
Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 14-Mar-2019**

Subject: Planning Application 2018/92686 Outline application for erection of retail (A1) and drive thru restaurant (A3) development and associated car parking, landscaping and infrastructure land adj, 127, Westgate, Heckmondwike, WF16 0EW

APPLICANT

Wharfedale Ltd

DATE VALID

16-Aug-2018

TARGET DATE

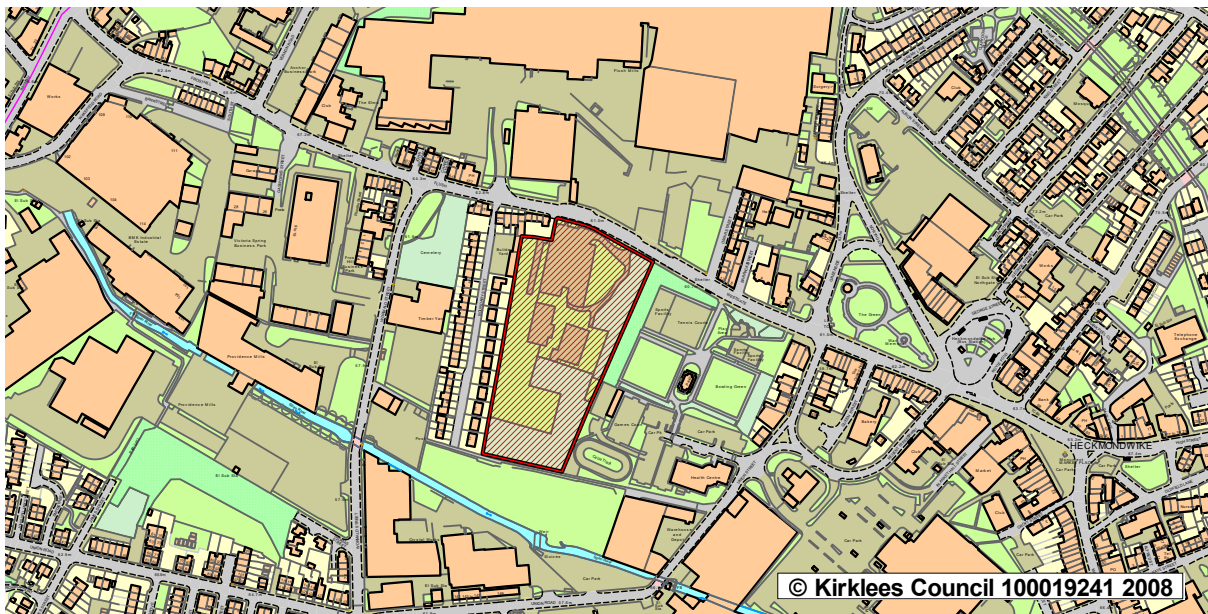
15-Nov-2018

EXTENSION EXPIRY DATE

18-Mar-2019

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

LOCATION PLAN

Electoral Wards Affected: HECKMONDWIKE

Yes

Ward Members consulted

RECOMMENDATION: Delegate to officers to refuse following the expiration of additional publicity associated with the adoption of the Local Plan (see introduction)

For the following reasons:

1). The site is allocated for housing in the Kirklees Local Plan. The proposal constitutes a departure which conflicts with the long term development aims of the local plan. It is considered that in this case, the benefits associated with the provision of housing are not significantly and demonstrably outweighed by the benefits of this proposal. Contrary to Local Plan Policy PLP1 (as modified) and Policy PLP3 (as modified).

2. The applicant has failed to demonstrate that this proposal will not have a detrimental impact on the ecology of the area and that local biodiversity will not be detrimentally affected. This would be contrary to Kirklees Local Plan Policy PLP30 (as modified) and Section 15 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application has been brought to the strategic planning Committee for determination as it constitutes a departure from the adopted development plan
- 1.2 The application was deferred at the Strategic Planning Committee on 22 November 2018 to allow the applicant the opportunity to provide additional information to address the concerns raised by consultees.
- 1.3 Members should note that as the Kirklees Local Plan has now been adopted, this proposal constitutes a departure. Consequently, prior to the issue of a decision relating to this application it must be publicised as a departure and the associated publicity period must have expired (21 days). Members should also note that, should the application be approved, it must be referred to Government Office to allow the Secretary of State for Housing, Communities and Local Government an opportunity to call the application in prior to the issue of the decision.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is located approximately 0.5 kilometres west of the centre of Heckmondwike within a setting which has a high density mixed residential/commercial character and forms an area of approximately 1.6 ha. The site was previously used for car parking associated with Flush Mills and currently has an unkempt overgrown character although a number of mature trees are located on the eastern side of the site. The nearest residential

properties are situated immediately to the west of the site off Boundary Street and to the north- west off Westgate. Other residential uses are located at greater distance to the north east off Omar Street. Algernon Firth Park bounds the site and is situated to the east. Other commercial uses are immediately to the south and to the north on the opposite side of Westgate at Flush Mills.

2.2 The site is a housing allocation in the Kirklees Local Plan (H1772).

3.0 PROPOSAL:

3.1. The applicant seeks outline planning permission for the development with all matters reserved except access and layout.

3.2 The original proposal was to construct two retail units with an overall area of approximately 2,800 square metres (Unit 1 2,100 square metres and Unit 2, 700 square metres) and a drive through restaurant with associated car parking, landscaping and infrastructure. However, this proposal has now been amended and the drive through element has been deleted from the proposal. In addition the remaining units have been moved to the west of their original position to avoid the existing mature trees adjacent to the eastern boundary of the site and the car parking arrangements have been re-designed to allow for the provision of a landscape buffer along the western boundary of the site.

3.3 Vehicular access to the site would be gained via a new purpose built access which would adjoin Westgate and the proposal would create in the region of 150 off street car parking spaces.

3.4 The applicant has indicated that this proposal has the potential to provide a significant number of full and part time jobs which would help to address the higher than average unemployment rate in the area.

3.5 For members information this proposal was **not** the subject of any pre-application discussions

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

93/03241 – Change of use of land to extend existing carpark – Approved

94/92516 – Erection of fascia signs, flags and carpark signs – Refused

94/93913 – Erection of fascia, directional signs - approved

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

5.1 Negotiations associated with this application have resulted in:

- The deletion of the drive though element
- Re-design of the car parking layout
- Provision of landscape buffer areas between the site and residential properties

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 is the Kirklees Local Plan which was formally adopted on the 27th February 2019.

6.3 Kirklees Local Plan (KLP):

PLP1 (as modified) Presumption in favour of sustainable development
PLP3 (as modified) Location of new development
PLP7 (as modified) Efficient and effective use of land and buildings
PLP13 (as modified) Town centre uses
PLP19 (as modified) Strategic transport infrastructure
PLP 21 (as modified) Highway safety and access
PLP22 (as modified) Parking
PLP24 (as modified) Design
PLP 30 (as modified) Biodiversity and geodiversity
PLP52 (as modified) Protection and improvement of environmental quality

6.4 National Planning Guidance:

NPPF Section 2. Achieving sustainable development
NPPF Section 7 Ensuring the viability of town centres
NPPF Section 12 Achieving well - designed places
NPPF Section 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change
NPPF Section 15. Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 This application was originally publicised by the erection of 4 site notices in the vicinity of the site the mailing of 18 neighbourhood notification letters and an advertisement in the local press. The amended proposals were subsequently publicised in the same way. This resulted in an additional 4 representations being received. The issues raised following both of these consultation exercises can be summarised as follows:

- The proposal would have a detrimental impact on highway safety
- This development would generate excessive levels of noise which would cause nuisance to the occupants of nearby dwellings
- Additional waste associated with activities at the site will increase the presence of vermin
- The proposal is likely to lead to crime and anti-social behaviour as it will attract large groups of young adults
- The type of activities proposed will lead to excessive levels of litter
- People living in the area will experience additional light pollution
- This proposal would adversely affect Heckmondwike town centre as trade would be shifted away from the traditional shopping areas.

- This site should be used for houses as there is a drastic shortage in the Heckmondwike area.
- This proposal would have a detrimental impact of local ecology
- The occupants of the bungalows on Boundary Street are vulnerable, disabled and have long term health conditions. Consequently the impact associated with this proposal will affect these people disproportionately.
- This proposal would have a detrimental impact on house values in the area
- Other sites in Heckmondwike should be considered before this one
- Smells from the drive through restaurant are likely to cause nuisance to nearby residents
- There is a clear need for housing close to Heckmondwike town centre and conflict with the aims of the Local Plan
- The removal of a drive through restaurant is simply to obtain planning permission and it is likely a future planning application for such a development will be made.
- The car park will be used when the retail units are closed and may therefore lead to anti-social behaviour
- The proposed development should not be open before 08:00 or after 20:00 to protect the amenity of nearby residential properties
- The proposal would have detrimental impact on local ecology
- There are other more appropriate sites for this development in Heckmondwike Town centre

Following the adoption of the Kirklees local Plan on 27.02.19, this proposal now constitutes a departure. Further publicity has therefore been carried out to reflect this.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C.Highways DM – Indicated that in principle this proposal is acceptable. However additional information has been requested and is currently being considered. Final comments will therefore be reported in the committee update.

Environment Agency – No objection

8.2 Non-statutory:

K.C Policy – Verbally indicated that this proposal conflicts with the Local Plan as the site is allocated for housing and that planning permission should

therefore only be granted if the lack of conformity with the development plan is outweighed by other material considerations. Further information has been received which is acceptable in principle with regard to the associated sequential test analysis. Final comments are to follow in the committee update.

K.C. Environmental Health – No objection subject to planning conditions which require:

- All agreed sound attenuation measures to be implemented before the development is brought into use.
- The hours of operation at the site being restricted to 08:00 to 22:00 Monday to Saturday and 10:00 to 17:00 Sundays and Bank Holidays
- A Phase II contaminated land survey and measures to deal with any identified contamination
- The provision of electric vehicle charging points
- The submission and approval of a travel plan

K.C. Biodiversity Officer – Continues to maintain an objection for the following reasons:

- Insufficient information has been presented to demonstrate that bats will not be directly impacted. It is therefore not possible for the LPA to discharge its duty under regulation 9 of the Conservation of Habitats and Species Regulations 2017.
- The revised proposals are an improvement on those submitted previously. However, due to the positioning of the proposed buildings, the woodland edge habitats will be severely constrained. Further survey is required to characterise the nature of these impacts and present an assessment.
- The current proposals do not demonstrate a biodiversity net gain.

K.C. Strategic Drainage – No objection subject to the inclusion of planning conditions which require:

- The submission and agreement of a scheme dealing with foul, surface water and land drainage prior to development commencing
- The submission and agreement of a scheme restricting surface water discharge from the site to 5.6 litres per second prior to development commencing
- The assessment of the effects of 1 in 100 year storm events prior to development commencing
- The submission and agreement of a scheme which details the temporary surface water arrangements during the construction phase of the development prior to the commencement of development

- That prior to development commencing, measures are approved detailing how surface water draining from hard standing areas will be treated prior to discharge from the site, i.e. through petrol/oil interceptors.

K.C Arboriculture Officer – No objection subject to planning conditions requiring the submission and approval of an Arboriculture Method Statement and Tree Protection Plan.

K.C Public Rights of Way - Request that a pedestrian link should be provided to PROW SPE/2016 and the proposed housing development to the south of the site.

Yorkshire Water – No objection subject to planning conditions which require that:

- The site is developed using separate systems of drainage for surface water and foul water
- No piped water is discharged from the site until a satisfactory surface water outfall has been agreed
- The site is developed in accordance with the supporting flood risk assessment

Health and Safety Executive – No objection

W Y Police Architectural Liaison Officer – No objection in principle but has highlighted measures which the applicant should consider to improve site security. These measures include:

- The provision of appropriate perimeter fencing
- The proper maintenance of planting to allow a good level of natural surveillance
- The provision of vehicular barriers for use when the site is closed
- The provision of secure motorcycle and cycle parking areas
- The provision of adequately designed external lighting
- No link from the site to the adjacent PROW (SPE/106/50)

It is considered that the details of these measures can be considered at the reserved matters stage

9.0 MAIN ISSUES

- Principle of development
- Local amenity
- Highway issues
- Drainage issues
- Air Quality issues

- Ecological Issues
- Contamination issues
- Representations

10.0 APPRAISAL

10.1 Principle of development

- 10.2 Paragraph 80 of the NPPF indicates that Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 10.3 However, 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. Consequently as this site is allocated for housing in the Kirklees Local Plan (KLP), the approval of any other development would constitute a departure.
- 10.4 The implications of this proposal with regard to the Local Plan must therefore be fully considered. In the KLP the housing requirement is set at 31,140 homes from 2013 – 31 to meet identified needs, with 16,637 dwellings to be delivered during the five year period following the adoption of the Local Plan. This equates to 1730 homes per annum with additional arrangements set out in the NPPF to ensure continual delivery throughout the plan period. Over a number of years there has been persistent under-delivery of new housing across the district and whilst this site has the potential to produce a modest number of new houses, Officers consider that the loss of this site would have a direct impact on the Council's projected 5 year housing supply.
- 10.5 In this case, officers consider that there is a significant conflict with the local plan allocation and how the Council seeks to address its current deficit with regard to housing provision within the district. For housing land, national policy requires local planning authorities to use their evidence base to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. This is by identifying a supply of specific deliverable housing sites to provide five years' worth of housing (based on the housing requirement) and a supply of specific developable sites to meet housing needs later in the plan. The proposal is contrary to the aims of Kirklees Local Plan policy PLP3 (as modified) in this regard as the departure from the allocation for housing would fail to maintain a supply of specific deliverable sites. The proposal is also contrary to policy PLP1 (as modified) which seeks to support development proposals which are in accordance with the Local Plan unless other material consideration indicate otherwise.
- 10.6 KLP policy PLP13 (as modified) indicates that Town centres and local centres will remain the focus of shopping and satisfactory justification is required to support such proposals outside these centres.
- 10.7 Consequently as this development would be located in an independent location outside of Heckmondwike Town Centre, in accordance with paragraph 86 of the NPPF and the aforementioned policy considerations, the applicant is required to demonstrate that there are no sequentially preferable sites and that

this proposal would not adversely affect the vitality and viability of existing centres.

10.8 The applicant has provided a sequential test analysis and an assessment of the retail impact associated with this proposal which conclude that:

- There are no suitable, available or viable sites capable of accommodating the proposed development.
- This proposal would bring positive changes in the form of new and varied consumer choice for Heckmondwike and reduce the number of car-borne trips to destinations outside the Heckmondwike area.

However, officers initially considered that this analysis and the supporting retail assessment originally submitted in support of this application was not sufficiently robust. Consequently a revised assessment has been provided which seeks to address officer's concerns. Verbal comments from the Council's Planning Policy Team indicate this information is acceptable in principle. Final Comments on this revised assessment are to follow in the committee update.

10.9 Design & Local Amenity Issues

10.10 KLP policy PLP 24 (as modified) is a consideration in relation to design, materials and layout. Section 12 of the NPPF indicates that good design is a key aspect of sustainable development and that poorly designed development should be refused.

10.11 In this case, with regard to design the applicant only seeks full permission for the layout of the development and the detail of the design of the units would therefore be considered at the reserved matters stage.

10.12 The retail units would be located to east of the site providing an adequate separation distance from the existing residential properties adjacent to the western boundary. The proposed drive through restaurant has now been deleted from this proposal and previous concerns raised by officers in connection with this element are no longer relevant.

10.13 Officers had concerns about the original proposals in that the residential amenity of the occupiers of dwellings on Boundary Street would be detrimentally affected due to the scale of the proposed parking in the south western sector of the site. This would provide the bulk of the site parking and was indicated as being immediately adjacent to the boundaries of the rear gardens of the dwellings in Boundary Road. Officers considered that the constant movement of vehicles to and from this part of the site would have an unacceptable detrimental impact upon residential amenity.

10.14 However, the applicant has revised the layout of the site which sees the numbers of parking spaces on the western part of the site significantly reduced, those spaces being pulled back from the boundary and the provision of space to allow landscaped buffers to be planted to help mitigate the impact to residential amenity.

10.15 With regards to potential impacts upon the nearest residential properties to the site from overshadowing or over-dominance, the closest dwellings are located to the west of the site off Boundary Street. The site abuts Algernon Firth Park

to the east, a small amount of open land to the south (which currently has planning permission for residential development) and is opposite Flush Mills which is to the north of the site on the other side of Westgate. Details of the height of the proposed units have not been provided in this submission but it can be estimated that the retail units would be in the region of 10m high. It is considered that the proposed position of these units would be such that the impact on the existing residential properties would not be significantly harmful to residential amenity.

- 10.16 This proposal would result in a substantial re-development of the site. However, due to the screening effects of existing buildings and vegetation, the proposed development would not be prominent in the wider landscape and would only be visible from relatively close quarters. It is considered that appropriate planting could be used to mitigate this impact to local visual amenity.
- 10.17 Consequently, it is considered that the proposed amended layout which includes the deletion of the drive through element would accord with Policy PLP24 (as modified) of the KLP and national policy guidance contained in Sections 12 and 15 of the NPPF with regard to design and its potential impact on local amenity.
- 10.18 The applicant originally indicated that the site would operate from 06:00 to 00:00 and submitted a noise assessment in support of this proposal. However, it was considered this was not adequate to fully assess the implications of the development as it did not include all the aforementioned period. However, since this application was last brought to committee, the applicant has deleted the drive through element of the proposal and submitted a revised noise assessment to support the proposal. This has been reviewed by Officers who agree with its conclusions that, subject to the implementation of the mitigation measures detailed in this revised assessment and restrictions on hours of operation as indicated in Section 8.2 of this report, this proposal would not have a significant detrimental impact on neighbouring residential properties.
- 10.19 Officers therefore consider that this amended proposal would accord with UDP KLP policy PLP52 (as modified) and Section 15 of the NPPF with regard to its impact as a result of noise.

10.20 Highway issues

- 10.21 It is intended to serve the proposed development with a new centrally located vehicular access onto Westgate. The access will be in the form of a radii junction arrangement with appropriate sightlines being provided in both directions commensurate with the permitted vehicle speed limit. It is considered that in respect of visibility splays, approximately 2.4m x 43m on both sides are achievable where the access meets Westgate, which meets the visibility requirements in Manual for Streets for 30mph speed limit roads. However, additional detailed design information has been requested and is currently being considered. Final comments from Highways DM will therefore be included in the committee update.

10.22 Flood Risk and Drainage Issues

- 10.23 The application site is primarily located within Flood Zones 1 and 2 although a very small part on the southern and south eastern boundaries falls within flood zone 3a and there is therefore an elevated risk of flooding on part of the site.

The applicant has provided a Flood Risk Assessment FRA in support of this proposal which concludes that, subject to the inclusion of mitigation measures, this site can be developed without having significant impacts on flood risk in the local area.

10.24 Both the Environment Agency and the Lead local Flood Authority (LLFA) have reviewed the FRA and have indicated that subject to the inclusion of the planning conditions outlined in Section 8.2 of this report the proposal would be acceptable with regard to potential flood risk.

10.25 Advice provided by the LLFA and Yorkshire Water indicates that the site can be satisfactorily drained with regard to foul and surface water subject to detailed arrangements being approved prior to development commencing. Should planning permission be granted this would be secured by planning condition.

10.26 It is therefore considered that this proposal would accord with KLP Policies PLP 27(as modified) , PLP28 (as modified) and Section 14 of the NPPF with regard to flood risk and drainage.

10.27 Air Quality Issues

10.28 The proposal is a major development and due to its likely impact on air quality in the vicinity would require measures to mitigate this impact. Officers consider that the impact on local air quality could be offset by the inclusion of electric charging points and the implementation of a travel plan to encourage more sustainable transport methods. These matters can be satisfactorily dealt with via appropriately worded planning conditions and Officers therefore consider that this proposal would accord with KLP policy PLP51 (as modified) and Section 15 of the NPPF with regard to its potential impact on local air quality.

10.29 Ecological issues

10.30 The applicant originally provided an extended phase I habitat survey in support of this proposal which concluded that:

- The existing woodland on site is unlikely to have a high ecological value
- The areas of improved grass land which were associated with the original car park are unlikely to contain species of high ecological value.
- The proposed development would see the removal of the whole of the woodland which will potentially have a significant impact on associated species such as hedgehog.
- There is no evidence that the site is used by badgers and no water features which could be used by aquatic species such as water vole or otters
- There are no features within 500m of the site suitable for breeding great crested newts
- Trees on site have the potential to provide roosting opportunities but has been assessed as having low value habitat for foraging bats

- The site is unsuitable for reptiles and red squirrels and is outside the range of the hazel dormouse
- The site contains Cotoneaster and Rhododendron which are classified as invasive species

10.31. However, Officers considered that the supporting report provided only a low level of certainty and was not sufficient to demonstrate that the mitigation hierarchy had been applied and did not demonstrate a net biodiversity gain.

10.32 Consequently a revised ecological assessment has been submitted which seeks to address officer's concerns regarding this matter. Whilst it is considered that this revised assessment is an improvement to that submitted originally, due to the positioning of the proposed buildings the woodland edge habitats will be severely constrained. Officers therefore consider that further survey work is required to characterise the nature of these impacts.

10.33 Furthermore insufficient information has been presented to demonstrate that European protected species (e.g. bats) will not be directly impacted and the current proposals do not demonstrate a biodiversity net gain.

10.35 It is therefore considered that this proposal does not accord with KLP policy PLP 30 (as modified) and Section 15 of the NPPF with regard to its potential impact on local ecology.

10.36 Contamination issues

10.37 Due to the previous use of this site it is likely that the site will be contaminated to some degree. The applicant has carried out a phase I contaminated land survey which suggests that the risk of contamination is likely to be low but recommends that further intrusive works should be carried out. This survey has been reviewed by officers and its conclusions are considered to be accurate and subject to the implementation of an intrusive survey, which can be dealt with by planning conditions, this matter can be adequately dealt with. This proposal would therefore accord with KLP policy PLP 53 (as modified) and Section 15 of the NPPF with regard to impacts associated with on-site contamination.

10.38 Representations

The proposal would have a detrimental impact on highway safety

Response: To follow in the committee update

This development would generate excessive levels of noise which would cause nuisance to the occupants of nearby dwellings

Response: This matter has been considered in the section titled "Local Amenity Issues" and will be updated in the committee update

Additional waste associated with activities at the site will increase the presence of vermin.

Response: Should this application be approved then any subsequent reserved matters application would need to include satisfactory bin storage and collection facilities

The proposal is likely to lead to crime and anti-social behaviour as it will attract large groups of young adults

Response: It is considered that measures can be included as part of any subsequent reserved matters application to reduce the opportunities for anti-social behaviour to occur and any potential impacts

The type of activities proposed will lead to excessive levels of litter.

Response: This matter could be addressed at the reserved matters stage through the requirement to provide details of how litter would be minimised and the measures to be implemented to mitigate the impact of litter generated at the site.

People living in the area will experience additional light pollution

Response: Should planning permission be granted this could be conditional subject to the submission and approval of a lighting scheme. Such a scheme would be designed to minimise the impact of any artificial lighting.

This proposal would adversely affect Heckmondwike town centre as trade would be shifted away from the traditional shopping areas.

Response: To follow in the committee update

This site should be used for houses as there is a drastic shortage in the Heckmondwike area.

Response: This matter has been considered in the section titled 'principle of development'

This proposal would have a detrimental impact of local ecology

Response: This matter has been considered in the section titled 'Ecological Issues'

The occupants of the bungalows on Boundary Street are vulnerable, disabled and have long term health conditions. Consequently the impact associated with this proposal will affect these people disproportionately.

Response: The impact on the amenity of the occupiers of properties on Boundary Street has been considered in the section titled "Local Amenity Issues"

This proposal would have a detrimental impact on house values in the area

Response: This is not a material planning consideration and cannot therefore influence the assessment of this application

Other sites in Heckmondwike should be considered before this one.

Response: To follow in the committee update

Smells from the drive through restaurant are likely to cause nuisance to nearby residents

Response: This element of the proposal has now been deleted

There is a clear need for housing close to Heckmondwike Town Centre and this proposal conflicts with the aims of the Local Plan

Response: This matter has been considered in the section titled 'principle of development'

The removal of a drive through restaurant is simply to obtain planning permission and it is likely a future planning application for such a development will be made.

Response: the removal of the drive through element of this proposal was removed following concerns raised by both the Council and local residents. The amended scheme must be assessed on its merits and, whilst it is possible that a further planning application could be submitted for a drive through restaurant, this cannot influence the assessment of this application. Should a further application be received, its merits would be considered at that time.

The car park will be used when the retail units are closed and may therefore lead to anti-social behaviour.

Response: Should planning permission be approved, measures to mitigate such activity could be included at the reserved matters stage

The proposed development should not be open before 08:00 or after 20:00 to protect the amenity of nearby residential properties.

Response: Should planning permission be granted, hours of operation can be included as a planning condition. The Council's Environmental Service has recommended that the hours of operation at this site should be 08:00 to 22:00 Monday to Saturday and 10:00 to 17:00 Sundays and Bank Holidays

The proposal would have detrimental impact on local ecology

Response: This matter has been considered in the Ecological Issues section of this report

There are other more appropriate sites for this development in Heckmondwike Town centre

Response: To follow in the committee update

11.0 CONCLUSION

This proposal would conflict with the Kirklees Local Plan in that the site is allocated for housing. 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. In this case, officers consider that the benefits of this proposal would not sufficiently outweigh the loss of a housing site which could offer an opportunity to contribute to the provision of housing in the Heckmondwike area. Therefore the principle of developing the site for retail (A1) cannot be supported.

- 11.1** Furthermore the applicant has failed to demonstrate that that this proposal would not have a detrimental impact on Local Biodiversity.

12.0 Reasons for refusal

1). The site is allocated for housing in the Kirklees Local Plan. The proposal constitutes a departure which conflicts with the long term development aims of the local plan. It is considered that in this case, the benefits associated with the provision of housing are not significantly and demonstrably outweighed by the benefits of this proposal. Contrary to Local Plan Policy PLP1 (as modified) and Policy PLP3 (as modified).

2. The applicant has failed to demonstrate that this proposal will not have a detrimental impact on the ecology of the area and that local biodiversity will not

be detrimentally affected. This would be contrary to Kirklees Local Plan Policy PLP30 (as modified) and Section 15 of the National Planning Policy Framework.

Background Papers:

Application and history files.

Website link – <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92686>

Certificate of Ownership – Certificate A signed: 08.08.2018