24 hours a day, seven days a week.
- 10.31 186 of the applicant's 280 employees would work within the office hours specified above. The remaining 94 employees would work in a three-shift system, 24 hours a day from Monday to Saturday morning – these shifts usually run from 06:00 to 14:00, 14:00 to 22:00 and 22:00 to 06:00.
- 10.32 The applicant's assessment of noise generation is based on the proposed daytime manufacturing, and on an assumption that up to two deliveries or collections by heavy goods vehicles could take place during any one-hour daytime period, with an assumed speed limit of 10mph.
- 10.33 For weekdays (08:00 to 17:00) and Saturdays (08:00 to 13:45) the applicant's assessment predicts noise levels at the nearest existing receptors 7dB below the existing background sound level. For night-time (Monday to Sunday) the applicant assessment predicts noise levels at the nearest existing receptors 1dB below the existing background sound level. Accordingly, no noise mitigation measures are recommended by the applicant.
- 10.34 In the accompanying commentary, the applicant states that noise created by the proposed development would be noticeable at the receptors, but would not be intrusive. The predicted noise levels would fall within a "Noticeable and not intrusive" category, defined as a scenario where noise can be heard but does not cause any change in behaviour or attitude, and where the noise could slightly affect the acoustic character of the area but not such that there would be a perceived change in the quality of life.
- 10.35 As noted in draft site allocation E1836, traffic generated at the site is likely to pass through the Bradley Road / Leeds Road Air Quality Management Area (AQMA). Impacts upon this AQMA, as well as upon the area surrounding the

application site, have been assessed in the applicant's Air Quality Assessment (AQA). Receptors identified by the applicant include neighbouring residents and future site users. Construction phase impacts, as well as operational phase impacts, have been assessed.

- 10.36 The applicant's AQA recommends various measures be implemented to mitigate dust impacts during construction, which according to the applicant would limit impacts to ensure they are not significant.
- 10.37 With regard to vehicle movements associated with the operation of the proposed development, the applicant acknowledges that exhaust emissions would increase nitrogen dioxide and particulate matter levels in the local and regional road network. Impacts in relation to nitrogen dioxide are predicted to be "moderate" at two sensitive receptor locations (addresses) on Bradley Road and Bradford Road (and not within the Bradley Road / Leeds Road AQMA), and "negligible" at all other locations. In relation to particulate matter, impacts are predicted to be "negligible" at all sensitive receptor locations. Overall, the applicant predicts "not significant" impacts in relation to nitrogen dioxide and particulate matter.
- 10.38 A damage cost calculation was undertaken by the applicant in order to determine the level of air quality mitigation required for the proposed development. A figure of £92,727.12 has been calculated by the applicant. The applicant has stated that this cost should be used as an indicator of the mitigation measures (related to air quality) required, and that these may include on-site and/or off-site measures. A list of possible mitigation measures has been provided by the applicant, and these are being considered by officers.
- 10.39 In relation to odour, the applicant has submitted a Qualitative Odour Assessment (QOA), which lists oil and cleaning detergents, isopar fumes, rubber fumes and nylon PVC fumes as potential odour sources. The QOA also identified sensitive receptors at residential properties on Redwood Drive, Miramar, Grantley Place, Bradley Gate and Bradley Road, at workplaces (Broad Lea House, Pellon Place and Cartwright Close) and All Saints Catholic College. At seven of the identified sensitive receptors the applicant predicted negligible effects, however at four sensitive receptors (the residential properties at 77 Redwood Drive, 19 Miramar, and 30 and 31 Grantley Place) a "slight adverse effect" is predicted in relation to odour. Officers have queried what measures would need to be implemented to reduce these effects down to "negligible". An initial response from the applicant did not answer the question. A further response is awaited.
- 10.40 The comments of the council's Environmental Health officers in relation to noise, air quality and odour are awaited.

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

Highway issues

- 10.42 UDP policy T10 states that new development will not normally be permitted if it will create or materially add to highways safety problems. Policy PLP21 of the emerging Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems. Paragraph 32 of the NPPF

states that decisions on planning applications should take account of opportunities for sustainable transport modes, and the safety of site access.

- 10.43 Existing highway conditions must be noted. The application site's only street frontage is on Dyson Wood Way, which is a two-way street and has double yellow lines and cycle lanes along both kerbs. Dyson Wood Way connects with Bradley Road (the A6107) at a junction controlled by traffic lights with formal pedestrian crossings and right- and left-turn lanes for vehicles entering Dyson Wood Way. A 30mph speed limit applies to Dyson Wood Way. There are no dropped kerbs along the site's street frontage. The site is currently vacant and therefore currently generates no vehicle movements.
- 10.44 In terms of access to public transport, the 349 bus provides a limited service from Bradley Road, however more services are available from Bradford Road to the west and Wiggan Lane to the south. The nearest railway station is Deighton, approximately 1.2km (as the crow flies) to the southeast.
- 10.45 Pedestrian infrastructure surrounding the site is reasonably good, with most streets having pavements on both sides, and formal crossings provided across Bradley Road. Pedestrians are also able to use Old Lane and public rights of way that provide reasonably good east-west and north-south connectivity through the neighbourhood. Cycle lanes and road markings have been provided on Dyson Wood Way and Bradley Road.
- 10.46 A single, two-way vehicular access is proposed from Dyson Wood Way. From here, a new road would pass between Cartwright Court and the proposed B1a / B1b building, providing access to a car park for 50 vehicles, and continuing downhill to the proposed B2 / B8 building and its parking area for 293 vehicles. A goods in door is proposed at the northwest corner of the B2 / B8 building. Vehicles accessing the goods out door and service yard (on the south side of the B2 / B8 building) would pass along the west side of the building. A marked pedestrian crossing is proposed over the internal road.
- 10.47 42 cycle parking spaces, including 10 for electric bicycles, are proposed,
- 10.48 186 of the applicant's 280 employees would work within the hours of 08:00 to 17:00 Monday to Thursday and 08:00 to 13:45 on Fridays and some Saturday mornings when required. These employees would travel to the site during the a.m. and p.m. peak times.
- 10.49 The remaining 94 employees would work in a three-shift system, 24 hours a day from Monday to Saturday morning – these shifts usually run from 06:00 to 14:00, 14:00 to 22:00 and 22:00 to 06:00. Most of these employees would travel outside the a.m. and p.m. peak times, although the applicant has stated that six shift workers would work 08:00 to 17:00 and two would work 17:00 to 03:00, and would therefore travel during peak times.
- 10.50 The applicant's Transport Assessment predicts that, of the 280-strong workforce, 100 would use the proposed shuttle bus, 170 would travel by car, and 10 by bicycle. Given shift working, 192 employees are expected to travel during both the a.m. and p.m. peaks, of which 100 are expected to use the proposed shuttle bus, 82 would travel by car, and 10 by bicycle. Applying trend data for Kirklees and Calderdale (which suggests 10% of employees would travel to work as car passengers), the applicant has arrived at the following staff car trip generation figures:

- a.m. peak arrivals – 74 vehicles
- a.m. peak departures – 0 vehicles
- p.m. peak arrivals – 2 vehicles
- p.m. peak departures – 74 vehicles
- off-peak arrivals – 77 vehicles
- off-peak departures – 79 vehicles

- 10.51 The applicant's Transport Assessment states that 532 delivery vehicles travel every four weeks to the applicant's four existing sites, equivalent to 27 vehicles per day (including one large lorry, one refuse collection vehicle, and three large vans). The applicant does not, however, expect all these vehicles to visit the application site, as some trips will no longer be necessary if the applicant's operations are consolidated at one site.
- 10.52 Traffic data has been collected by the applicant, along with evidence of queuing on local roads. Traffic growth assumptions have been made, however the applicant's Transport Assessment does not assume that the Cooper Bridge relief road, or junction 24a of the M62, would be delivered.
- 10.53 With reference to the above information, the applicant has asserted that all of the junctions assessed (site entrance / Dyson Wood Way, Dyson Wood Way / Bradley Road, and the Bradley Bar roundabout) would continue to operate below capacity during the a.m. and p.m. peaks.
- 10.54 At pre-application stage, and again during the life of the current application, officers advised the applicant that the Transport Assessment should consider the cumulative impacts resulting from the proposed development and other developments, including the development approved at Broad Lea House. The applicant responded on 08/06/2018 with a further technical note which included consideration of the Broad Lea House scheme, and which again concluded that the three junctions would continue to operate below capacity during the a.m. and p.m. peaks. The applicant has argued that the impacts of development at the Bradley Park (proposed for allocation for major development in the emerging Local Plan) need not be considered, given concerns raised regarding that site allocation, and given that the applicant's development (if approved) would be completed and operational before any work commenced at the Bradley Park site.
- 10.55 Highways Development Management officers have requested revisions and sensitivity testing to the applicant's junction assessments, noting that the applicant's figures discount staff using the proposed shuttle bus (despite there being no information as to how long this service would operate). The applicant's information regarding queuing at the Bradley Bar roundabout has also been questioned in light of officer knowledge. Anticipated growth in staff numbers to 2028, and related traffic growth, should be taken into account in revised assessment, and arrival and departure figures quoted in relation to Broad Lea House need to be reconsidered. The applicant's responses to these requests are awaited. Depending upon the content of these responses, and officers' further consideration and comment, financial contributions towards improvements to the strategic road network may be necessary, as highlighted in draft site allocation E1836.
- 10.56 An Interim Travel Plan has been submitted by the applicant. This sets out measures intended to encourage the use of sustainable modes of transport

among staff of and visitors to the proposed development, and active travel. Although the measures set out in the Travel Plan are welcomed, they are included largely as recommendations, rather than firm commitments. Therefore, should officers recommend approval of planning permission, a planning obligation securing the implementation of the Travel Plan would need to be included in a Section 106 agreement. This may need to include the securing of the shuttle bus service currently proposed by the applicant. Monitoring of the Travel Plan would also need to be secured.

- 10.57 The applicant referred to Appendix 2 of the UDP when formulating the proposals for on-site car parking. Applying a maximum standard of one space per 25sqm of B1 floorspace, and one per 50sqm of B2 floorspace, the applicant has stated that maximums of 56 spaces for the “office building” and 357 spaces for the “industrial units” apply. This would total 413 spaces (maximum), and the applicant has therefore argued that the 343 spaces proposed are policy-compliant. The applicant’s calculations, however, do not appear to be based on the proposed floorspace figures, and do not appear to take into account the lower standards applied to B1b and B8 floorspace. Without clarity on the proportions of uses proposed within each building (i.e., how much of the larger building would be B2, and how much would be B8, and what mix of B1a and B1a uses are proposed in the smaller building) it is not possible to provide an accurate maximum figure for the proposed development, however this figure may well be below 300.
- 10.58 Notwithstanding the above, the proposed car parking is considered excessive. Even taking into account likely visitor numbers and the applicant’s expansion plans, given that only 280 employees would work at the site initially, and given that not all staff would drive, many would work in shifts, some might share cars, a shuttle bus service is proposed, and a Travel Plan is intended to encourage the use of sustainable modes of transport, it is not considered necessary to provide 343 spaces. The council’s Public Health team have expressed concern that the number of parking spaces proposed would discourage the use of sustainable modes of travel and active travel. These concerns have been put to the applicant team, who have stated that the 343 spaces are needed to futureproof the site in light of the applicant’s expansion plans. This argument, however, is not fully accepted, given the above considerations, and the fact that the site’s workforce may not grow to 500 employees until 2028. Rather than provide 343 spaces from the outset, it would be more appropriate to provide soft landscaping over part of the land currently allocated for car parking, to deliver aesthetic, biodiversity and drainage benefits until such time as additional parking spaces are needed.
- 10.59 Two of the proposed car parking spaces would be accessible.
- 10.60 Of the 42 cycle parking spaces, 10 would be provided for electric bicycles. With reference to appendix 2 of the UDP, the cycle parking provision is considered adequate in terms of numbers, however the council’s Public Health team have requested that safe and secure cycle storage (i.e., indoor storage, or lockable storage units in overlooked, well-lit locations) be provided instead of cycle parking, and that accessible cycle parking spaces should be provided. The applicant’s responses to these requests are awaited. The proposed shower and changing facilities for staff who cycle are welcomed.
- 10.61 A vehicle tracking diagram for a medium-sized car and swept path analysis for a maximum-length heavy goods vehicle are referred to in the Transport

Assessment, but have been omitted. These have been requested, and will need to demonstrate that a 16.5m long articulated vehicle would be able to enter and exit the site from Dyson Wood Way, and enter, turn on site and exit using the proposed service yard.

- 10.62 Subject to further comments from Highways Development Management officers, it is considered that adequate visibility splays could be provided at the new vehicular access point proposed on Dyson Wood Way, given that the street is relatively straight and level, a 65m (approx.) street frontage exists, pavement widths are adequate, and traffic speeds are likely to be relatively low. Should officers recommend approval of planning permission, an appropriate conditions is likely to be recommended, requiring adequate visibility splays to be provided.
- 10.63 A further condition, requiring adequate footway widths along the development's internal road, would also be recommended.
- 10.64 No recorded or claimed rights of way cross the application site. The track that runs along the site's western boundary (Old Lane) is an adopted highway, to which public footpath HUD/28/50 joins, providing access into Lower Fell Greave and connections with other footpaths. Old Lane carries part of the Kirklees Way, and is intended to form part of the Core Walking Cycling and Riding Network proposed in the emerging Local Plan.
- 10.65 The proposed development would not prevent the continued functioning of Old Lane or footpaths in the surrounding area. The proposed development may result in increased use of Old Lane, given that it provides a well-connected north-south route for pedestrians and cyclists moving between the site and populated areas to the south. The erection of fencing around the perimeter of the site, including along its western boundary, raises no significant concerns in principle in relation to impacts upon Old Lane, however officers have suggested that this fencing be pushed back into the application site to enable soft planting to be added between the track and the fence, which would ensure the character and appearance of this track is maintained. The applicant's response to this is awaited. Should officers recommend approval of planning permission, appropriate conditions are likely to be recommended, requiring full details of planting and boundary treatments adjacent to Old Lane.
- 10.66 In addition, a contribution towards improvements to Old Lane and nearby footpaths has been suggested by the council's Public Rights of Way team. While this would be welcomed, it is not considered essential to render the proposed development acceptable.
- 10.67 Are there any comments that Members wish to make in relation to highways issues at this stage?**

Drainage issues

- 10.68 The site is within Flood Zone 1, and is over 1 hectare in size, therefore the applicant was required to submit a site-specific Flood Risk Assessment (FRA).
- 10.69 The applicant's Flood Risk Assessment, Hydrological Risk Assessment and Drainage Strategy Assessment states that the risk of surface water flooding at the site, and other flood risks, can be considered to be low.

- 10.70 The applicant proposes to direct run-off from the proposed roofs and hard surfaces to an existing watercourse along the western edge of the site, at a greenfield rate. To achieve this, approximately 2,400 cubic metres of on-site attenuation would be required. This is proposed in the form of open attenuation basins (swales) around the southern edges of the site. These are also intended to meet requirements relating to Sustainable Drainage Solutions (SuDS).
- 10.71 Foul water would be disposed of via an existing Yorkshire Water sewer adjacent to the site.
- 10.72 The above proposals have not attracted an objection from the Lead Local Flood Authority or Yorkshire Water, however further information has been requested, including further investigation in relation to an existing watercourse. Subsequent recalculation of run-off rates may affect what attenuation is required. The applicant has responded to these requests, and further comments of the Lead Local Flood Authority are awaited.
- 10.73 Are there any comments that Members wish to make in relation to drainage issues at this stage?**

Ecological considerations

- 10.74 The application site is within a proposed Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands). Outside the site, land to the southwest is part of a proposed Wildlife Habitat Network and a Green Infrastructure Network. Chapter 11 of the NPPF is relevant, as is draft policy PLP30 in the emerging Local Plan, which states that the council will seek to protect and enhance the biodiversity of Kirklees, including the range of international, national and locally designated wildlife sites, and the Kirklees Wildlife Habitat Network. The policy states that proposals having a direct or indirect adverse effect on an ancient woodland will not be permitted unless the development can be shown to be of an overriding public interest and there is no alternative means to deliver the proposal. Significant loss of harm to biodiversity in Kirklees must be avoided, and net biodiversity gains will be required.
- 10.75 The applicant has submitted a Preliminary Ecological Appraisal (PEA), acknowledging that the application submission is not yet complete in relation to ecological information, as certain surveys (which need to be carried out at specific times of the year) could not be undertaken at the time of submission. These surveys are yet to be submitted.
- 10.76 The submitted PEA is not sufficient to support a planning application of this scale. The surveys and assessments provided to date are not sufficient to enable a full assessment of the application against biodiversity policy or to consider the potential for impacts upon protected species. An Ecological Impact Assessment (EclA) is required, and this should include the survey work currently being carried out by the applicant team. A more detailed assessment of potential for barn owls at this site is required.
- 10.77 With regard to the nearby ancient woodland, and the emissions predicted in the applicant's air quality information, it is noted that nitrogen deposition in particular is known to affect woodland habitats. The required EclA will therefore need to include an assessment of the potential for the development to affect woodland habitats in relation to air quality.

10.78 While it is noted that the proposed development includes buffer planting, without the required EclA and full survey work, and with enhancements set out as recommendations (rather than commitments) in the submitted PEA, compliance with chapter 11 of the NPPF and draft policy PLP30 has not been demonstrated.

10.79 Are there any comments that Members wish to make in relation to ecological considerations at this stage?

Trees

10.80 No Tree Preservation Orders cover the application site, however Lower Fell Greave to the southwest of the site is an ancient and semi-natural woodland, and Screamer Wood, Dyson Wood and Bradley Gate Wood to the east are ancient replanted woodland. Comments made by local residents confirm that the area's trees are indeed valued locally.

10.81 UDP policy NE9 states that mature trees should normally be retained, while policy PLP33 in the emerging Local Plan states that the council will not grant planning permission for development which directly or indirectly threaten trees or woodlands of significant amenity value, and that development proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks.

10.82 The site's 23 trees, 16 groups of trees, and shrubs appear to be self-seeded, some are young and/or of a poor quality, and much of the site has an overgrown, ruderal character. The visual public amenity provided by some of these trees is limited. The applicant's Arboricultural Survey Report identified a single category A (high quality) tree, eight trees and three groups of trees were identified as category B (moderate quality), and 14 trees and 13 groups of trees were identified as category C (low quality).

10.83 The applicant proposes the felling of 21 trees or groups of trees to make way for the proposed development: T3 to T7, T10 to T15, T18 to T23, G6, G10, G14 and G16. Of these, T4, T6, T19, T21 and T22 are category B mature oak trees, while others are category C trees according to the applicant. The applicant additionally proposes the felling of tree T16 which is a mature oak tree of high biodiversity value but is structurally compromised and risks the safety of future users of the site.

10.84 The proposed losses of trees are regrettable, and weigh negatively in the balance of planning considerations. Mitigation, however, could reduce the weight to be attached to this shortcoming such that the proposed losses could be deemed acceptable. This mitigation would need to include a contribution towards enhancement planting within the adjacent woodlands, and in addition the concerns regarding buffer planting would need to be addressed.

10.85 An adequate buffer zone, 15m wide (minimum), is required between the development and the adjacent ancient woodland in order to comply with chapter 11 of the NPPF. The applicant proposes a 15m landscape buffer along the western edge of the application site, however this would be covered with a mix of grass, wildflowers and trees, and would include regrading. To be effective in protecting the ancient woodland, the buffer zone needs to be free

from any construction activity, regrading of this area should not be proposed, and the buffer should be planted with a native tree mix to include a dense understory including evergreen species.

- 10.86 If the buffer zone is fenced off to prevent access during construction there would be no need for the tree protection fencing specified in the applicant's arboricultural method statement.
- 10.87 If the buffer zone is amended as above, the adjacent woodland would be protected from direct construction impacts and any possible long-term impacts from increased noise, light and particulate levels that may be associated with the proposed development.
- 10.88 The proposed development currently does not comply with UDP policy NE9 and policy PLP33 of the emerging Local Plan, and the applicant's responses to the above matters are awaited.
- 10.89 Are there any comments that Members wish to make in relation to trees at this stage?**

Ground conditions

- 10.90 In relation to ground contamination, the applicant has submitted a Phase 1 Environmental Report. This considers the potential for significant ground contamination to be low. Subject to the forthcoming comments of the council's Environmental Health officers, should officers recommend approval of planning permission, appropriate conditions are likely to be recommended by officers to ensure compliance with UDP policy G6 policy and PLP53 in the emerging Local Plan.
- 10.91 Draft site allocation E1836 highlights former coal mine entries as a constraint on development at this site, and a Coal Mining Risk Assessment was submitted by the applicant. The Coal Authority have objected to the proposed development, including to the proposal to build over part of an existing mine entry. In response to the Coal Authority's objection, the applicant submitted an amended Coal Mining Risk Assessment. The Coal Authority's further comments are awaited.
- 10.92 The comments of the council's Environmental Health officers in relation to risks from mine gas (which the applicant has described as "moderate to low") are also awaited.
- 10.93 Are there any comments that Members wish to make in relation to ground conditions at this stage?**

Public health

- 10.94 Several neighbouring residents have expressed concern regarding the substances that would be used by the applicant in their manufacturing process. This is a material planning consideration to an extent. Paragraph 120 of the NPPF states that, to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. It adds that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken

into account. Policy PLP47 in the emerging Local Plan states that heathy, active and safe lifestyles will be enabled by creating environments which minimise and mitigate against potential harm from risks such as pollution and other environmental hazards. Policy PLP52 refers to prevention and reduction of pollution 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. Section 23 of the planning application form requires applicants to confirm whether their proposals involve the use or storage of specified substances deemed to be hazardous.

- 10.95 Planning, however, should not overlap with other controls set out in, for example, the Control of Substances Hazardous to Health Regulations 2002 and the Environmental Permitting (England and Wales) Regulations 2016. Planning permission should not be refused on the grounds that a certain substance would be used in a building for which planning permission is sought, and references in objection letters to certain substances cannot be given weight in the council's consideration, where the use of those substances is already regulated under other (non-planning) legislation.
- 10.96 Aflex Hose currently hold an Environment Agency "Carrier, Broker, Dealer – Lower Tier" license in relation to waste, and a Yorkshire Water "Trade Effluent Discharged to the Public Sewer" license. No licenses from Calderdale Council are currently held by Aflex Hose. Aflex Hose do not expect to require any further licenses upon relocation.
- 10.97 In several objection letters, residents have stated that PTFE includes short chain per/polyfluorinated chemicals (PFCs) that, although under-researched, have been shown to be persistent in the environment and living things, are thought to cause illness, and are a high risk.
- 10.98 The applicant's Design and Access Statement refers to PTFE as "inert", and states that it is validated for food and pharmaceutical contact, and does not contaminate or react with fluids passing through hoses lined with it. The applicant has added that they are compliant with the Control of Substances Hazardous to Health Regulations 2002, and employ external consults annually to monitor their sites to ensure that hazardous substances are not released above legislative exposure limits.
- 10.99 The applicant has added that they process PTFE, rather than manufacture it. Acknowledging this, one resident has stated that it is during the sintering process, when PTFE powder is heated, that toxic fumes are created. The same resident has added that these fumes would be mixed with solvent isopar fumes and rubber fumes, creating a poisonous combination.
- 10.100 Officers have asked the applicant to provide information on whether (or to what extent) PFCs are released into the atmosphere when PTFE powder is sintered, and what levels of PFCs can be absorbed and tolerated without causing harm to humans (i.e., at what point levels of PFCs are believed to become toxic). In response, the applicant has stated that the PTFE processing that would take place within the B2 / B8 building would be below the temperature at which PTFE material would degrade and produce toxic fumes.
- 10.101 The evidence currently before the council does not demonstrate that PTFE-related emissions from the proposed development would be at a level that would cause a significant risk to human health. Furthermore, it is again noted

that the use of certain substances is regulated by other (non-planning) legislation, and the relevance of these matters to planning is therefore limited. The fact that Aflex Hose currently require no licenses for the processing of PTFE at their current premises could reasonably be taken as an indication that the Government does not consider such a process to be inherently hazardous or polluting. The applicant has confirmed that none of the hazardous substances listed at section 23 of the planning application form would be used or stored at the site.

10.102 Should the processes carried out in the B2 / B8 building change in the future, impacts upon neighbouring residents may also change. Officers are therefore looking into the possibility of using conditions that would control the processes carried out in the B2 / B8 building, should planning permission for it be granted.

10.103 Other concerns raised by the council's Public Health team have been relayed to the applicant.

10.104 Are there any comments that Members wish to make in relation to public health at this stage?

Representations

10.105 To date, representations have been received from the occupants of over 170 properties. Below are the issues which have been raised which have not been addressed earlier in this report, and the case officer's response.

- Impacts upon property values – This is not a material planning consideration.
- Future of site – A resident has queried what would happen to a bespoke building of this size if the occupant decides relocates. Short- or medium-term relocation from the site is considered unlikely, given the investment proposed by the applicant, the bespoke design, the limited availability of alternative suitable sites, and the applicant's expansion plans.
- Future extensions – The applicant's supporting documents do not indicate that the proposed B2 / B8 building would need to be enlarged in the future. Should this be proposed, any planning application would be assessed on its merits, including in relation to neighbour amenity impacts.
- Risk of fire – The West Yorkshire Fire Authority have not responded to the council's consultation. Fire safety measures are a requirement of the Building Regulations, and will need to be included in the applicant's detailed designs for both buildings.

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

Other matters

10.107 In relation to archaeology, prior to the current application being submitted the West Yorkshire Archaeology Advisory Service (WYAAS) advised that the site takes in part of a Second World War anti-aircraft defences site which was subsequently used for temporary housing site, and which is a Class III area of archaeological interest. Brier Hill farm, dated early/mid-19th century, stood on part of the site. Survey work in nearby sites suggests possible earlier activity,

perhaps as far back as the late Iron Age. Evidence of medieval and post-medieval activity, and of early modern mining, was also noted.

- 10.108 At application stage WYAAS have accepted that a post-determination evaluation would be appropriate. Should officers recommend approval of planning permission, the condition requested by WYAAS would be included in the list of recommended conditions.
- 10.109 Planning obligations, that would need to be secured via a Section 106 agreement, would be necessary to mitigate the impacts of the proposed development, should approval of planning permission be recommended and granted.
- 10.110 Draft policy PLP9 in the emerging Local Plan states that, wherever possible, proposals for new development will be required to contribute to the creation of local employment opportunities with the aim of increasing wage levels and to support growth in the overall proportion of local residents in education or training. It adds that applicants should reach an agreement with the council about measures to achieve this, which could include provision of specific training and apprenticeships that are related to the proposed development. Noting that the applicant already runs apprenticeships, should approval of planning permission be recommended and granted, an associated Section 106 agreement would secure apprenticeships and local employment initiatives in connection with the development.
- 10.111 As noted earlier in this report, a contribution towards enhancement treeplanting would be necessary.
- 10.112 Subject to forthcoming advice from the council's Highways Development Management team, a contribution towards highway improvements may be necessary.
- 10.113 Implementation and monitoring of a Travel Plan would also need to be secured via a Section 106 agreement. This may include securing provision of the shuttle bus service currently proposed by the applicant.
- 10.114 A contribution towards improvements to Old Lane and nearby footpaths would be welcomed, but is not considered essential to render the proposed development acceptable.

11.0 CONCLUSION

- 11.1 Members are asked to note the contents of this report. Members' comments in response to the questions listed below would help and inform ongoing consideration of the application, and discussions between officers and the applicant.
- 1) Do Members have any comments in relation to the site allocation, land use, economic impact and the principle of development?
 - 2) Do Members have any comments in relation to highways issues?
 - 3) Do Members have any comments in relation to amenity and public health issues (including air quality, odour and noise)?
 - 4) Do Members have any comments in relation to urban design, drainage, ground conditions, trees and ecological considerations?

- 5) Do Members have any comments in relation to representations and other matters relevant to planning, and are there any other matters which Members wish to raise?

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91432>

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