

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

**UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY
STRATEGIC PLANNING COMMITTEE**

05 JULY 2018

PLANNING APPLICATION - 2018/91078

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**ERECTION OF 82 DWELLINGS, LANDSCAPING AND ASSOCIATED
WORKS**

LAND OFF CROSLAND ROAD, OAKES, HUDDERSFIELD.

Correction para 2.2 page 14 should read:

“To the north of Peat Ponds development, a mixed use development comprising employment uses on the Lindley Moor Road frontage, and 232 dwellings. These dwellings are currently under construction. On the opposite side of Crosland Road are dwellings”.

Additional consultation responses.

KC Trees- the submitted Arboricultural Method Statement to safeguard the TPO'd trees is acceptable, and should be conditioned.

KC Parks and Landscape. Amended details have been received regarding the treatment of the area of open space adjacent to the access off Crosland Road, and adjacent to the existing public open space. These amendments include a pedestrian access across the area linking into the neighbouring public open space, and the planting and treatment of that area for on-site open space. These amendments are acceptable.

The POS contribution of £319,724 detailed in the heads of terms of the Section 106 was based on there being no usable POS on site. Given that that situation has been rectified the amended POS contribution towards off-site improvements has been revised to £192, 074.

Additional representations received on behalf of the of the Lindley Moor Action Group state:

“Three issues remain unresolved:

- The Statement of Community Involvement is falsified. Despite repeated protest, the public website still displays the false document, and any readers have been deceived. Your submission compounds the mischief by uncritically re-tweeting the applicant's fiction.
- Failure of the drainage scheme for the wider plot remains shrouded in secrecy. What has gone wrong with these developments, and how can we be sure that the ratepayer will not have to shoulder the burden?

The flood risk assessment for this application does not address the failings, and local counsellors have been unable to get any credible explanation.

- The sums are wrong in the air quality assessment, under-estimating the danger by a huge margin.

Why have these serious errors not been rectified in the two months since you were notified?

Is it conceivable that Kirklees' scrutiny has deteriorated to the point that false evidence is now an acceptable basis for planning approval?"

Response:

The Statement of Community Involvement is prepared by the applicant, based upon their pre-submission consultation exercise. Notwithstanding the SOCI the planning authority undertakes its own statutory consultations with neighbours by letter, site notice and newspaper advert.

The representations received are accurately summarised and reported within the agenda as are Lindley Moor Action Groups comments including criticisms of the SOCI.

The issue of drainage is dealt with in the report and the comment relates to the neighbouring site, not the current application site. Additionally, the Air Quality issue is dealt with within the assessment.

AMENDED RECOMMENDATION:

Subject to their being no objections received from Yorkshire Water Authority and the Environment Agency- DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions, including those contained within this report and to secure the signing of a Section 106 Agreement to cover the following matters

- 1. Public OPEN Space provision including the provision and maintenance of POS within the site, and an offsite contribution of £192, 074 towards the improvement of existing facilities in the area;**
- 2. Off-site highway works for junction improvements to Crosland Moor/Lindley Moor Road and traffic light improvements of £82,399 and £233,700 respectively.**
- 3. Contribution towards travel plan monitoring (£15,000 ie £3,000 per annum for 5 years.**
- 4. 20% or 16 of the total number of units to be affordable housing, with a tenure split of 55% social rental, and 45% intermediate.**
- 5. Sustainable travel fund (METRO cards) £40, 590, and**
- 6. The provision of Bus Stop real time information -£10,000**

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of

Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

PLANNING APPLICATION - 2018/90801

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RESERVED MATTERS APPLICATION PURSUANT TO OUTLINE PERMISSION 2014/90688 FOR ERECTION OF COMMERCIAL FLOORSPACE (B1C, B2, B8) INCLUDING DETAILS OF ENGINEERING OPERATIONS TO FORM SERVICED EMPLOYMENT PLOTS AND FULL APPLICATION FOR THE ERECTION OF 166 DWELLINGS (INDUSTRIAL PART ONLY)

LAND AT, SLIPPER LANE, MIRFIELD.

KC Highways DM – The revised access junction details are acceptable.

Recommendation- Reserved Matter Approved

PLANNING APPLICATION - 2018/90802

PAGE 39

REMOVAL OF CONDITION 31 (B8 FLOORSPACE) AND VARIATION OF CONDITIONS 23 (RESIDENTIAL) (ROAD SAFETY AUDITS) AND 30 (INDUSTRIAL) (ROAD SAFETY AUDITS) ON PREVIOUS APPLICATION 2014/90688 FOR OUTLINE APPLICATION FOR ERECTION OF COMMERCIAL FLOORSPACE (B1C, B2, B8) INCLUDING DETAILS OF ENGINEERING OPERATIONS TO FORM SERVICED EMPLOYMENT PLOTS AND FULL APPLICATION FOR THE ERECTION OF 166 DWELLINGS

LAND AT, SLIPPER LANE, MIRFIELD.

Correction: Final sentence of paragraph 3.5 on page 42 should read:

“Conditions 30 (Industrial only) and 23(residential only) are identical, and the effect of varying conditions 30 and 23 is that there will be one vehicular access into the industrial part of the site as opposed to the previous two. The improvements to the Sunnybank junction will not be affected”

PLANNING APPLICATION - 2018/90876

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VARIATION CONDITIONS 2 (PLANS) AND 15 (OPENING TIMES) ON PREVIOUS PERMISSION 2017/91888 FOR CHANGE OF USE, ALTERATIONS AND EXTENSIONS TO FORMER MILL BUILDINGS TO

FORM MIXED USE DEVELOPMENT COMPRISING OF FOOD MANUFACTURING, COOKERY SCHOOL, CAFE, SHOP, RESTAURANT, COOKING DEMONSTRATIONS/TASTING AREAS AND MANAGEMENT OFFICE/SUITE, AND OUTDOOR SEATING AREAS, SERVICE YARD, PARKING AND ASSOCIATED LANDSCAPING WORKS

WOODLANDS MILL, LUKE LANE, THONGSBRIDGE, HOLMFIRTH.

Works on site

Works have commenced on site. Permission ref: 2017/91888 was subject to four pre-commencement conditions. The applicant has applied to discharge these conditions under application 2018/90205 – for two of the four pre-commencement conditions, acceptable information has been submitted. For the other two, further information is required, however the required information is not crucial to the pre-commencement phase of development, and the developer has been asked to supply the information.

Work has already commenced on the larger east extension to the northern building (proposed under application 2018/90876).

Regarding noise nuisance, in light of complaints from residents, on 22/06/2018 Environmental Health officers wrote to the construction company, advising them of the appropriate hours of works, and that enforcement action could be taken if they continue to breach the hours of working.

Residents have noted that a corrugated plastic roof has recently been installed on the northern building. This appears to be a temporary covering installed as an interim measure during works.

Representations

A resident has expressed concern that a kitchen is proposed in the east extension to the northern building, and that residents have not had an opportunity to object to this aspect of the development and the associated noise and smells. However, as this kitchen is shown on the drawings submitted in relation to the current application 2018/90876, residents had the opportunity to comment on the proposed kitchen location when the council consulted on this application. Furthermore, officers have recommended that the conditions applied to permission ref: 2017/91888 be re-applied – these include controls on extract ventilation, plant and opening hours. The council is aware of the need to protect neighbour amenity, and it is recommended that appropriate measures be put in place.

Concerns regarding the proposed extensions and green belt policy have been reiterated by a resident. It is considered, however, that there were and are clear and sound reasons for recommending approval of each of the various extensions (as set out in the committee reports for applications 2017/91888, 2018/90876 and 2018/90877) and officers remain of the view that the proposed developments are appropriate for this site.

Concern has also been expressed regarding congestion on Luke Lane involving construction vehicles. Condition 8 of permission ref: 2017/91888 requires the approval of arrangements for construction traffic, and relevant

information submitted pursuant to application ref: 2018/90205 is considered acceptable. Should a developer fail to comply with the submitted details, this would be a planning enforcement matter. A resident has stated that the proposed extension currently being considered would create the same problems on a continuous basis.

Trees

The council's Arboricultural Officer has confirmed he has no objection to the proposed development, since an amended site layout plan (showing the previously-approved mitigation treeplanting reinstated, albeit in new locations) was submitted by the applicant.

PLANNING APPLICATION - 2018/90877

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ERECTION OF EXTENSION TO FORMER MILL BUILDING

WOODLANDS MILL, LUKE LANE, THONGSBRIDGE, HOLMFIRTH.

Update as per above (regarding application 2018/90876).

POSITION STATEMENT - 2018/91432

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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 ADJACENT TO BRADLEY BUSINESS PARK, DYSON WOOD WAY, BRADLEY, HUDDERSFIELD

Errata

The last sentence of paragraph 10.57 of the Position Statement should refer to "B1a and B1b uses".

Committee site visit

Cllr Homewood has asked Members to view the application site from Miramar, and to assess the visual amenity implications of the proposed development from that location.

Representations

A further four letters of objection from two addresses have been received. These raise concerns already summarised at paragraph 7.2 of the Position Statement.

A resident has expressed concern that the Position Statement does not relay all of the concerns raised in representations. It is, however, noted that reports

to committee are intended to provide a summary, and that Members can access the full text of all of the letters, emails and online submissions prior to the committee meeting. In addition to the concerns summarised at paragraph 7.2 of the Position Statement, the following points raised by residents are noted:

- Proposal does not constitute sustainable development – This is addressed specifically at paragraph 10.13 of the Position Statement, but as the NPPF’s presumption in favour of sustainable development is a “golden thread” that runs through all aspects of decision-taking, all commentary set out in the Position Statement forms part of officers’ consideration as to whether the proposal constitutes sustainable development. At paragraph 10.13 it is noted that, 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, and reasons for this conclusion are set out. It is, however, noted that further information, amendments, commitments, consideration and conditions will be necessary to address the three dimensions of sustainable development. Further commentary and a final conclusion regarding sustainability will be provided in a future committee report when the proposed development is put to the Strategic Planning Committee for determination.
- Toxic and hazardous substances – Further information and links to websites have been provided by a resident regarding the substances that would be used by Aflex Hose, however this information does not necessitate revisions to the commentary and conclusions set out at paragraphs 10.94 to 10.102 of the Position Statement. Further information regarding Isopar is provided later in this update.
- Land sale and reallocation process – A resident’s objection implies that the proposed reallocation of the site was improper, was proposed without public consultation, and was engineered to enable the sale of council-owned land to Aflex Hose. Paragraphs 10.3 to 10.4 of the Position Statement, however, describe and explain the reasons for the proposed reallocation, its timing (of note, reallocation was first proposed long before Aflex Hose approached the council for pre-application advice), and what public consultation was carried out in relation to the emerging Local Plan.
- Proposed development’s adverse impacts do not outweigh the benefits – A final balancing of the proposed development’s benefits and impacts will be provided in a future committee report when the proposed development is put to the Strategic Planning Committee for determination.
- Concerns regarding economic impacts – A resident has stated that the local community would receive no benefit from the proposed development, that no new jobs would be created from consolidating existing operations, that associated efficiencies could result in job losses, that four sites in Calderdale would be left empty, that the council should seek to attract businesses to the site similar to those already present at Bradley Business Park, and that efficiency would be

limited by increased congestion. Redevelopment, relocation and churn within the industrial sector (and at its sites) is normal when businesses expand. The vacated four existing sites may indeed sit empty, however they may instead be occupied by other businesses requiring such accommodation, or may be redeveloped. The potential economic benefits of the proposed development are set out at paragraphs 10.10 and 10.11 of the Position Statement, and further information regarding supply chain businesses is provided later in this update. While it is noted that some of these benefits are not guaranteed, their likelihood would be greatly increased should the proposed development go ahead.

- Destabilisation of soil and bedrock structure and damage to adjacent property – Although some excavation of the site is proposed, this would occur away from most of the site's boundaries, and there is no evidence currently before the council indicating that the proposed works would be dangerous or destabilising.
- Destruction of community cohesion – There is no evidence currently before the council indicating that these impacts would be caused by the proposed development.
- Increased carbon emissions – Development and relocation would inevitably use energy and would involve carbon dioxide emissions. Consolidating the applicant's operations into a single, purpose-built development (which would need to comply with current Building Regulations) would, however, result in a more efficient operation in terms of energy consumption and carbon dioxide emissions when compared to the applicant's current operations from four sites.
- Mental health and psychological impacts – The proposed development has not attracted an objection from the council's Public Health team on these grounds. While it is acknowledged that noise can adversely affect mental health (although different noises affect different people in different ways – there is no universal response to noise common to all human receptors), there is no evidence currently before the council indicating that these impacts would be caused by the proposed development.
- Site topography would worsen impacts – The topography of the site is noted at paragraph 10.16 of the Position Statement in relation to the design of the proposed B2 / B8 building, and was taken into account in the conclusions regarding neighbour amenity at paragraph 10.27.

Local Plan

The Inspector's letter of 15/06/2018 regarding the emerging Local Plan includes no comment on proposed site allocation E1836. As advised at paragraph 10.9 of the Position Statement, it is considered that significant weight can be attached to the proposed site allocation.

A resident has queried whether the traffic projections for other sites in Bradley (proposed for allocation in the emerging Local Plan) should be taken into account when considering the current planning application, given that the Inspector has not objected to these allocations. The applicant has argued that the impacts of future developments at these sites need not be taken into

account at this stage, given the relative anticipated progress of the application site and the other Bradley sites. This is a reasonable argument – cumulative highways impacts are normally only taken into account where planning permissions have been granted (as in the case of the Broad Lea House development, which has been taken into account), and if the other Bradley site allocations are adopted, it is not guaranteed that planning applications would be submitted and approved in the short term and/or during the life of the current application. However, if and when applications for the other Bradley sites are submitted, consideration would need to be given to the current (Bradley Business Park) scheme in assessing highways impacts, *if* by then the current application has been granted.

Highways

The applicant team have provided responses regarding highways matters, including corrections and clarifications to information set out in the submitted Transport Assessment. A meeting with officers was held on 29/06/2018.

The applicant has agreed to reduce the proposed number of on-site parking spaces from 343 to 286 (a reduction of 57 spaces). It is considered that this provision now strikes the right balance between discouraging car use, encouraging the use of more sustainable modes of transport, and providing enough on-site parking to ensure that staff do not park on nearby streets. The proposed reduction would allow for more soft landscaping along the eastern part of the site, increasing the buffer between the car park and the residential properties to the east. An amended site layout plan is being prepared.

Regarding trip generation and the assessment of the development's impacts upon road junctions, the applicant has agreed to carry out sensitivity testing with regard to the applicant's planned expansion of the workforce to 500 employees by 2028. This further information is awaited. The applicant has also highlighted that the majority of staff begin work at 08:00, so that the majority of a.m. trips generated by the applicant would be made before the local a.m. peak. Upon further consideration of the arrival and departure figures quoted by the applicant in relation to Broad Lea House, Highways Development Management officers have agreed that these are reasonable and can be used in traffic calculations.

Although the applicant cannot at this stage confirm that the proposed shuttle bus would be run in perpetuity, it would be provided for as long as it is needed and well used. A shuttle bus was previously provided by the applicant for two years when Aflex Hose expanded and moved some operations to one of its current four sites. Officers propose to secure the provision of the shuttle bus service through the implementation of the Travel Plan (itself secured through a Section 106 agreement), with provisions for reviews in the event that staff take up other sustainable forms of transport.

Environmental Health

The council's Environmental Health officers have provided the following comments:

- Noise – Further information required regarding noise from the proposed car parks, which has not been addressed in the applicant's

submission. Condition recommended to control the times of HGV movements. Informative recommended informing the applicant that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall be confined to the hours of 07:30 to 18:30 Mondays to Friday and 08:00 to 13:00 on Saturdays, with no works on Sundays or public holidays.

- Contaminated land – No objection. Conditions recommended.
- Dust – Condition recommended requiring dust suppression measures.
- Odours – Odour emissions are of concern, therefore condition recommended requiring installation of an extract ventilation system.
- Air quality – Findings of applicant's analysis are accepted, however a fully costed mitigation plan is required, otherwise a Section 106 agreement should require the payment of the £92,727.12 damage cost to the council for spending on air quality improvement projects in the local area. One electric vehicle charging point required at 10% of parking spaces.
- Lighting – Condition recommended requiring measures to control glare and stray light from artificial lighting.
- Other matters – Applicant should contact relevant council officers to ascertain whether any permit under the Environmental Permitting (England and Wales) Regulations 2016 is required.

Trees

In response to the comments of the council's Arboricultural Officer (summarised at paragraph 8.2 of the Position Statement), the applicant has agreed to provide additional trees within an on-site buffer zone between the B2 / B8 building and the adjacent ancient woodland, however this would be limited to three or four trees to avoid an easement area within this part of the site. This additional treeplanting is considered inadequate, it would not result in a suitable buffer being provided adjacent to the ancient woodland, and it is noted that trees have been planted at other sites where easements apply. The applicant's further response is awaited.

Supply chain businesses

In response to officers' requests, the applicant team have provided information regarding the local economic impact of Aflex Hose for the twelve month period to 31/12/2017 in terms of money spent with local suppliers within West Yorkshire boroughs, as follows:

- Calderdale - £447,771.
- Bradford - £203,124.
- Kirklees - £174,922.
- Leeds - £51,855.
- TOTAL - £877,672.

The applicant predicts that the above total figure would increase by 12% in 2018, and that the proportion spent in Kirklees would increase upon relocation to Bradley Business Park.

In relation to the construction phase, the applicant would prefer to appoint a local main contractor from West Yorkshire, and that this preference would be a key factor in the tendering process. However, given that several other factors would also be considered in the tendering process, the applicant cannot guarantee that a local main contractor would be appointed.

Design

In response to officers' concerns (set out at paragraphs 10.17 to 10.19 of the Position Statement), in relation to the proposed B2 / B8 building the applicant team have stated that "the proposed material pallet of a masonry plinth with a standing seam clad upper mass is appropriate in terms of addressing the limited context and presents a robust, attractive, functional building", which does not address the specific concerns, and is not accepted.

In relation to the proposed B1a / B1b building the applicant has stated "The proposed simple material pallet with simple robust detailing will result in a cutting edge, aspirational office building reflecting the state of the art production processes". Officers, however, are of the view that these objectives can still be met in an innovative design that also reflected development patterns found in Kirklees and which would limit impacts upon the neighbouring office building (Pellon Place). The applicant team have also provided a study of alternative locations for the proposed B1a / B1b building – this study is useful, but does not demonstrate that the building cannot be moved away from the adjacent office building, especially given the applicant's recent agreement to reduce on-site car parking.

Officers intend to reiterate the design concerns set out in the Position Statement, and will discuss design matters with the applicant further.

The applicant has provided a Sustainability Strategy in response to officers' requests. This is brief, but provides some useful information regarding the natural ventilation of the B2 / B8 building, the flexibility and adaptability of this building, and other matters relevant to sustainability.

Isopar

In light of residents' concerns regarding the proposed use of Isopar at the site, officers sought more information. The applicant has confirmed that Isopar is combustible. The proposed Isopar tank, however, would be located towards the site's west boundary (away from the nearest residential properties), and would be underground. Isopar would not be stored within the proposed B2 / B8 building, and would be piped in from the proposed tank when required. The applicant team have explained that Isopar storage is regulated (under non-planning legislation) much like petrol storage at filling stations is regulated, and that measures including non-return valves (along the underground pipe between the tank and B2 / B8 building) and non-sparking switches in areas where Isopar would be used, would be implemented.

In light of this information, and the assessment already provided at paragraph 10.105 of the Position Statement, it is considered that the safety implications of the proposed Isopar tank need not be considered further in relation to the current planning application. Residents have expressed concern that the storage of Isopar at the site increases the risk of fire and the release of toxic

fumes (of note, although the applicant's processes would not heat PTFE to a temperature at which it would degrade and produce toxic fumes, there is evidence that toxic fumes can be released from PTFE at much higher, uncontrolled temperatures), however it is considered that there are adequate provisions (already proposed, and required under non-planning legislation) to minimise risks.

Other matters

Additional section drawings and a 3D image of the development (as viewed from Grantley Place) are being prepared by the applicant team.

The Coal Authority have been reconsulted following the applicant's submission of an amended Coal Mining Risk Assessment.

POSITION STATEMENT - 2018/20130

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PRE-APPLICATION FOR PART DEMOLITION AND PART CONVERSION TO FORM 64 APARTMENTS AND 66 DWELLINGS

WESTWOOD MILL, LOWESTWOOD LANE, LINTHWAITE.

Flood Risk

Flood risk issues are set out in the main body of the committee report. However, it is important to note that based on the Council's Strategic Flood Risk Assessment (SFRA) the site lies within both Flood Zones 3a and 3b. Some of the proposed dwellings and gardens to the west are located close to or within Flood Zone 3b which is part of the functioning flood plain.

The functional floodplain (Flood Zone 3b) is undeveloped land which should be preserved by the Local Planning Authority for flood storage purposes and it is defined in the NPPF as "land where water has to flow or be stored in times of flood". It is not acceptable to locate anything other than essential infrastructure in the functioning floodplain. Therefore, housing is not acceptable.

The applicant intends to submit a Flood Risk Assessment with any subsequent planning application which includes remodelling of the flood zones. The applicant has already carried out further modelling works based on detailed site topography and features present on the ground. Based on their remodelling exercise proposed residential development would be located in Flood Zone 1 with access being located in Flood Zones 1, 2 or 3a. However, their Flood Risk Assessment, remodelling and the assumptions on which it is based have not been accepted by the EA or the Local Planning Authority at this stage. This would need to be evaluated in detail by the Environment Agency and the Lead Local Flood Authority as part of any subsequent planning application and it would need to be demonstrated that the remodelling was more appropriate than the Council's SFRA in terms of identifying flood risk zones (including the area covered by the functional floodplain). If it cannot be demonstrated that the proposed residential development avoids Flood Zone 3b (functional floodplain) then the application should not be accepted.

Following the above and depending on the remodelled Flood Zones both exception tests and sequential tests may apply. Again, this would all need to be detailed as part of any subsequent Flood Risk Assessment and planning application submission.