
Report of the Head of Planning and Development**STRATEGIC PLANNING COMMITTEE****Date: 23-Jan-2020****Subject: Planning Application 2017/92230 Outline application for residential development Rodgers Plant Hire, Riverside Works, Woodhead Road, Honley, Holmfirth, HD9 6PW****APPLICANT**Mr S Rodgers, Rodgers
Plant Hire**DATE VALID**

30-Jun-2017

TARGET DATE

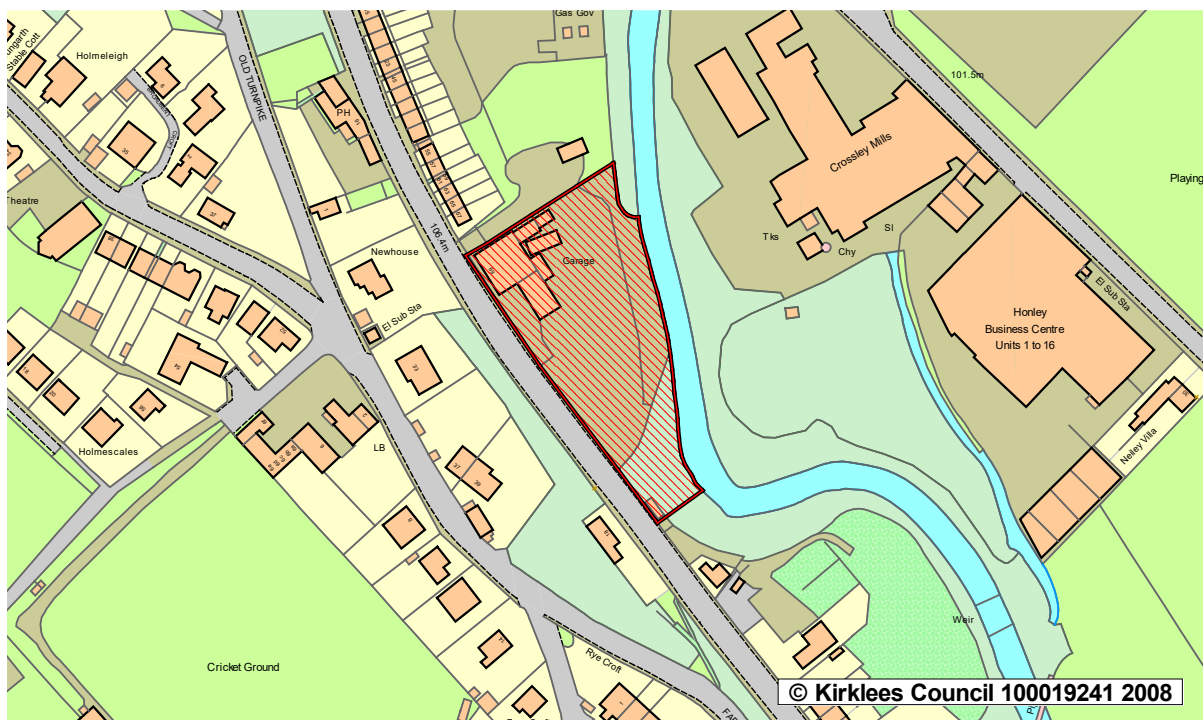
29-Sep-2017

EXTENSION EXPIRY DATE

30-Jan-2020

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: Holme Valley North☐ Yes

Ward Members consulted

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION

- 1.1 This application was initially brought to the Huddersfield Planning Sub-Committee on the 23rd of November 2017. This was due to the application being an outline submission and having a site area exceeding 0.5ha. This application is a re-submission of application 2014/91511, approved, via committee, on the 6th of August 2014.
- 1.2 At the committee on the 23rd of November 2017, members resolved to support the application. This was subject to delegation back to officers to secure a financial bond from the application, for the council to provide a footpath along the adjacent River Holme. This was previously a condition of 2014/91511, with the path to be provided by the applicant. However, during the negotiations on this application, the applicant expressed concerns over the feasibility of the path, which led to a bond being agreed.
- 1.3 Negotiations on the value of the bond stalled, with neither the applicant nor council able to reach an appropriately sound estimated value. This was due to the significant constraints to the provision of the path. To progress the application, the applicant agreed for the same condition imposed on 2014/91511 relating to the path to be re-imposed. However, given the more detailed information that officers hold on the implementation of the path since the previous committee, officers now consider that it is an unreasonable requirement which cannot be imposed as a planning condition. Thus, officers consider the application approvable without its inclusion. As this was not the resolution of the committee, a further committee determination is required for members to consider the proposed development.
- 1.4 Since the application was last presented to committee, on the 23rd of November 2017, the Kirklees Local Plan has superseded the Kirklees Unitary Development Plan. In the Local Plan the site is allocated as a Priority Employment Area and therefore the proposed residential development represents a departure. In accordance with the Council's Delegation Agreement, departures are presented to the Strategic Planning Committee.

2.0 SITE AND SURROUNDINGS

- 2.1 The site extends to approximately 0.53ha in area, although this includes sections of woodland, with frontage to Woodhead Road. The site previously accommodate a local plant hire business. The site has been cleared following the plant hire business moving to new purpose-built facilities nearby. Prior to their demolition, the businesses' buildings were sited to the north west of the site and were used for the storage and maintenance of plant and machinery, with ancillary offices and trade counter facilities.
- 2.2 To the north of the site is a terrace of residential properties which front Woodhead Road. Beyond these is Bridge Works Business Park, which accommodates a number of business units. To the east and south of the site is a tree belt protected by an area TPO, which are grown into a steep bank which falls down to the River Holme.

3.0 PROPOSAL

- 3.1 The application is submitted in outline, with access as the sole consideration. All other matters; scale, layout, appearance and landscaping, are reserved.
- 3.2 Access is to be taken from Woodhead Road, located centrally to the site's frontage with Woodhead Road.
- 3.3 An indicative layout plan has not been provided.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

2014/91511: Outline application for residential development – Conditional Outline Permission

4.2 Surrounding Area

adj Neiley Garage, New Mill Road

2016/94262: Erection of industrial development of suis-generis, B1 and B8 floorspace – Conditional Full Permission

Note: the replacement site used by Rodger's Plant Hire.

71, Woodhead Road

2019/91405: Outline application for erection of two dwellings – Conditional Outline Permission

land adjacent to, 39, Far End Lane

2019/91370: Outline application for erection of residential development – Ongoing

Former Eastgate Depot, Honley

2019/93790: Demolition of existing buildings and erection of two storey nursery and garden buildings, formation of associated parking, hard and soft landscaping, widening of entrance and dropped kerb for pedestrian crossing – Ongoing

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Negotiations have taken place between officers and the applicant in regards to conditions 11 (footway along frontage) and 27 (riverside walk) of the previous planning application, ref. 2014/91511. Condition 11 required the enhancement of the site's existing pedestrian footpath along the frontage. Condition 27 required the provision of a path through the land to the rear. In summary the applicant disputed their need.
- 5.2 Following negotiations and investigations (as detailed within section 1 of this report), officers now concur that condition 27 would not be a reasonable requirement for planning purposes. Officers are therefore recommending

approval of the proposal, without its inclusion. Regarding condition 27, an amended form has been agreed which is agreeable to both Highways and the applicant.

5.3 An extension of time has been agreed until Thursday the 30th of January, 2020.

6.0 PLANNING POLICY

Kirklees Local Plan (2019)

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 The site is allocated as part of a Priority Employment Area (PEA80) on the LP Policies Map, within a Strategic Green Infrastructure Network.

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP8** – Safeguarding employment land and premises
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP24** – Design
- **LP27** – Flood Risk
- **LP28** – Drainage
- **LP30** – Ecology and geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP33** – Trees
- **LP36** – Proposals for minerals extraction
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of local environment quality
- **LP53** – Contaminated and unstable land
- **LP63** – New open space

National Policies and Guidance

6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance.

6.4 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **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

Supplementary Planning Guidance / Documents

- DCLG: Technical Housing Standards – Nationally Described Space Standard
- Kirklees Local Plan SPD – Highways Design Guide

7.0 PUBLIC/LOCAL RESPONSE

- 7.1 The application was originally advertised via site notice and through neighbour letters to addresses bordering the site. This was in line with the Councils adopted Statement of Community Involvement. The end date for publicity was the 17th of August 2017.
- 7.2 No public representations were received to the initial public representation period.
- 7.3 Following the recent updates to the proposal and the intention to return the application to committee, given the notable time period since the last period of publicity, officers considered it reasonable to re-advertise the proposal. This included the erection of a new site notice and neighbour notification letters. The end date of the second period of publicity was the 3rd of December 2019.
- 7.4 No public representations were received to the second public representation period.
- 7.5 Holme Valley Parish Council: 'Object as incomplete application'.

Ward Member Interest

- 7.6 Cllr Greaves has reiterated his support of previous condition 27, which required the applicant to provide a pedestrian footpath along the adjacent river. Following discussions between the applicant and officers in which the potential to amend the condition to a bond was agreed, Cllr Greaves was consulted and did not express an objection to this alternative.
- 7.7 Following officers concluding that the condition was not reasonable, Cllr Greaves was notified. He has expressed objection to this, requesting whether other replacement offers are being considered. At this time officers are continuing discussions with Cllr Greaves.

8.0 CONSULTATION RESPONSES

8.1 Statutory

The Environment Agency: No objection, however requested an informative.

8.2 **Non-statutory**

Crime Prevention: General advice provided as part of previous application on site, 2014/91511. As the proposals are the same, and no material change in relevant guidance, the comments are considered up to date and are considered below.

K.C. Ecology: No objection in principle, however requested conditions relating to lighting and appropriate ecological assessments are submitted.

K.C. Education: Advised to apply standard condition if subsequent details of housing numbers exceeds threshold.

K.C. Highways: No objection subject to conditions.

K.C. Landscape: No objection in principle; however requires further details to be provided at Reserved Matters stage. Provided general comment on details required. Furthermore confirmed Public Open Space required, either on site or off-site contribution.

K.C. Environmental Health: Advised conditions be imposed relating to ground contamination, noise and air quality, in addition to an informative regarding appropriate hours of construction.

K.C. Lead Local Flood Authority: No objection subject to condition.

K.C. Strategic Housing: Welcomes this application and is open to discussion with the applicant regarding affordable housing, in line with the Interim Affordable Housing Policy 2016.

K.C. Trees: No objection in principle, however requested a note informing the applicant that any reserved matters application will need to be supported by an arboricultural impact assessment and method statement, in accordance with BS 5837.

Yorkshire Water: No objection.

Borrowed the money on the promise that PP would be granted

9.0 **MAIN ISSUES**

- Principle of development
- Urban Design issues
- Residential Amenity
- Highway issues
- Drainage issues
- Planning obligations
- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable Development

- 10.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land allocation (PEA) and the site's planning history

- 10.3 When previously considered by the Huddersfield Planning Sub-Committee in November 2017, and prior to that when considered as part of application 2014/91511, the application site was unallocated land within the then development plan – the Unitary Development Plan. Members should note that when the application was last brought to committee the resolution was to approve, subject to delegation back to secure a bond. The matter of the bond will be addressed below.
- 10.4 In the intervening period the Kirklees Unitary Development Plan has been superseded by the Kirklees Local Plan. Within the Local Plan the land has been allocated as part of a larger Priority Employment Area. The proposal would represent a non-employment use, as defined within the Glossary of the Local Plan. When considering non-employment generating development on allocated PEAs, LP8(2) is relevant;

2. Within Priority Employment Areas, proposals for redevelopment resulting in a non-employment generating use, or for the conversion or change of use of sites and premises in use or last used for employment, will only be supported where:

a. it can be demonstrated that the site or premises are no longer capable of employment use; and

b. the proposed use is compatible with neighbouring uses and where applicable, would not prejudice the continued use of neighbouring land for employment.

- 10.5 The considerations previously assessed in November 2017 are of relevance. While assessed against UDP Policy B4, the following is extracted from the previous Committee Report and adds context to the current assessment;

Policy B4 sets out considerations against which proposals for change of use of land and premises in existing employment use will be considered:

- The applicant considers that the site and buildings are not best suited for continuing employment use having regard to*

accessibility to local and national road networks, the condition and layout of the existing buildings and the cost of demolition, remediation and redevelopment of the site.

- The applicant maintains that there are other employment sites available within the Holme Valley that is of equivalent quality to the application site.*
- The existing company has indicated its intention to relocate to more suitable premises, which will facilitate the expansion of the plant hire operation with the potential to increase the number of employment opportunities. An alternative site has been identified, with the sale of the site required to facilitate the move.*
- Residential development would be compatible with existing residential properties that adjoin the site. The applicant contends that new residential development would not adversely affect the continued operation of existing employment uses at Bridge Works Business Park and Crossley Mills Business Park.*
- The development proposed would not impact adversely upon buildings of architectural or historic interest. Redevelopment of the existing site, in a prominent location with frontage to the main road running through the valley would improve the local amenity of the area.*

The above considerations were assessed by officers and members during the previous application, ref. 2014/91511, which was approved. Extant, and recently expired permissions, do carry weight in the decision making process unless material planning considerations indicate otherwise. The above was considered sufficient justification for the loss of employment use on site, therefore not in conflict with policy B1. Circumstances have not changed to invalidate the above, and officers maintain their support.

However the LP has become a material planning consideration with significant weight. Nonetheless, considering LP8, for the reasons outlined above, the application is considered to address the criteria of LP8 (2.a, 2.b). Further to this, while the LP carries significant weight, the UDP remains the principal development plan, therefore carrying greater weight than the LP.

- 10.6 It is noted that the applicant has now vacated the site and constructed a new purpose built facility nearby, without the site being sold. When queried on how this relates to the above, it has been confirmed that a loan had to be taken out for the new facility, with the intention of it being paid off through the sale of the application site for residential development.
- 10.7 In terms of the loss of employment land, the proposed loss of the allocated PEA land is noted. However, the new Roger's Plant Hire is outside of the PEA, and therefore can be considered as windfall Employment Land. This windfall land is considered to offset to loss that would be caused by the proposal. The new Roger's Plant Hire has a site area of circa 0.7ha, with the current applications' redline boundary being 0.52ha, including part of the adjacent woodland. Excluding the woodland, Roger's Plant Hire previously occupied

circa 0.34ha of land. Therefore, the larger new site can be expected to accommodate greater employment and economic activity. Accordingly, the proposed development (through funding the new Roger's Plant Hire) would result in a net benefit. The two sites, the former and new Roger's Plant Hire, are less than 400m apart, therefore not raising concerns over a reduction in employment within the local area.

- 10.8 When determining whether that a non-employment generating use proposal may be acceptable in a PEA under LP8(2a), LP8(2b) requires consideration of a proposal's impact upon neighbouring business uses to ensure their fair operation is not unduly prejudiced. The allocation continues to the north of the site. Immediately to the north is vacant land previously used for storage but currently unused. Beyond that is a car park associated with Bridge Works Business Park. The separation distance of the application site to operational commercial buildings is circa 100m. Given these circumstances, officers are satisfied that the proposal would not put undue pressure on established business within the wider PEA. An appropriate buffer may be sought at reserved matters stage (layout). In terms of future employment-development of the PEA, while the proposed residential units would be a material consideration, there are numerous existing residential units due west. Given it is an established material consideration for the PEA, officers are satisfied that the proposed development would not unduly prejudice the future development of the PEA.

Residential development

- 10.9 In the recently adopted Local Plan the council have demonstrated 5.51 years supply of deliverable housing capacity (including incorporation of the required 20% buffer). As the Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019) and takes account of shortfalls in delivery since the Local Plan base date (1st April 2013).
- 10.10 Recent amendments to National Planning Practice Guidance have revised the Housing Delivery Test measurement for local planning authorities and a technical note on the process used in its calculation. Results for 2018 (published 19th February 2019) show that housing delivery in Kirklees over the period 2015-2018 was 75% of the number of homes required by the test. This means that the council must produce an Action Plan within six months of the test results being published and continue to apply a 20% buffer to the five year housing land supply requirements. In summary the council can currently demonstrate a 5-year supply of deliverable housing sites, with appropriate buffer. Notwithstanding this, windfall sites contribute to housing delivery and there is no objection to the redevelopment of this site for housing in principle.
- 10.11 LP7 establishes a desired target density of thirty-five dwellings per hectare. The application is outline, without numbers specified. At 0.52ha, LP7 would require 18 units, although it is noted that the red-line includes sections of woodland which potentially may be taken from the developable area and thus reduce the numbers eventually sought. It would be the applicant's responsibility to justify a shortfall in LP7 or reductions in developable areas. Nonetheless, at this time, officers are satisfied that there would be no intrinsic conflict with LP7.

- 10.12 Considering the above it is concluded that the principle of the proposed development, which would represent a departure from the Local Plan, is on balance acceptable. This is giving particular weight to the fact that the proposal would support the development of a local business which has offset the loss through a windfall employment site, while also providing windfall residential development. Beyond assessing the principle of development, consideration must be given to the local impact, outlined below.

Urban Design issues

- 10.13 The application is made at outline with all aspects relating to design being reserved. More detailed aspects permitting a full visual amenity impact, including site layout, architectural forms and facing materials, will be addressed at the reserved matters stage. The reserved matters will also provide the required details on required levelling works and other external features, including boundary treatment details.
- 10.14 At this stage there is considered no prohibitive considerations which would prevent the proposed residential development having an acceptable impact on the area's visual amenity and preventing the reserved matters application adhering to Policies LP24 of the Local Plan and Chapter 12 of the NPPF.

Residential Amenity

- 10.15 Policy LP24 and Chapter 12 of the NPPF require consideration of residential amenity. As the application is at outline stage with all other matter reserved the impacts the proposed development would have on the amenities of neighbouring dwellings and the future occupiers of the proposed development cannot be fully considered at this stage.
- 10.16 Notwithstanding the above, concern is held over the site's proximity to Woodhead Road (A6024) and the potential for noise pollution. To protect the amenity of residents in dwellings adjacent to this road it is recommended by Environmental Health that conditions be imposed to specify the minimum sound levels to be achieved in habitable rooms of properties and the inclusion of a ventilation scheme to allow fresh air in without the need to open windows. This is deemed acceptable, in accordance with Policy LP52.
- 10.17 Considering the site and adjacent land, officers do not consider there to be any prohibitive reasons which would prevent an acceptable scheme being submitted: this is subject to a detailed assessment of the relevant reserved matters. Nonetheless, as this stage, the proposal is considered to comply with Policy LP24 of the LP the aims and objectives of the NPPF in relation to residential amenity.

Highway issues

- 10.18 The application is in outline form with access the only matter being applied for at this stage. Detailed design associated with the layout of the site and on site Highways will be submitted during the appropriate Reserved Matters application. The access applied for is covered in detail in the Transport Statement prepared by Sanderson Associates. Within this statement a workable access has been designed and is shown on the plans. The proposed access arrangements are the same as those approved via 2014/91511.

- 10.19 Currently the land and premises are vacant, previously being used commercially for plant hire. The former access to the site was from Woodhead Road (A6024) via an access located within the northern half of the site frontage. It served as both vehicular and pedestrian access to the site.
- 10.20 The supporting traffic statement is dated 2014, which would typically be considered out of date. An updated document was requested, however has not been provided prior to the publishing of committee reports. However, officers are satisfied that there has not been material changes to the local highway network in recent years which would invalidate the 2014 report (including cumulative new development or junction alterations).
- 10.21 Firstly, considering the proposed access, which is a consideration on this application, visibility at this junction will be in accordance with the guidance set out within Manual for Streets and will comprise of sight lines of 51.6m to the north and 53.6m to the south at a setback of 2.4m. These distances are in excess of those required for the 30mph Woodhead Road. It is noted that Woodhead Road increases to a 40mph road circa 250m to the south. Nonetheless, observed traffic distances from the 2014 traffic report a mean speed of 33mph. A full Personal Injury Accidents (PIA) assessment in the vicinity of the site access has been undertaken and Highways Development Management is satisfied that there are no existing accidents trends that this proposal would likely exacerbate. This has included a review of up to date traffic crash data for the last five years, by K.C. Highways, which identifies no history of accidents associated with site or the adjoining length of Woodhead road within the vicinity of the site.
- 10.22 Regarding traffic generation, consideration is first given to former business's arrangement, as the last lawful use. The supporting traffic assessment determines that the business generated 40 two way vehicle movements a day. K.C. Highways accept their methodology. Based on the TRICS information and information supplied by Rogers Plant Hire it would appear that the impact of the development will not be "severe" and as an exchange from the former use it is likely that there will be a "balancing of traffic flows", with an improvement in favour of the proposed development with respect to the reduction in daily commercial vehicle movements to and from Woodhead Road with the end of the current Plant Hire Use.
- 10.23 The previous application on site, 2014/91511, included a condition requiring the existing footpath along the site frontage to be increased to a consistent width of 2.0m. This was in the interest of pedestrian safety, as the existing footway's width varies from 0.9m to 1.3m. The applicant disputes the need for this condition, as the footway to the site's south is 1.0m wide and ends approximately 250m further away. Bar five dwellings, the route leads to nothing. To facilitate the widening of the footpath would require the loss of the existing boundary wall, an attractive local feature, and new retaining works to the highway due to the level differences between the site and the road. Following discussions between officers and the agent it has been agreed that the footway to the south of the new entrance does not need to be widened. The footway to the north of the new access leads to Honley and is anticipated to have a greater footfall as residents walk towards the village and associated amenities. The applicant does not object to a suitably worded condition requiring the northern footway being widened to 2.0m.

- 10.24 Contribution(s) related to highways impacts may be required. This would depend on the number of units proposed at this site, the related vehicle movements, and any local highways issues that may be relevant at the time a reserved matters application is considered. The provision of Metro cards for residents may be appropriate. The need for such provisions would be determined at reserved matters stage, and a relevant condition is recommended.
- 10.25 Considering the above, at outline stage and based on the information held at this time, officers are satisfied that the development would not prejudice the safe and efficient operation of the highway, subject to the abovementioned conditions. Therefore the development is deemed to comply with Policy LP21 and Chapter 4 of the NPPF.

Drainage issues

- 10.26 The site is within Flood Zone 1 and as the site is under 1ha a Flood Risk Assessment is not required. Consultation has taken place with Yorkshire Water and The Environment Agency. Neither group object to the development, although The Environment Agency have requested an advisory note be placed on the decision notice.
- 10.27 Regarding surface water, the application proposes to drain to an existing water course. The Lead Local Flood Authority raised concern with this, with policy indicating that the hierarchy of drainage should be applied. No justification has been provided ruling out sequentially preferable drainage options. Further details are also requested relating to 1:100 flood risk and future maintenance and ownership of drainage systems.
- 10.28 The application is at outline, with only access as a consideration. At this time the concerns expressed by the LLFA are not considered prohibitive to overcome. It is considered appropriate to impose conditions requiring further details relating to drainage be provided. Subject to the relevant conditions the application is considered to comply with Policies LP27 and LP28 of the KLP and Chapter 14 of the NPPF.

Planning obligations

Provision of a riverside walk

- 10.29 The previously approved application on site, 2014/91511, included the following condition;

27. Before development commences a scheme for the provision of a pedestrian footpath through the site running parallel to the River Holme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the alignment and construction of the footpath together with arrangements for subsequent maintenance. Unless otherwise agreed in writing by the Local Planning Authority, the footpath shall be provided in accordance with the details approved before the development is first occupied.

Reason: *In the interest of promoting Sustainable Development in respect of connectivity alongside the River Holme, and in accordance with the National Planning Policy Framework.*

- 10.30 This was in the interest of enhancing sustainable development and healthy lifestyles through encouraging walking. Policies R13 and R18 of the now superseded UDP required the consideration of creating new links in the public right of way network and enhancing routes adjacent to the waterside environment. Regarding the replacement policies of the Kirklees Local Plan, Policy LP47 relates to promoting 'healthy, active and safe lifestyles' and LP20 places pedestrians at the top of the hierarchy of travel.
- 10.31 At the time of their submission the applicant expressed concerns with the condition being carried over to the current application, including the practical viability of providing the scheme, due to it being within protected woodland, the topography and flooding concerns, as well as the lack of adjoining footpaths at the time. Officers negotiated with the applicant. This resulted in an agreement that the applicant would pay a bond, held by the council. The bond would be used to pay for the provision of the riverside walk adjacent to the site, by the council, should a wider scheme for improving the connectivity of the River Holme come forward within a given time period. This was instead of a condition. This solution was agreed between officers and the applicant and approved by the Huddersfield Planning Sub Committee in November 2017, subject to delegation back to officers to negotiate and secure the value of the bond.
- 10.32 Planning officers worked with colleagues within the council to calculate the bond, as the council would be implementing the works. It was concluded that, because of the significant constraints of the site, a reasonably informed bond value could not be calculated without undertaking difficult and costly site investigation works. The constraints of the site include; steep topography; the dense trees being protected by an area TPO; the site being a habitat network and partly falling within a Flood Zone. As a result of these, the path would have required significant engineering operations. As such, it was concluded that a reasonably informed bond value could not be calculated. The applicant sought to calculate the bond, however reached a similar conclusion. Following further discussions, it was concluded that a bond was not feasible and that the applicant was willing to revert back to the original condition.
- 10.33 Officers reviewed the condition following the applicant's suggestion to re-use it. It is acknowledged that the provision of the path, as part of the wider desire to enhance connectivity in the Holme Valley and implement the Riverside Walk, would provide benefits to public health, through encouraging walking, and enhance pedestrian connectivity. Nonetheless, having assessed the condition with a greater understanding of the constraints of the site, along with the path's implementation cost and difficulty, it has been concluded that to impose the condition would be unreasonable given the limited scale of the proposed development compared to the extent of works required to implement the path. Paragraph 55 of the NPPF states that planning conditions should comply with six tests, which includes having a condition be reasonable in all respects. Weighing this in the planning balance, officers conclude they are able to support the proposal without the proposed condition, which is not considered to breach the policies of the Local Plan without said condition.

Affordable Housing

- 10.34 In accordance with Policy LP11 of the LP and the Interim Affordable Housing Policy 2016 the provision of affordable housing is a material planning consideration. These policies seek a contribution of 20% of built units is sought.
- 10.35 As the application is made at outline, in order to secure this requirement, a standard condition securing this provision can be imposed.

Education

- 10.36 In line with the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), depending on the number of units sought at Reserved Matters stage, the proposed development may attract a contribution towards additional School Places it generates.
- 10.37 Given that the number of dwellings proposed is indeterminate at this stage, it is considered that the standard education condition should be imposed and the matter examined at Reserved Matters stage, when the number of dwellings proposed is put forward.

Highways

- 10.38 It has been previously mentioned the provision of Metro cards for residents may be appropriate. The need for such provisions would be determined at reserved matters stage, where the number of dwellings is confirmed, and a relevant condition is recommended.

Public Open Space

- 10.39 LP63 requires the provision of Public Open Space and Local Areas of Play for residential developments. The amount required depends on the number of units proposed, which is unknown at this time. In order to secure this provision at this time, a condition can be imposed. The layout of the POS and LAP, if an on-site contribution is proposed, will need to be considered at Reserved Matters stage. If an off-site contribution is proposed it would be addressed through discharge of condition.

Other Matters

Ground contamination

- 10.40 Kirklees LPA seeks for all major residential schemes to include details on ground based contaminated, with additional concerns due to the historic use of the site concern. If minded to approve it is considered necessary to condition the investigation and remediation, along with other appropriate measures, to ensure the site is safe for habitation. This is to comply with the guidance of LP53 of the LP.

Impact on local ecology

- 10.41 The adjacent woodland forms part of a designated Habitat Network of the LP. The application is supported by an ecological report; however it was produced in 2014 and would typically be considered insufficient/out of date. Notwithstanding this, the application relates to a cleared brownfield site with no vegetation. As such, and as detailed in the ecological report, the site is consist of low value habitats. This is not deemed to have changed since 2014; the demolition of the former buildings has taken place in the intervening time.
- 10.42 Regarding the adjacent Habitat Network, this does fall within the application's redline. However, the principle of developing the brownfield land's site is not considered to come into conflict with local ecology. The development's impact on the adjacent Habitat Network will be verified at Reserved Matters stage where further details, particularly layout and landscaping, are known.
- 10.43 K.C. Ecology do not object to the development, subject to conditions requiring the submission of a lighting strategy, to ensure no stray lighting spills into the valued habitat of the adjacent woodland, and an ecological design strategy, exploring the opportunity for ecological enhancement of the site. This is to accord with Policy LP30 of the LP and Chapter 15 of the NPPF. Officers consider this to be appropriate and accept these conditions.

Impact on adjacent protected trees

- 10.44 The adjacent woodland benefits from an area TPO and partly falls within the application's redline. At this stage, with all matters reserved, officers do not consider the principle of development harmful to the adjacent trees. The relevant reserved matters applications, layout and landscaping, should be supported by an arboricultural survey, impact and method statements to allow officers to assess the development's potential impact upon the protected trees. An informative raising this is to be placed on the application, if minded to approve. Subject to this, at this time, the objectives of LP33 are deemed achieved and K.C. Trees and planning officers do not raise concerns.

Impact on local air quality

- 10.45 In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF it is considered reasonable to seek air quality enhancement as part of the application. If minded to approve a condition is to be imposed requiring details of either active of passive mitigation, in the form of electric vehicle charging points.

- 10.46 The purpose of this is to promote modes of transport with low impact on air quality, should the application be recommended for approval. Subject to this condition the development is deemed to comply with the abovementioned policies and guidance. This also conforms to the guidance of policies LP21, LP24 and LP51 of the LP.

Representations

- 10.47 No public representations were received in regards to the proposal.
- 10.48 Holme Valley Parish Council: 'Object as incomplete application'.

Response: This is noted. Officers do not consider the submission of an outline application unacceptable in this situation.

11.0 CONCLUSION

- 11.1 The NPPF has introduced 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.
- 11.2 The site is part of a Priority Employment Area within the Local Plan, being currently vacant previously developed land. The NPPF encourages the effective use of land by reusing land that has been previously developed. Giving weight to the previous permission on site and the assessment undertaken above, while representing a departure officers are satisfied that the proposal would not cause harm to the local economy through the loss of an employment site.
- 11.3 Access is a consideration, and the details provided have been assessed as acceptable. Regarding the reserved matters, officers do not considered there to be any prohibitive reasons which would prevent acceptable details coming forward at reserved matters application stage. The benefits of the riverside walk secured via condition on the site's previous permission are acknowledged by offices. However, officer's now hold a greater understanding of the constraints and difficulties of implementing such a walk. Officers thus have concluded that a riverside walk condition would be unreasonable to impose.

11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development 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 Planning and Development)

1. Standard OL cond (submission of reserved matters)
2. Standard OL cond (implementation of reserved matters)
3. Standard OL cond (reserved matters submission time limit)
4. Standard OL cond (reserved matters implementation time limit)
5. Ecology (lighting strategy)
6. Ecology (design strategy)
7. Contaminated land
8. Affordable Housing (speculative)
9. Public Open Space (speculative)
10. Education (speculative)
11. Noise mitigation report
12. Ventilation Report
13. Air Quality (Charging point)
14. Drainage (scheme details)
15. Drainage (separate foul/surface)
16. Drainage (discharge rates)
17. Drainage (storm event assessment)
18. Drainage (ongoing maintenance)
19. Highways (site access details)
20. Highways (visibility splays)
21. Highways (provision of frontage footpath)
22. Highways (speculative metro cards + details)

Note: EA informative

Note: Tree advice

Background Papers

Application and history files can be accessed at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92230>

Certificate of Ownership: Certificate A signed