
Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 30-Aug-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

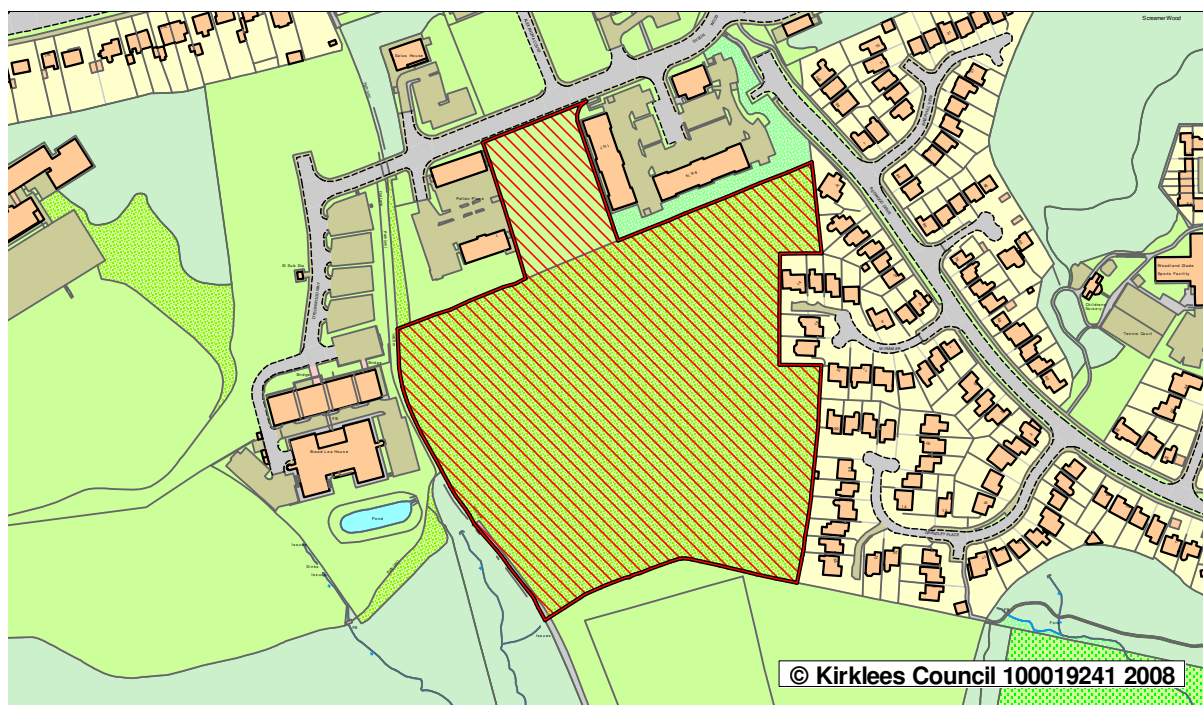
01-Aug-2018

EXTENSION EXPIRY DATE

31-Aug-2018

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

RECOMMENDATION:

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

1. Apprenticeships and local employment initiatives.
2. Travel Plan implementation and monitoring fee.
3. Contribution towards off-site tree planting – £6,000.

In the circumstances where the S106 agreement has not been completed within three 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.

1.0 INTRODUCTION:

- 1.1 This application for full planning permission is presented to the Strategic Planning Committee as the proposed development represents a departure from the Kirklees Unitary Development Plan (UDP).
- 1.2 A position statement relating to this application was considered by the Strategic Planning Committee on 05/07/2018. The main points made by Members of the committee are summarised as follows:
 - Site allocation, land use and principle of development – Proposed investment in Kirklees and resultant jobs are welcomed, as is nature of applicant's business, and the skilled workforce it requires. Kirklees is behind other boroughs in attracting industry. Noted that Bradley Business Park is not yet full. Queried why site has laid dormant for many years. There doesn't appear to be a large enough alternative site for this development in the business park. Queried if this large site was needed for other businesses. No objection to site allocation.
 - Urban design issues – Appearance of B2 / B8 building is a concern, including in relation to materials. Building looks like a tank factory. Screening needed to mitigate visual impact. B2 / B8 building would be higher than nearby houses. Size, colour and height need to be considered, and residents should be consulted on these matters.

- Amenity issues (including noise) – Concerns of residents are understandable and must be taken into account. Large number of objections noted. Proximity of residential properties noted. Dialogue with ward Members is necessary. If correct mitigation (e.g., insulation, controlled hours and substantial buffer zone in relation to noise) is secured, development would be acceptable. Screening (to mitigate noise) needed in addition to buffer zone. Noted that residents currently look out onto green space, and this would change significantly.
- Trees and landscaping – Proposed planting does not look significant. Expertise within council should be made use of in relation to choosing appropriate planting for ecological and screening reasons.
- Public health – Use of plastics, and flammability and storage of chemicals are important considerations.

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. The majority of the site is greenfield, however part of the site is brownfield land. In the emerging Local Plan the site is within a proposed Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands).
- 2.3 The application site forms part of site allocation B8.16 in the UDP, which refers to B1 uses, and a Buffer Zone has also been identified along the east and south edges of the site. In the emerging Local Plan, site allocation E1836 would expand the range of appropriate use by referring to "employment" uses, which the council defines as all the class B uses.
- 2.4 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 nearest listed buildings are Newhouse Hall (approximately 250m to the southwest of the application site) and Fell Greave Farm (approximately 480m to the west). The site is visible from public vantage points to the south, and sits within an attractive natural landscape setting.
- 2.5 No public rights of way cross the application site.
- 2.6 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, and is designated as Urban Greenspace in the UDP. The nearest building of All

Saints Catholic College stands approximately 180m to the west of the application site.

2.7 In the emerging Local Plan the site is within a proposed Biodiversity Opportunity Zone, and land to the southwest of the application site is within a proposed Wildlife Habitat Network and the Lower Fell Greave Local Wildlife Site.

2.8 The nearest bus stops to the application site are on Bradley Road. The nearest railway station is at Deighton.

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 286 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 initially be accommodated on site.

3.2 The applicant is Aflex Hose, a manufacturer of flexible hose lined with polytetrafluoroethylene (PTFE). The applicant also designs and makes their own bespoke machinery used in the hose manufacturing process. Aflex Hose currently operate from four sites in Calderdale, and have recently taken office space next to the application site at Cartwright Court, Dyson Wood Way. Aflex Hose intend to consolidate all of their operations at the application site.

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. This 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. 34 car parking spaces are proposed behind the B1a / B1b building. A parking area for 252 vehicles would wrap around the north and east sides of the B2 / B8 building. Of the total 286 parking spaces, two would be accessible and four would be electric vehicle bays. Covered parking spaces for 42 cycles are proposed, and 10 of these would be provided with electric charging points. 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 Amendments to the proposed development have been made during the life of the current planning application, and further information has been submitted, in response to the comments of Members, residents and officers, as follows:

- Highway issues – Two amended versions of the applicant's Transport Assessment have been submitted, along with supporting notes and drawings and an amended Travel Plan. The applicant's submission now considers the cumulative impacts resulting from the development approved at Broad Lea House, and includes sensitivity testing that takes into account the applicant's expansion plans. On-site parking spaces have been reduced to 286.
- Sustainability – A Sustainability Strategy has been submitted, as has information regarding the applicant's water use.
- Urban design issues – The materials of the B2 / B8 building have been amended. The location, elevational treatment and materials of the B1a / B1b building have been amended. The proposed site layout has been amended to reflect the reduction in on-site parking spaces.
- Amenity issues (including noise) – The applicant provided additional sections and a further 3D image of the development, in response to residents' requests. An amended Noise Impact Assessment has been provided, and now provides information relating to noise from the proposed development's parking areas.
- Air quality and odour – An amended Qualitative Odour Assessment was submitted in response to concerns regarding the "slight adverse effect" previously predicted by the applicant at four residential properties in relation to odour. An earlier erroneous reference to a "frying facility" has been deleted.

- Drainage issues – In response to initial comments of the Lead Local Flood Authority, the applicant has provided further commentary, and intends to carry out on-site investigation to establish whether a watercourse is present.
- Ecological considerations – An Ecological Impact Assessment has been submitted. This now provides the survey information missing from the applicant's earlier Preliminary Ecological Appraisal, and includes information relating to barn owls, in response to residents' comments. An amended Air Quality Assessment was submitted, including information regarding nitrogen deposition in response to comments of officers.
- Trees and landscaping – Landscaping proposed around the site has been amended to reflect the reduction in on-site parking spaces, and the moving of the B1a / B1b building. Additional treeplanting is also proposed.
- Ground conditions – An amended Coal Mining Risk Assessment was submitted in response to the initial comments of the Coal Authority.
- Public health – The applicant provided more information explaining how PTFE is used in their manufacturing process, and how Isopar would be stored and used on site.
- Other matters – The applicant provided a breakdown of the existing workforce, explaining what proportions are highly skilled, skilled and unskilled. More information has been provided regarding existing apprenticeships. Proposed floorspace figures have been corrected.

5.4 The above amendments and further information, and the responses of officers, consultees and residents, are set out in the discussion below.

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 48 of the National Planning Policy Framework (2018). 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 (2018), 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-Alitudinal 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 a Local Wildlife Site, and is part of a proposed Wildlife Habitat Network and a Green Infrastructure Network. 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:

- None

National Planning Policy and Guidance:

6.9 The National Planning Policy Framework (2018) 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:

- Chapter 2 – Achieving sustainable development
- Chapter 6 – Building a strong, competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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

Other relevant guidance and documents

6.11 Relevant guidance and documents referred to by officers when assessing the proposed development include:

- Ancient woodland and veteran trees: protecting them from development (Forestry Commission and Natural England online guidance, updated 2018)
- Kirklees Local Plan Accepted Site Options – Technical Appraisal (2017)
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees District Landscape Character Assessment (2015)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was initially 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 and Development Management Charter. 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.
- Proposal does not constitute sustainable development.
- 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.
- Economic impacts of development.
- 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 and hazardous substances to be used.
- Increased pollution.
- Increased carbon emissions.
- Risk of fire.
- Cumulative amenity and environmental impacts.
- Destabilisation of soil and bedrock structure.
- Site topography would worsen impacts.
- Destruction of community cohesion.
- Mental health and psychological impacts.

- Development proposed close to borough boundary in Calderdale Local Plan should be considered.
- Future extensions are possible, causing greater impacts.
- Treeplanting 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.
- Adverse impacts do not outweigh the benefits.
- Concerns regarding land sale and reallocation process.
- 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 be economically beneficial to Kirklees, and that its impacts can be mitigated.

7.5 Residents have also drawn officers' attention to an online petition titled "Stop Aflex Hose ruining the local area with a 24/7 PTFE plastics factory". As at 20/08/2018, the petition had 1,288 signatures.

7.6 A resident has expressed concern that the previous position statement did not relay all of the concerns raised in representations. Paragraph 7.2 above expands the list of concerns provided in the position statement. Furthermore, it is 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.

7.7 Although in this case reconsultation was not required by Government legislation or guidance, or by the council's Development Management Charter, as the proposed development has been amended since initial consultation was carried out, reconsultation letters were issued on 30 and 31/07/2018, with the end date for publicity set as 20/08/2018. To date, 108 further objections to the proposed development has been received, with the following points made:

- Revised plans do not address concerns previously raised.
- Applicant's changes are superficial. Changes only lessen impacts only in a small way.
- Applicant's submission is still incomplete.
- Development unsuitable for this location.
- Brownfield site should be used instead of greenfield site.
- Proposed building would dominate skyline, and is out of scale with surroundings.
- Noise impacts.
- Development would cause air pollution.
- Ancient oaks on the site are now protected by new legislation.
- Environmental and ecological damage.
- Concerns regarding processing of PTFE.
- Impact on Pellon Place.

- Public health impacts.
- No objection to B1 development at this site.
- Application should not be determined until a previous expression of interest in the site (which would have had less significant impacts) has been considered.
- Inadequate reconsultation period. Residents should be reconsulted after applicant's submission is completed.

7.8 Although fewer representations have been received in response to the council's second consultation, it is not assumed that those residents who previously objected no longer have concerns.

7.9 Any further responses received following the publication of this report will be reported to the Sub-Committee in an update or verbally.

8.0 CONSULTATION RESPONSES:

8.1 Initial comments from consultees were reported in the previous position statement, and are repeated below. Comments made by consultees since 05/07/2018, and in response to the applicant's amendments and further information, are reported below as further comments.

8.2 Statutory:

KC Highways – Initial comment: 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.

Further comment: Sensitivity testing using traffic growth projections for a 2028 (not 2023) scenario, and assuming the shuttle bus would not be operational, is required.

KC Strategic Drainage – Initial comment: 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.

Further comment: Accepted that, once further site investigation has been carried out (to find an existing watercourse that may exist on site), applicant will have done all they can to address this matter. If the watercourse cannot be found, application will be supported subject to conditions.

Coal Authority – Initial comment: 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.

Further comment: Objection maintained. There appear to be opportunities to relocate the B2 / B8 building northwards and to reconfigure parking areas whilst maintaining access routes around the site, which would move building away from mine entry. Details of capping previously carried out should be provided. Likely that large foundation loads would need to be transferred directly adjacent to the cap, therefore details of condition and strength of founding rock and distances between foundations and cap or shaft wall are needed. Willing to review applicant's further information regarding the B2 / B8 building location.

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.

8.3 **Non-statutory:**

KC Business, Economy and Regeneration – Initial comment: 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.

Further comment: Local supply chain spend within Kirklees and West Yorkshire would support indirect jobs and job security.

KC Ecology – Initial comment: 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.

Further comment: Submitted EclA is based on survey information that is sufficient to characterise the ecological importance of the habitats within the site and its vicinity.

Survey effort relating to bats has been justified by the assertion that moderate suitability habitats would be retained and protected – this justification is accepted provided that impact avoidance measures are adequate. Barn owls are unlikely to be significantly impacted by the proposals, as no potential for barn owl nesting was recorded by the applicant, the site has no other features that provide potential nest sites, and the site lacks the optimum tussocky grassland that supports hunting by barn owls. Proposed development would not have a significant impact on ancient woodland in relation to nitrogen deposition, as the process contribution would be approximately 0.03%.

Specific mitigation measures have been described in the EclA, but only in outline – preferably, further details should be provided prior to determination, however details of the majority of these measures can be secured by condition.

Area of poor semi-improved grassland at north of site is of low importance for its botanical value, but has some value for butterflies and day-flying moths. This habitat would be lost, but could be replaced at least in part – this should be required as part of the development's mitigation, perhaps in the form of a woodland ride type habitat along the site's sewer easement.

Applicant's discussion of potential for impacts to off-site habitats is limited to non-statutory designation and does not include the adjacent ancient woodland which form part of the Kirklees Wildlife Habitat Network. Treeplanting required along western site boundary, contributing to a wooded buffer adjacent to the ancient woodland (as per Forestry Commission and Natural England guidance). The overall buffer could include a grassed ride.

Lighting design is sufficient to avoid significant impacts to foraging or commuting bats.

The proposed and above measures would provide the required biodiversity enhancement. No objection to proposed development if these measures are implemented. Unlikely that the proposed development would result in impacts to European-protected species that would require a Natural England licence. Amendment to landscape layout, and details of ongoing habitat management, will be required. Conditions recommended.

KC Environmental Health – Initial comment: 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. No objection regarding contaminated land. Condition recommended requiring dust suppression measures. Odour emissions are of concern, therefore condition recommended requiring installation of an extract ventilation system. Findings of applicant's air quality 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. Condition recommended requiring measures to control glare and stray light from artificial lighting. Applicant should contact relevant council officers to ascertain whether

any permit under the Environmental Permitting (England and Wales) Regulations 2016 is required.

Further comment: Amended Noise Impact Assessment includes assessment of likely noise from proposed car park – its conclusions are accepted, as is its recommendation that mitigation measures are not required.

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 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 – Initial comment: 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 understorey 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.

Further comment: Previous comments still apply. To address concerns regarding the adjacent ancient woodland, light pollution, air pollution and noise, a woodland buffer strip is required within the application site. Trees already grow on the sewer easement, and more could be planted. Graded banking should be redesigned.

Based on the 20 trees (six category B, 14 category C) and four tree groups (all category C) that would be lost, using Cavat formulae a total contribution of £64,658 would be required, however this is considered excessive. A contribution of £1,000 for each of the category B trees results in a £6,000 contribution towards woodland planting and maintenance is reasonable.

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 postdetermination 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.

West Yorkshire Fire Authority – No response to date.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Site allocation, land use and principle of development

- 10.1 Planning law requires that applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 10.2 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, and this land must therefore be regarded as previously-developed (brownfield) land, however the majority of the site is greenfield land. There are no green belt or Urban Greenspace designations restricting development of the site.
- 10.3 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.
- 10.4 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 11 of the NPPF states that development plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change. It adds that strategic policies should, as a minimum, provide for objectively assessed needs, unless there are strong reasons for restricting development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 10.5 In chapter 6 of the NPPF, paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 81 states that planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to local policies for economic development and regeneration. It adds that planning policies should be flexible enough to accommodate needs not anticipated in the development plan, allow for new and flexible working practices, and to enable a rapid response to changes in economic circumstances. Paragraph 82 adds that planning policies and decisions should recognise and address the specific locational requirements of different sectors – this includes making provision for storage and distribution operations in suitably accessible locations.
- 10.6 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.

- 10.7 The Inspector's letter of 15/06/2018 regarding the emerging Local Plan includes no comment on proposed site allocation E1836.
- 10.8 During the life of the current application, 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 report, 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 11 of the NPPF, which notes that local development needs should be flexibly met, but that any adverse impacts of development remain material.
- 10.9 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".

- 10.10 These points are noted, and the matters raised are considered later in this report in light of more recent, application-specific comments from the council's Environmental Health 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".

- 10.11 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.
- 10.12 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 the applicant. The above paragraphs, however, describe and explain the reasons for the proposed reallocation, its timing (of note, reallocation was first proposed long before the applicant approached the council for pre-application advice), and what public consultation was carried out in relation to the emerging Local Plan.
- 10.13 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.
- 10.14 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.
- 10.15 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 increase 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 this is due to increase to 15 (equivalent to approximately 5% of the workforce) by the end of 2018.
- 10.16 The applicant's existing workforce comprises approximately 70% highly skilled (requiring Higher Education (HE) qualification or extensive experience acquired on-the-job), 17% skilled (requiring some form of Further Education (FE) qualification, skills learnt on-the-job, or an apprenticeship) and 13% unskilled (no relevant qualification, training or experience) employees, with most of the unskilled workers currently undergoing training. 33 people are employed in the applicant's research and development department. The applicant has also provided an incomplete list of the current workforce's qualifications, which include 32 HE level and 106 FE qualifications relevant to the jobs currently being undertaken.
- 10.17 In accordance with draft policy PLP9 in the emerging Local Plan the applicant has agreed to include appropriate measures in a Section 106 agreement, intended to secure provision of apprenticeships and local employment initiatives in connection with the proposed development.

10.18 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.

10.19 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.

10.20 In relation to the construction phase, the applicant would prefer to appoint a local main contractor from West Yorkshire, and 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 and it would not be reasonable in Planning terms to insist upon this being a requirement of the planning permission.

10.21 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. It is noted, however, that redevelopment, relocation and churn within the industrial sector (and at its sites) is normal when businesses expand. The vacated four existing sites in Calderdale 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 above – while it is noted that some of these benefits are not (and cannot be) guaranteed, their likelihood would be greatly increased should the proposed development go ahead.

10.22 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.

- 10.23 Residents have also referred to an earlier expression of interest in the site, which may have resulted in less significant local impacts, post-development. This expression of interest, however, was made to the council's property section, no planning application was submitted, and no such indicative or pre-application scheme is currently before the council. It would not be appropriate to delay determination of the current application (which the Government requires the Local Planning Authority to determine without delay) to allow this previous expression of interest to be considered.

Sustainability

- 10.24 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. Paragraph 7 of the NPPF states that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs, and paragraph 8 identifies three dimensions of sustainable development: the economic, the social and the environmental.
- 10.25 In terms of economic sustainability, although Aflex Hose is not a locally-owned business, it provides significant local employment and, in connection with the proposed development, the local supply chain spend within Kirklees and West Yorkshire would support indirect jobs and job security. The proposed expansion of the applicant's operations would facilitate further job creation. Other than during the construction phase, the jobs brought to the site by the proposed development would not be short-term. The applicant's apprenticeships and on-the-job training would help raise skills levels (including among Kirklees residents), and would equip employees with transferable skills, thus improving the economic resilience of Kirklees. The applicant has agreed to Section 106 provisions relating to local employment, and would consider appointing a local main contractor during the construction phase. Improved efficiency and productivity resulting from the proposed development would also have economic benefits. With regard to paragraph 8a of the NPPF, approval of planning permission would help ensure that the council meets its obligation to provide land of the right type in the right place to help build a strong, responsive and competitive economy, and to support growth, innovation and improved productivity.
- 10.26 In terms of social sustainability, although the proposed development has the potential to significantly impact upon the occupants of neighbouring residential properties, neighbour amenity impacts can be sufficiently mitigated (as considered later in this report) to ensure that people will want to continue to live and build community in the area. Although it is not known whether any of Aflex Hose's existing employees live in Bradley, locating a major employer (and creating jobs) within a populated area provides future opportunities for people to live close to their workplace, which has benefits in relation to childcare, reduced journey-to-work times, and other aspects of life outside work.
- 10.27 In terms of environmental sustainability, although major development can result in damage to the local and wider environment (including sensitive ancient woodland, habitats, water resources and local air quality), at this site impacts can be sufficiently mitigated (as considered later in this report), and development can also provide an opportunity to secure net improvements in terms of, for example, biodiversity. The applicant has provided information regarding measures intended to reduce water and energy use. The new

building will need to comply with present-day requirements (set out in the Building Regulations) regarding energy efficiency. The applicant's existing premises would be vacated, however it is not known at this stage whether these resources (i.e., the vacated buildings, and their materials and embodied energy) would go unused, therefore this matter must be given neutral weight in this consideration of the development's environmental sustainability. The application site is not isolated or inaccessible, it can be accessed by public transport (although these services are limited) and other sustainable forms of transport, and measures set out in the submitted Travel Plan would help discourage use of private cars by employees.

- 10.28 On the basis of the information supporting the current planning application, and having regard to the controls and obligations that can be applied and required through the use of conditions and a Section 106 agreement, the current proposal is considered to be sustainable development.

Urban design issues

- 10.29 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. Chapter 12 of the NPPF emphasises the importance of creating high quality buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities.
- 10.30 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.
- 10.31 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 and non-residential development of recent years has used a relatively consistent, subdued palette of pale grey metal cladding, in some cases above stone walls.
- 10.32 The applicant initially submitted proposals for 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 queried whether natural stone could be used in the lower parts of the elevations, whether natural stone and carefully-designed illumination could instead be used for the delivery and dispatch doors, and requested that light grey cladding (in two shades, if necessary) be used. At the Strategic Planning Committee meeting of 05/07/2018, Members expressed concern regarding the

appearance of the proposed B2 / B8 building, including in relation to its materials.

- 10.33 In response, the applicant now proposes a light grey metal cladding for the upper parts of the building. This would be similar to that used on many non-residential buildings across Kirklees, and is considered acceptable. A darker grey is proposed for the lower parts of the building, and this is considered acceptable given the use of lighter grey above, and given the cost of using natural stone on a building of this size. The applicant has argued that the delivery and dispatch doors need to be highlighted in yellow so they can easily be located by drivers, and this is accepted.
- 10.34 The proposed three-storey B1a / B1b building would present its narrower elevation to Dyson Wood Way, and its longer elevations to the east and west. This building was initially proposed to stand approximately 2m away from the common boundary shared with Pellon Place, and would have had a blank front elevation at ground floor level, with two glazed storeys above. Officers 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 was noted that the adjacent office building (Pellon Place) has side (east-facing) windows, and officers 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 did 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 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. Officers also asked the applicant to consider a 90° rotation of the building, which would have further reduced impacts upon Pellon Place, and would have helped bring definition and a continuous building line to this part of Dyson Wood Way.
- 10.35 In response, the applicant submitted further information supporting the proposed location and orientation of the B1a / B1b building, but also amended the proposed development by moving the building a further 3m away from the common boundary shared with Pellon Place, and adding windows to the front elevation. With these amendments, the proposed development would relate better to Dyson Wood Way (the ground floor front windows would serve offices and rooms used for research and development), and although the outlook from and natural light received by Pellon Place would still be reduced, this impact is not considered so great as to warrant refusal of planning permission, given the non-residential use of this neighbouring building. The applicant has demonstrated that a 90° rotation of the B1a / B1b building would not be possible without preventing adequate vehicular access to that building and the site's upper car park, given the site's topography.
- 10.36 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 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.

- 10.37 In response, the applicant amended the proposed materials. Natural stone is now proposed at ground floor level, and a grey standing seam cladding is proposed at first and second floor. The building's entrance would be framed with grey cladding, which is considered appropriate.
- 10.38 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.
- 10.39 The proposed B2 / B8 building would certainly be visible in these views, however with the recent amendments to the proposed 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.
- 10.40 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 tree planting and other soft landscaping proposed.
- 10.41 In summary in relation to urban design considerations, it is considered that the concerns of Members and officers have been sufficiently addressed. Of particular note, the design of the proposed B1a / B1b building (which would provide the development's public face) now makes sufficient reference to Kirklees and its context, and the visual impacts of the proposed B2 / B8 building are now considered acceptable due to its revised material palette, and the revised treeplanting proposals detailed later in this report.

Amenity issues (including noise)

- 10.42 Chapter 12 of the NPPF notes that good design creates better places in which to live and work, and helps make development acceptable to communities. Paragraph 127f states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Paragraph 170 states that planning decisions should contribute to and enhance the local environment by preventing new development from contributing to unacceptable levels of noise pollution. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. Planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life. The impact of light pollution from artificial light on local amenity should be limited.

- 10.43 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 tree planting or other means of screening.
- 10.44 In the Publication Draft Local Plan, 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 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.
- 10.45 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.
- 10.46 Additional sections and a 3D view of the proposed development (taken from a vantagepoint at the southeast corner of the site, i.e., at the rear of properties on Grantley Place) were requested by residents, and have been provided by the applicant.
- 10.47 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 the aesthetic and amenity implications of the fencing can be considered further at conditions stage.
- 10.48 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 tree planting proposed

along the eastern edge of the site, which would additionally limit overlooking from the proposed car park.

- 10.49 Impacts on the amenities of the adjacent offices at Pellon Place have been considered earlier in this report, and are not considered so significant as to warrant refusal of planning permission.
- 10.50 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.
- 10.51 186 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.
- 10.52 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.
- 10.53 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.
- 10.54 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.
- 10.55 In response to officers' comments, the applicant's amended Noise Impact Assessment added information regarding potential noise from the development's car parks. The applicant has assessed a worst-case daytime scenario where 250 cars arrive within a one-hour period, and a night-time scenario with fewer vehicle movements, and concludes that noise from the use of the development's car parks would not cause significant adverse impacts upon nearby residents.

- 10.56 The applicant's conclusions regarding noise are accepted. The council's Environmental Health officers concur with the applicant that limited noise generated by the proposed development would not necessitate mitigation measures. It is not considered necessary to apply controls to the development's operational hours, however a condition controlling times of HGV movements is recommended, for amenity reasons.

Air quality and odour

- 10.57 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 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 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.
- 10.58 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.
- 10.59 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.
- 10.60 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.
- 10.61 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 a final list of measures can be secured and considered further at conditions stage.

- 10.62 In relation to odour, the applicant submitted a Qualitative Odour Assessment (QOA), which listed 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” was predicted in relation to odour. Officers queried what measures would need to be implemented to reduce these effects down to “negligible”.
- 10.63 In response, the applicant submitted a revised QOA, which now includes proposals to install fume scrubbers and carbon filters, which according to the applicant would ensure that the majority of odorous compounds would be removed from flue gases. In conclusion, the applicant has argued that odour emissions from the proposed development would effectively be negligible.
- 10.64 Given the above commitments, it is not recommended that planning permission be refused on odour grounds, however an appropriate condition requiring the installation of fume scrubbers and carbon filters is recommended.

Highway issues

- 10.65 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 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.66 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.
- 10.67 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.

- 10.68 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.
- 10.69 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 34 vehicles, and continuing downhill to the proposed B2 / B8 building and its parking area for 252 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.
- 10.70 42 cycle parking spaces, including 10 for electric bicycles, are proposed.
- 10.71 A shuttle bus service for staff is proposed by the applicant. Staff would not be charged for this service. The route and timetable of the shuttle bus would be designed to cater for the maximum number of employees possible.
- 10.72 186 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 outside the a.m. peak, but during the p.m. peak.
- 10.73 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.
- 10.74 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 one or both of 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

- 10.75 The applicant's Transport Assessment states that 531 delivery vehicles travel every four weeks to the applicant's four existing sites in Calderdale, 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.
- 10.76 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.
- 10.77 With reference to the above information, and the 280-strong workforce that would relocate to the application site, 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.
- 10.78 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.
- 10.79 Residents have argued that 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 Local Plan Inspector has not objected to these allocations. Residents have made the same point regarding site allocations in Calderdale. The applicant, however, 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 planning permission.
- 10.80 Highways Development Management officers requested revisions and sensitivity testing to the applicant's junction assessments, noting that the applicant's initial figures discounted 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 was also questioned in light of officer knowledge. Anticipated growth in staff numbers to 2028, and related traffic growth, should be taken into account, and arrival and departure figures quoted in relation to Broad Lea House needed to be reconsidered.

- 10.81 In response, various documents were submitted by the applicant, including a revised Transport Assessment (v4, dated 11/07/2018), which included clarifications and corrections to information set out in the initial Transport Assessment. A meeting with officers was held on 29/06/2018 to discuss highways matters.
- 10.82 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. The applicant's information regarding queuing at the Bradley Bar roundabout can also be used.
- 10.83 The amended Transport Assessment (v4) referred to the applicant's expansion plans, but predicted highways impacts with reference to 2023 background traffic projections, rather than data for 2028 which is the date when the applicant's workforce is planned to grow to 500. Officers also requested sensitivity testing for a scenario where the proposed shuttle bus did not operate. A third Transport Assessment (v5, dated 08/08/2018) was therefore provided by the applicant, along with a note explaining that the additional sensitivity testing therein related to hypothetical scenarios, that the shuttle bus service would be secured by a Section 106 agreement and promoted among staff members, and that the expansion of the applicant's workforce to 500 is not guaranteed. Officers nonetheless remain of the view that this sensitivity testing was necessary, as if the benefits of the applicant's expansion plans are to be considered at application stage, so too must their impacts.
- 10.84 The applicant's sensitivity testing highlights that the majority of the applicant's 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. With this taken into account, the applicant has predicted that the three junctions would continue to operate below capacity during the a.m. and p.m. peaks in 2018 and 2023 scenarios. These conclusions are accepted.
- 10.85 In the 2028 scenarios, greater impacts are predicted by the applicant, including exceedance of capacity at the Bradley Bar roundabout. This is of concern, and although the applicant's related assertions (that much of the predicted 2028 impacts are a result of factors beyond the applicant's control, namely the predicted background traffic growth and impacts of other developments) are noted, appropriate mitigation would nonetheless be necessary. It is, however, noted that the proposed Cooper Bridge relief road is likely to have progressed by 2028.
- 10.86 An updated Interim Travel Plan (rev 02, dated 11/07/2018) 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. A planning obligation securing the implementation and monitoring of a revised Travel Plan is therefore recommended for inclusion in a Section 106 agreement.

- 10.87 Regarding the proposed shuttle bus, although the applicant cannot at this stage confirm that this 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. It is recommended that provision of the shuttle bus service be secured through the implementation of the Travel Plan, with provisions for reviews in the event that staff take up other sustainable forms of transport.
- 10.88 With the above measures in place, it is considered that the highways impacts of the proposed development (in terms of road and junction capacity) can be sufficiently mitigated to ensure compliance with policy T10 of the UDP and policy PLP21 of the emerging Local Plan, and would not result in the unacceptable impacts on highways safety, or the severe cumulative impacts on the road network, referred to at paragraph 109 of the NPPF. Furthermore, although draft site allocation E1836 indicated that financial contributions towards improvements to the strategic road network may be necessary at this site, given the above conclusions such a contribution could not be justified. It is also noted that significant contributions towards local highway improvements were already provided, and works implemented, when the Bradley Business Park was initially laid out.
- 10.89 The applicant referred to Appendix 2 of the UDP when formulating the proposals for on-site car parking. In the corrected information set out in the latest Transport Assessment, and applying a maximum standard of one space per 25sqm of B1a floorspace, one per 50sqm of B1b and B2 floorspace, and one per 150sqm of B8 floorspace, the applicant has stated that the total number of parking spaces at the site should not exceed 379 if it is to comply with UDP standards.
- 10.90 Notwithstanding the above, the 343 car parking spaces initially proposed by the applicant were 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, officers did not consider it necessary to provide 343 spaces. The council's Public Health team expressed concern that the number of parking spaces initially proposed would have discouraged the use of sustainable modes of travel and active travel. It was further considered that 343 spaces would not be needed to futureproof the site in light of the applicant's expansion plans, given the above considerations, and the fact that the site's workforce may not grow to 500 employees until 2028.
- 10.91 During the life of the application, the applicant reduced the proposed 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. This reduction has allowed 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 has been submitted.
- 10.92 Two of the proposed car parking spaces would be accessible.

- 10.93 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. An appropriate condition is therefore recommended. The proposed shower and changing facilities for staff who cycle are welcomed.
- 10.94 Vehicle tracking diagrams for a 16.5m long articulated vehicle and a 3.5t van have been submitted, confirming that these vehicles 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.
- 10.95 Adequate visibility splays can 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. An appropriate conditions is recommended, requiring adequate visibility splays to be provided.
- 10.96 A further condition, requiring adequate footway widths along the development's internal road, is also be recommended.
- 10.97 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.
- 10.98 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. Appropriate conditions are recommended, requiring full details of planting and boundary treatments adjacent to Old Lane.
- 10.99 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.

Drainage issues

- 10.100 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).

- 10.101 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.
- 10.102 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).
- 10.103 Foul water would be disposed of via an existing Yorkshire Water sewer adjacent to the site.
- 10.104 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 a watercourse that may exist on site. The applicant intends to carry out this work in the near future, and the Lead Local Flood Authority have advised that, if the watercourse cannot be found, the application will be supported subject to conditions. Should the watercourse be found, recalculation of run-off rates may affect what attenuation is required. Appropriate conditions regarding drainage are recommended.

Ecological considerations

- 10.105 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 15 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.
- 10.106 The applicant initially submitted a Preliminary Ecological Appraisal (PEA), acknowledging that the application submission was not 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. The submitted PEA was not sufficient to support a planning application of this scale, and the surveys and assessments initially provided by the applicant were 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) was required, and officers advised the applicant that this should include the missing survey work, cross-references to the applicant's air quality information, and a more detailed assessment of potential for barn owls.
- 10.107 The applicant has now submitted an EclA. This is based on survey information that is sufficient to characterise the ecological importance of the habitats within the site and its vicinity.

- 10.108 In relation to bats, the applicant's survey effort has been justified by the assertion that moderate suitability habitats would be retained and protected – this justification is accepted provided that impact avoidance measures are adequate.
- 10.109 Residents' comments regarding the presence of barn owls are noted, however it is considered that this protected species is unlikely to be significantly impacted by the proposals, as no potential for barn owl nesting was recorded by the applicant, and the council's Biodiversity Officer has noted that the site has no other features that provide potential nest sites, and lacks the optimum tussocky grassland that supports hunting by barn owls.
- 10.110 The council's Biodiversity Officer has noted that an area of grassland at the north of the site is of low importance for its botanical value, but has some value for butterflies and day-flying moths. This habitat would be lost, but could be replaced at least in part, and it is recommended that this replacement be secured by condition. The replacement habitat could take the form of a woodland ride feature along the site's sewer easement, and the applicant's landscaping proposals will need to be amended accordingly – a relevant condition is therefore recommended.
- 10.111 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 applicant has provided an assessment of the potential for the development to affect woodland habitats in relation to air quality, and it is accepted that there would not be a significant impact upon ancient woodland in relation to nitrogen deposition, as the process contribution would be approximately 0.03%. The treeplanted buffer required in relation to the adjacent ancient woodland is considered later in this report.
- 10.112 The applicant's proposed lighting design is considered sufficient to avoid significant impacts upon foraging or commuting bats.
- 10.113 Specific mitigation measures relating to biodiversity have been described in the applicant's EclA, but only in outline. While it would be preferable to have further details of these measures at application stage, they can be secured by condition, and this is recommended accordingly.
- 10.114 Given the details of the proposed development, and the mitigation measures to be secured by condition, it is considered that the net biodiversity gain required by draft Local Plan policy PLP30 can be achieved, and that the proposed development would comply with the relevant requirements of chapter 15 of the NPPF.
- 10.115 The council's Biodiversity Officer has confirmed that Natural England did not need to be consulted on the application (although they were consulted, and did not respond), and has advised that the proposed development is unlikely to result in impacts upon European-protected species that would require a Natural England licence.

Trees and landscaping

- 10.116 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.
- 10.117 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.
- 10.118 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).
- 10.119 Paragraph 10.83 of the previous position statement included errors regarding the trees the applicant intended to fell. The proposed felling is correctly detailed at paragraph 3.4.1.1 of the applicant's Arboricultural Impact Assessment, which states that trees T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, T13, T14, T15, T16, T18, T19, T20, T21, T22, T23 and tree groups G6, G10, G14 and G16 (i.e., 20 trees and four tree groups) would be felled. Of the 20 trees to be felled, six are category B trees, and 14 are category C trees, according to the applicant's assessment. Trees T4, T6, T19, T21 and T22 are category B mature oak trees, and T16 is a mature oak tree (also category B) of high biodiversity value but is structurally compromised and risks the safety of future users of the site.
- 10.120 The proposed losses of trees are regrettable, and weigh negatively in the balance of planning considerations. Mitigation, however, can 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. Based on the losses proposed, Cavat formulae results in a total contribution of £64,658, however this is not considered reasonable or necessary, given the limited public amenity benefit that some of the affected trees currently provide, and given the on-site planting proposed by the applicant. A contribution of £1,000 for each of the felled category B trees is considered more appropriate, and the resultant total contribution (£6,000) is considered reasonable and proportionate.
- 10.121 The site's most valuable tree, T17, would be retained. Measures to protect this and other trees during construction works would be necessary, and an appropriate condition is recommended.

- 10.122 Guidance issued by the Forestry Commission and Natural England states that, where a Local Planning Authority decides to grant planning permission, planning conditions or obligations should be used to make sure developers either avoid damage to ancient woodland and veteran trees, mitigates against damage, or compensates for loss or damage (as a last resort). The relevant guidance goes on to state that mitigation measures will depend on the nature and scale of the development, but that measures could include leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland, and that depending on the size of the development, this buffer should be at least 15m wide.
- 10.123 Noting the importance of the ancient woodland adjacent to the application site, the council's Arboricultural Officer has stated that, to be effective in protecting the ancient woodland, the buffer zone would need to be 15m wide (measured from the edge of the application site, rather than the edge of the identified ancient woodland which does not meet Old Lane or the application site's boundary), and 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 understorey including evergreen species.
- 10.124 In response, the applicant has argued that, beyond a modest increase in the number of trees now proposed at the southwest corner of the site, no additional treeplanting can be provided, as a 6m wide easement for a Yorkshire Water sewer (that runs north-south, within the site and close to the site's west boundary) cannot be planted over. Although treeplanting has been required and carried out over other easements in Kirklees, and although this particular easement already has trees growing over part of it, the applicant has provided extracts from the relevant title deed, which includes covenants preventing the planting of trees or shrubs over the easement.
- 10.125 It is regrettable that a fully treeplanted 15m-wide buffer cannot be provided within the site, however given the restrictive covenants, and the applicant's inability to relocate the B2 / B8 building eastwards (doing so would bring the building closer to neighbouring residential properties), the reasons for this shortcoming are accepted. To provide at least some biodiversity benefit in this part of the site, treeplanting should be maximised either side of the sewer easement, and a woodland ride should be provided over the easement in accordance with the advice of the council's Biodiversity Officer. An appropriate condition securing these measures is recommended.
- 10.126 In accordance with officer advice, the ersatz buffer zone would not be regraded, other than in a small corner of the zone, which is considered acceptable.
- 10.127 If the ersatz 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.
- 10.128 In response to Members' concerns regarding neighbour amenity impacts and the need to screen the B2 / B8 building, and in the context of the shortcomings relating to the buffer zone, the applicant has increased the number of proposed trees from 78 to 111. Along with the existing trees that would be retained, this would mean 136 trees would exist on site, post-development. The applicant has also agreed to include semi-mature and evergreen trees within the proposed treeplanting, to assist with the screening of the development.

- 10.129 In relation to trees, the proposed development does not fully comply with UDP policy NE9 and policy PLP33 of the emerging Local Plan, however given the above considerations, the extensive treeplanting proposed, and the recommended relevant conditions and Section 106 obligation, it is recommended that this aspect of the proposed development be accepted.

Ground conditions

- 10.130 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. No objection has been received from Environmental Health officers in relation to ground contamination, and appropriate conditions are recommended by officers to ensure compliance with UDP policy G6 and policy PLP53 in the emerging Local Plan.
- 10.131 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 initially 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, however the Coal Authority have maintained their objection, arguing that there appear to be opportunities to relocate the B2 / B8 building northwards and to reconfigure the development's parking areas whilst maintaining access routes around the site, which would allow the building to be moved away from the mine entry.
- 10.132 In response, the applicant has argued that relocating the B2 / B8 building (and avoiding the mine entry) would result in the proposed development causing other, significant impacts, and officers find these arguments convincing. The site is undoubtedly constrained by its topography, proximity of residential properties (whose occupants are sensitive to noise, light and fumes), the need to retain trees, the need to provide treeplanting along the site's eastern, southern and western edges, the need to retain existing trees where possible, and the need to provide on-site drainage solutions. The applicant's need for long floorplates accommodating 120m long production lines, goods-in and goods-out areas and on-site car parking has also influenced the proposed layout. Considered together, officers believe there is adequate justification for the building's location, and while it is unfortunate that this means a mine entry would be partly built over, a viable alternative site layout does not appear possible. Notwithstanding their maintained objection, the Coal Authority remain willing to review the applicant's further information regarding the location of the B2 / B8 building, and further comments are awaited, however if these are not received before the meeting of the Strategic Planning Committee, it is considered that there is sufficient justification to approve the proposed site layout (subject to conditions), despite the Coal Authority's objection.
- 10.133 The Coal Authority have requested details of mine entry capping previously carried out at the site, noting that it is likely that large foundation loads would need to be transferred directly adjacent to the cap, and that details of the condition and strength of the founding rock and distances between the foundations and cap or shaft wall are needed. The applicant has stated that this information would be gathered as part of normal phase II ground investigation works, and it is therefore recommended that this information be secured by condition. The same condition would require consultation with the

Coal Authority, and foundation (re)design if proved necessary in light of the capping information provided.

- 10.134 In relation to mine gas, the applicant has described risks as “moderate to low”. No consultee bodies have raised specific concerns regarding these risks, however residents have argued that, considered alongside risks associated with the storage of Isopar and the processing of PTFE on site, these risks are significant. It is considered, however, that each of these concerns have been addressed through the details of the applicant’s submission, and/or are sufficiently addressed through the recommended conditions. In the case of mine gas, a condition requiring suitable monitoring is recommended.

Public health

- 10.135 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 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health. Policy PLP47 in the emerging Local Plan states that healthy, 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.
- 10.136 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.
- 10.137 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.
- 10.138 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.

- 10.139 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 consultants annually to monitor their sites to ensure that hazardous substances are not released above legislative exposure limits.
- 10.140 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.
- 10.141 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. Most recently, the applicant has confirmed:
- The maximum temperature at which Aflex Hose sinter PTFE is 380°C.
 - The ovens used in this process have temperature alarms set at 400°C.
 - The degradation of PTFE, where a detectable loss in weight occurs, is around 410°C.
 - The next stage of degradation, where carbonyl fluoride becomes a main product that is given off, is 450°C.
- 10.142 Officers have not been able to find official Government guidance on PTFE-related emissions, and in particular what temperatures PTFE can be safely heated to, and in what quantities airborne emissions pose a significant risk to human health. Residents have referred officers to various non-Governmental websites, and have submitted extracts from online documents, which apparently and variously state that, when PTFE is heated, decomposition products appear at 200°C, decomposition begins at approximately 230°C, polymer fume fever may be caused at 250°C or 315-375°C, and toxic gases may be released at 380°C.
- 10.143 Residents' concerns are noted, however the evidence currently before the Council does not demonstrate that PTFE-related emissions from the proposed development, if and when they reach neighbouring residents, 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.

- 10.144 It is acknowledged that certain other B2 and B8 operations could cause different and/or greater impacts upon neighbour amenity and public health than Aflex Hose's operation would. Should the processes carried out in the B2 / B8 building change in the future (either as a result of Aflex Hose changing their processes, or another business occupying the building), impacts upon neighbouring residents may also change. A condition is therefore recommended, controlling the processes carried out in the B2 / B8 building.
- 10.145 Residents have raised objections relating to the potential risk of fire, and related risks of storing Isopar and processing PTFE at the site. 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 buildings at this site.
- 10.146 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.
- 10.147 In light of this information, 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, there is evidence that toxic fumes can be released from PTFE at high, uncontrolled temperatures), however it is considered that there are adequate provisions (already proposed, and required under non-planning legislation) to minimise these risks.
- 10.148 Residents have raised concerns regarding the mental health and psychological impacts of the proposed development, however the current application 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.

Archaeology

- 10.149 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, 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.

10.150 At application stage WYAAS have accepted that a post-determination evaluation would be appropriate, and this is included in the list of recommended conditions.

Representations

10.151 To date, representations have been received from the occupants of over 400 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. This however is not a relevant material planning consideration for this application.
- 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.
- 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, as noted above, 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.
- Site topography would worsen impacts – The topography of the site is noted earlier in this report in relation to the design of the proposed B2 / B8 building, and has been taken into account in the above conclusions regarding neighbour amenity.

Planning obligations

10.152 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 planning permission be granted. In accordance with paragraph 56 of the NPPF, planning obligations should only be sought where they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

- 10.153 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 granted, an associated Section 106 agreement would secure apprenticeships and local employment initiatives in connection with the development.
- 10.154 As noted earlier in this report, a £6,000 contribution towards enhancement treeplanting would be necessary.
- 10.155 Implementation and monitoring of a Travel Plan would also need to be secured via a Section 106 agreement. This would include securing provision of the shuttle bus service currently proposed by the applicant, however allowances for reviews of this service are appropriate, in light of how well used the service proves to be, and whether staff move to more sustainable modes of transport over time.
- 10.156 As noted earlier in this report, financial contributions towards improvements to the strategic road network are not considered necessary to render the proposed development acceptable. A contribution towards improvements to Old Lane and nearby footpaths would be welcomed, but is not considered necessary.

11.0 CONCLUSION

- 11.1 The proposed development represents a departure from the UDP due to the site's allocation for B1 use, however given the facts of the case, the significant weight that can be attached to the proposed site allocation, the economic benefits of the proposed development, and the relevant paragraphs of the NPPF, it is considered that the principle of B1a, B1b, B2 and B8 development at this site can be accepted, subject to conditions.
- 11.2 The proposed development is of an acceptable design, and impacts upon residential amenity are limited, and/or would be mitigated through the use of conditions.
- 11.3 The impacts of the proposed development upon the local highway network, including in terms of highways safety and congestion, are considered acceptable, subject to implementation of a Travel Plan. The proposed car parking provision is adequate and policy-compliant.

- 11.4 The proposed development undoubtedly has shortcomings, particularly in relation to future (2028) traffic levels, losses of existing trees, the lack of a fully planted buffer along the site's west boundary, and the proposed construction partly over an existing mine entry. Sufficient justification for these shortcomings has, however, been provided, and mitigation has been provided (or would be secured by condition or planning obligation) such that none warrant refusal of planning permission. Residual (i.e., unmitigated) harm must be given negative weight in the final balance of planning considerations, however it is considered that the benefits of the proposed development comfortably outweigh its shortcomings.
- 11.5 Other matters relevant to planning have been successfully addressed by the applicant, and/or would be secured or controlled via the recommended conditions.
- 11.6 The NPPF sets out a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.7 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.
- 12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**
1. Three years to commence development.
 2. Approved plans and documents.
 3. Details and samples of materials.
 4. Archaeology.
 5. Car parking.
 6. Ecological Design Strategy.
 7. Landscape and Ecological Management Plan.
 8. Landscaping details to be provided and implemented. Planting to be replaced if any trees or shrubs fail within five years.
 9. Removal of hedgerows, trees etc.
 10. External lighting.
 11. Tree planting.
 12. Tree protection.
 13. Boundary treatments and gabions.
 14. Lighting strategy.
 15. Crime prevention.
 16. Control over processes carried out in B2 / B8 building.
 17. Times of HGV movements.
 18. Noise.
 19. Site contamination.

20. Mine capping details.
21. Mine gas monitoring.
22. Waste arisings.
23. Construction method statement.
24. Dust suppression.
25. Odour control measures.
26. Air quality measures.
27. Structures adjacent to highways.
28. Sight lines.
29. Electric/hybrid vehicle charging points.
30. Surfacing and drainage of parking areas.
31. Flood risk / drainage.

Background Papers:

Application and history files.

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

Certificate of Ownership – Certificate B signed