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**Report of the Head of Planning and Development****STRATEGIC PLANNING COMMITTEE****Date: 23-Jan-2020**

**Subject: Planning Application 2019/92587 Alterations and partial demolition to convert existing building to form 65 residential units, installation of mezzanine floors, associated landscaping works (soft & hard landscaping) and car parking layout (within a Conservation Area) Wheelwright Centre, Birkdale Road, Dewsbury, WF13 4HG**

**APPLICANT**

Joseph Grunfeld, MMR  
Construction Ltd

**DATE VALID**

08-Aug-2019

**TARGET DATE**

07-Nov-2019

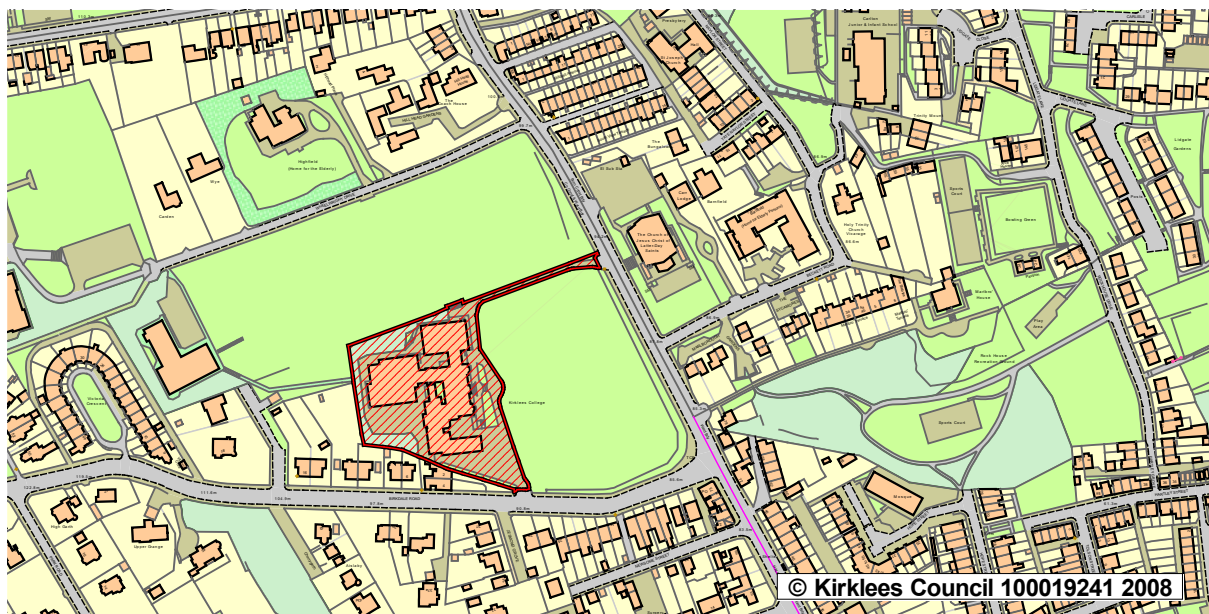
**EXTENSION EXPIRY DATE**

31-Jan-2020

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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**

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**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: Dewsbury West Ward**

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Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

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

**1.0 INTRODUCTION:**

- 1.1 The agent for the planning application is Beckwith Design Associates Ltd and the applicant is MMR Construction Ltd. This application for full planning permission is presented to Strategic Planning Committee as the proposal is a residential development of more than 60 units.
- 1.2 The council's Officer-Member Communication Protocol provides for the use of Position Statements at Planning Committees. A Position Statement sets out the details of an application, the consultation responses and representations received to date, and the main planning issues relevant to the application.
- 1.3 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the application, and discussions between officers and the applicant. This Position Statement does not include a formal recommendation for determination. Discussion relating to this Position Statement would not predetermine the application and would not create concerns regarding a potential challenge to a subsequent decision on the application made at a later date by the Committee.
- 1.4 A summary of the viability issues is included within the main agenda report at paragraphs 10.49 to 10.55 of this report. The council's independent viability assessor is assessing the applicants' viability assessment. Details of applicants viability assessment will be reported within a confidential paper that will be circulated to committee members prior to the committee meeting as viability issues are considered to be commercially sensitive information. The information is to be taken in private because it contains commercially sensitive information. The public interest in maintaining the exemption, which would protect the interests of the Council and the company involved, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site measures 8451.0 square metres (sqm) and can be described as at the Birkdale Road – Halifax Road intersection, in the settlement of Dewsbury.
- 2.2 The site was originally built in 1891 as Wheelwright Grammar School for Boys and is of traditional stone construction with slate roof. It was subsequently taken over by Kirklees College and known as Batley School of Art but has recently been vacated for premises within Dewsbury town centre. Two extensions were added to the main building in the 1960s and 1980s. The 1960s building has a flat roof and constructed from engineered stone masonry blocks. The 1980s extension is constructed from modern stone, render and blockwork. The curtilage is characterised predominately by tarmac used for access and car parking with some soft landscape margins.
- 2.3 The site is bounded by residential dwellings associated with Birkdale Road to the south and west whilst the site is bounded by Urban Green Space (UGS) (Local Plan Reference: UG210) to the north and east. These UGS were formerly the school's recreational fields but now both lie disused. The northern field is set on higher ground but the buildings define the setting of the eastern field. The site boundaries consist of walls, railings, fences and vegetation.
- 2.4 There is an existing access (denoted by stone pillars) on to Birkdale Road, a 30mph two way single carriageway local access road of approximately 9.6m width with footways on both sides and street lighting present. Birkdale Road hosts a low frequency bus route with a stop within 90m of the building's main entrance.
- 2.5 The site slopes from approximately 95m AOD in the south east to 100m AOD in the north- west direction.
- 2.6 The application site is located in the Northfields Conservation Area.

## **3.0 PROPOSAL:**

- 3.1 The planning application is for the demolition of the 1960s extension and for the conversion of the main building and 1980s extension into 65 dwelling units. The proposed conversion works would consist of the insertion of a first floor mezzanine floor and the necessary external façade works, including new double glazed windows and rain water goods.
- 3.2 The dwelling units would consist of 3no. studio apartments, 18no. one bed apartments, 39no. two bed apartments, 5no. three bed apartments. The buildings will also include the necessary circulation space, an on-site gymnasium exclusively for residents, as well as a management office and rooms for necessary supporting infrastructure.
- 3.3 Necessary landscape works to the external areas are also proposed, including the renewal, replacement and insertion of hard and soft landscaping areas. The external area would result in the creation of a residential parking layout consisting of 92no. parking spaces (70no. regular parking spaces, 4no. disabled spaces, 6no electrical vehicle charging spaces and 12no visitor parking spaces). The external areas would also include storages areas for refuse, 66no. cycle spaces, as well as a substation and 12no. motorcycle spaces.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 The following planning applications in relation to the site can be found on the planning portal:

2002/62/92502/E2 - Erection of lift shaft/access stairway to 1st floor computer suite (within a conservation area) - Conditional full permission (25/9/2002)

88/70/06185/A2 - Variation of condition 4 relating to roof slates on previous application for erection of extension for school of art and design (within Cons. Area) – Granted Conditionally (13/1/1989)

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

- 5.1 Pre-application advice was sought on 4/3/2019 for the potential conversion of the former educational buildings to residential use. A subsequent meeting with the agent and the applicant took place 28/3/2019 and an email dated 25/4/2019 explained there was the potential for all the buildings to accommodate between 75 to 80 apartments. Although, plans were submitted as part of this enquiry, they did not include the necessary detail to make an appropriate assessment in terms of whether or not the buildings could accommodate this level of development.
- 5.2 Officers concluded that the proposed development had positive aspects, and the provision of residential accommodation in an established residential area was welcomed, in principle. Furthermore, it was welcomed by officers that the owner is proposing to save the building. Any harm caused by the proposed development to the site's heritage assets (if limited, unavoidable and justified) could be acceptable in the context of a high quality development proposal that delivered sufficient public benefit. However, officers requested that the provision of car parking to the front of the building and within the adjacent Urban green space should be avoided. Furthermore, any proposal should include residential dwelling units of a suitable size, quality with sufficient levels of amenity and parking.

#### **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

Kirklees Local Plan (2019):

- 6.2 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development  
LP2 – Place shaping  
LP3 – Location of new development  
LP4 – Providing infrastructure  
LP7 – Efficient and effective use of land and buildings  
LP9 – Supporting skilled and flexible communities and workforce  
LP11 – Housing mix and affordable housing

LP20 – Sustainable travel  
LP21 – Highways and access  
LP22 – Parking  
LP23 – Core walking and cycling network  
LP24 – Design  
LP26 – Renewable and low carbon energy  
LP27 – Flood risk  
LP28 – Drainage  
LP30 – Biodiversity and geodiversity  
LP32 – Landscape  
LP33 – Trees  
LP34 – Conserving and enhancing the water environment  
LP35 – Historic environment  
LP38 – Minerals safeguarding  
LP47 – Healthy, active and safe lifestyles  
LP48 – Community facilities and services  
LP49 – Educational and health care needs  
LP50 – Sport and physical activity  
LP51 – Protection and improvement of local air quality  
LP52 – Protection and improvement of environmental quality  
LP53 – Contaminated and unstable land  
LP61 – Urban green space  
LP63 – New open space

Supplementary Planning Guidance / Documents:

6.3 Relevant guidance and documents are:

- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Housing Strategy (2018)
- Providing for Education Needs Generated by New Housing (2012)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Streets Principles (2017)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)
- Highways Design Guide Supplementary Planning Document (2019)

National Planning Guidance:

6.4 The National Planning Policy Framework (2019) 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 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities

- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making efficient 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
- Chapter 17 – Facilitating the sustainable use of materials

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

6.6 On 01/10/2019 the Government published the National Design Guide.

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised as a major development and a development which is either within a conservation area or affects its setting.

7.2 The application was advertised via site notices posted on 29/8/2019, a press notice and letters delivered to addresses close to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 19/9/2019.

7.3 Three representations were received in response to the council's consultation. These have been posted online. The following is a summary of the comments made:

*"With a singular entry and exit point to the site with a potential of at least 65 vehicles issues pertaining to highway safety and traffic need to be addressed. Particularly with regard to vehicles descending down Birkdale Road at speeds over and above the authorized speed limit thereby raising safety concerns."*

*"This will be fantastic for the area, it will bring new people into Dewsbury and will promote growth of local businesses, cafe, bars, the potential to give a lift to Northfield conservation area with it's fabulous Victorian buildings can only be a positive thing."*

*"There is a party Dry Stone Wall. I am concerned about the trees and hedges which are over growing and are pushing the Dry Stone Wall The trees are growing and hanging and are taking up a lot of space. obstructed by the hedges making it difficult to gain access."*

7.4 Responses to these comments are set out later in this Position Statement, where necessary.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

Coal Authority: No objection. The Coal Authority considers that the content and conclusions of the Preliminary GeoEnvironmental Risk Assessment (dated July 2019) are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development.

KC Highways: No objection subject to securing conditions and section 106 contributions in relation to access, necessary works to Halifax Road, highway surface and drainage, cycle storage facilities, car parking management plan, provision of metro cards, bus stop improvement works, full travel plan, construction traffic and access management plans

Yorkshire Water: No objection. If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure.

## 8.2 **Non-statutory:**

KC Biodiversity: No objection. The application is supported by bat survey information that indicates the presence of two bat roosts of low conservation value, and identifies likely disturbance to both of these roosts. The relevant recommendation of the initial ecological report have been incorporated in to the scheme design and that appropriate impacts avoidance/mitigation measures can be secured by conditions.

KC Conservation and Design: No objection subject to a condition securing details of the proposed replacement windows and doors.

KC Education: Following figures based on 42 dwellings that are either two bed and three bed apartments. St John's CH(VC) Infant School - £44,479; Westmoor Junior School - £103,785; Westborough High School £0. Total Contribution £148,264.

KC Environmental Health: No objection but information submitted is insufficient to address issues regarding, noise, electric vehicle charging points, artificial lighting and land contamination. As such, planning conditions recommended requesting details regarding Noise Assessment Report and Mitigation Scheme; Electric Vehicle Charge Points; External Artificial Lighting and Reporting of Unexpected Contamination.

KC Landscape: Limited landscape proposals and the necessary conditions are necessary to secure such details. 65no. apartments triggers the requirement for open space provision. This Ward, Dewsbury West, is deficient in amenity greenspace and 65 apartments also triggers the requirement for Children and young people. There appears to be no open space being incorporated on the site so this would potentially be an off- site lump sum to existing facilities in the vicinity of the site within the recommended walking distances (without prejudice £ £55,345).

KC Lead Local Flood Authority: Objection. Unacceptable Surface Water Drainage Plans (Access road not included in); CCTV survey required; and incomplete flow routing.

KC Strategic Housing: On-site provision (housing) is preferred, however where the council considers it appropriate, a financial contribution to be paid in lieu of on-site provision will be acceptable. There's a significant need for affordable 1, 2 and 3+ bedroom homes in Dewsbury and Mirfield. 13no. affordable dwellings are sought from this development. 7no. social or affordable rented dwellings and 6no. intermediate dwellings would be suitable for the development.

KC Trees: Having assessed the arboricultural information that has been provided, there are no objections to this proposal subject to a condition securing the recommendations contained in the accompanying Arboricultural Method Statement, reference Delta Simmons 19-0651.04.

West Yorkshire Police Architectural Liaison Officer: No objection but advice provided regarding layout of the site; boundary treatments; access gates to the rear of the building; public spaces to be well overlooked and illuminated; trees and vegetation; external lighting security measures; internal partition wall construction; door sets; windows; cycle and motorcycle parking; car parking; bin stores; intruder alarms; CCTV.

## **9.0 MAIN ISSUES**

- Principle of Development
- Urban Design
- Residential Amenity
- Highways and Transportation
- Landscape, Trees and Biodiversity
- Drainage and Flood Risk
- Environmental and Public Health
- Representations
- Planning Obligations
- Other Matters

## **10.0 APPRAISAL**

### Principle of Development

- 10.1 The proposal would consist of the redevelopment of an unallocated brownfield site within the defined settlement limits of Dewsbury, within the Northfields Conservation Area. Local Plan policy LP7 (a) states that proposals should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value. Local Plan policy LP24 (d) (i) states how proposals should promote high levels of sustainability through the reuse and adaption of existing buildings, where practicable. In addition, NPPF paragraph 118 (c) states how decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. The proposal site is located at approximately 1km to the north west of the northern fringe of Dewsbury town centre. Therefore, the proposed refurbishment of the Wheelwright Centre could be considered acceptable in principle from a sustainability perspective.
- 10.2 The buildings were last used by Kirklees College as a campus, therefore the buildings have a Class D1 use. The conversion of the buildings into residential apartments (Class C3 use) could be interpreted as the subsequent loss of a valued community use. Under such circumstances the council require applicants to provide the necessary justification in relation to Local Plan policy LP48. The pre-application letter provided to the applicant requested that a Planning Statement to accompany any planning application and provide the necessary justification as to why the building is surplus to requirements and how the educational needs of the local area are satisfied elsewhere.



10.3 A Planning Support Statement has been provided in support of the application. The statement outlines the sustainability credentials of bringing forward such proposals, the benefits of proposed housing scheme and how the buildings are no longer required by the educational authority. It is considered that the supporting information does not fully satisfy the criteria outlined in policy LP48, particularly with regards to demonstrating that the building can be used as an alternative community use. However, officers recognise that Kirklees College has relocated its educational services to a more accessible and central location, within Dewsbury town centre; there is limited demand for this site to be used for educational purposes and the site is not on the Community Asset Register. Therefore, it is considered that the proposal would, in the round, accord with Local Plan policy LP48.

10.4 The proposal site does not include any listed buildings but is within the Northfields Conservation Area. The building is also considered as a non-designated heritage asset due to its architectural and historic interest in the local context.

10.5 The application is supported by a Built Heritage Statement, which concludes that:

*“The principal impacts of the proposed development, comprising partial demolition and adaptive conversion to provide 65 no. apartments, will be upon the retained significance of the host building and upon the character and appearance of the Northfields Conservation Area. Whilst a number of designated and non-designated heritage assets fall within the vicinity of the site no other impacts upon the setting of these buildings is identified given distancing, intervening built and landscaping form and the limited external impact of the proposed works.*

*The demolition of the northern block to the original 19th century building, constructed in the 1960s and holding no heritage value, will not give rise to harm to the significance of the Wheelwright building or the appearance of the conservation area. It provides opportunity to secure enhancement to the setting of the building and will improve the quality of important views from the west, allowing the significance of the principal façade to be better appreciated. The proposed external works to the retained buildings are minimal and will remove later unsympathetic additions and alterations. The works will improve the aesthetic character of the building and enhance its contribution to the appearance of the conservation area.*

*Overall it is considered that, subject to detailing of matters such as window and door treatment, the proposed works will not give rise to harm to the retained significance of the original 19th century Wheelwright building or that of the Northfields conservation area. Further assessment and recording of internal fabric is recommended prior to development commencing.”*

10.6 Officers agree with the findings of the document and consider there to be at worst a less than substantial harm to the significance of the designated and non-designated heritage assets. The National Planning Policy Framework, paragraph 196, advises that any less than substantial harm to significance should be weighed against the public benefits of the proposal. The eventual public benefits that would arise from the site allocation include:

- Brining a redundant building back into use;
- Provision of mixture of new housing;
- Employment for building trade and local tradesmen/businesses and the supply chain

- 10.7 The proposed scheme would provide for new housing and would have the generally acknowledged public benefits associated with that. On balance, the public benefits would outweigh any harm to the heritage assets. As such, the proposed masterplan would be acceptable in terms of impact on the heritage assets and would still accord with Local Plan policy LP35 and paragraph 196 of the National Planning Policy Framework.
- 10.8 The proposal site is also adjacent to former recreational grounds to the north and east that were once part of the site's former Grammar School but which are both currently under different ownerships and are designated as Urban Green Space (Local Plan Reference: UG2102). It is considered that the proposals would not affect this designation and would accord with Local Plan policy LP63.

**Do Members have any comments in relation to land use, the principle of development?**

Urban Design

- 10.9 As mentioned above, the proposal site does not include any listed buildings but is within the Northfields Conservation Area. The conservation area is characterised by late nineteenth century residential suburb of Dewsbury with many fine Victorian villas and terrace houses grouped along tree lined streets and spaces. The spire of St March Church (grade II listed) is a focal point of the conservation area. The proposal site occupies a prominent site that together with the adjacent urban green space characterises the Halifax Road (A638) – Birkdale Road intersection.
- 10.10 The proposal would result in the conversion of a mixture of existing 2 – 3 storey buildings, characterised by a number of bay and gable built forms. The facades of the buildings are predominantly constructed from coursed stone, whilst its roofs are constructed from blue slates and red ridgeline tiles. The buildings also benefit from a number of distinctive door and window openings with surrounding stone dressing features, together with several stone string courses and gable stone dressing features. The proposal would result in the insertion of two mezzanine floors and the inclusion of conservation type rooflights within the roofscape. The conservation officer is not supportive of the proposed rooflights to the front of the building due to its prominence from Halifax Road and their potential adverse affect on the character and appearance of this facade. The applicant has subsequently been asked if these rooflights can be omitted from this elevation.
- 10.11 The Design and Conservation officer has also requested further details regarding the proposed replacement windows and doors, which could be secured by planning condition. Furthermore, subject to securing the necessary detailed landscape design, the setting of the original building is likely to be enhanced with the demolition of the 1960s extension, which makes a neutral contribution to the conservation area. As such, it is considered that heritage values could be retained with the conservation of the original 19th century building and the 1980s extension, in line with Local Plan policies LP24 and LP35.

- 10.12 Regarding crime and anti-social behaviour, the West Yorkshire Police Architectural Liaison Officer has raised concerns regarding the boundary treatments, particularly to the North of the site backing on to the open space and has suggested additional treatment on top of the existing stone wall. Requests have also been made by the officer for the maintenance programme for vegetation and additional artificial lighting, particularly around cycle parking areas and the gated area. Concerns have also been raised about the proposed internal dwelling walls between the proposed apartment dwellings.
- 10.13 The site's buildings have previously been used as a grammar school and then as a college campus. Although the most appropriate use of these buildings are usually their original intended use, it is considered that a residential proposal of this scale is demonstrated to be acceptable. The proposal would represent a density of 77 dwellings per hectare in accordance with Local Plan policy LP7 in terms of securing the most efficient and effective use of land and buildings. Furthermore, officers welcome the proposed mix of 1, 2 and 3 bedroom apartment dwellings in relation to Local Plan policy LP11 in addressing a known local need for such accommodation and attracting a variety of households.

**Do Members have any comments in relation to the proposed design and quantum of development at this stage?**

Residential Amenity

- 10.14 The quality of the proposed residential accommodation is also a material planning consideration and a number of representations have raised this as an issue with the application. Although the Government's Nationally Described Space Standards (NDSS) (March 2015, amended May 2016) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. At the pre application enquiry stage, officers did request that all of the proposed apartments address these standards. The submitted accommodation schedule shows that four of the lower ground floor apartments would fall marginally short of these standards. Given the building constraints and the nature of the proposal, it is still considered that the size of each of the flats is sufficient to provide a good standard of amenity for future occupiers. Furthermore, all of the apartments would have a good standard of natural light and privacy.
- 10.15 None of the proposed apartments would have any private amenity spaces and it is unlikely that any could be incorporated into the site due to the proposed scale of development. However, the site is adjacent to an Urban Green Space and future residents would have direct access to this UGS.
- 10.16 The proposal site is within an established residential area and the proposals would work with the existing building footprint and window openings but there would be the insertion of a number of rooflights. In terms of the impact on existing properties, the greatest impact would be on those properties that abut the site at Birkdale Road. It is considered that there would be no adverse impact on the existing property's habitable room windows due to the existing layout of the buildings. The only potential for overlooking would be into the rear gardens of these properties from the upper floors of the building, which is approximately 10m away. However, given the fact the Wheelwright Centre is offset from this property and there is intervening vegetation, it is not

considered that the rear gardens would receive an unacceptable or significant level of overlooking. Consequently, the privacy of the occupiers of this property and all other properties within the vicinity of the site would be adequately maintained. In this regard the proposed accords with Local Plan policy LP24.

- 10.17 A noise impact assessment and a lighting strategy plan accompany the planning application and have been reviewed by Environmental Health officers who consider both documents to be insufficient. However, officers are of the opinion that an acceptable scheme can be achieved and as such the necessary conditions regarding noise and external artificial lighting are recommended.
- 10.18 It is considered that this proposal would secure a high standard of amenity for existing and future users in accordance with Local Plan policy LP24(b) and NPPF paragraph 127(f).

**Do Members have any comments in relation to residential amenity and/or quality at this stage?**

Highways and Transportation

- 10.19 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport, and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.20 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.
- 10.21 Existing highway conditions must be noted. There is an existing access on to Birkdale Road a 30mph two way single carriageway local access road of approximately 9.6m width with footways on both sides and street lighting present. Birkdale Road hosts a low frequency bus route with a stop within 90m of the building's main entrance. The bus stop opposite the site entrance has a very faded bus box marking. Approximately 120m to the east of the access is a priority junction with A638 Halifax Road. Halifax road is a 30mph two way single carriageway main distributor road of approximately 9.6m width with a right turn lane, footways on both sides and street lighting present. Approximately 50m to the NW of the junction is a safety (speed) camera site. Halifax Road hosts a high frequency bus route and there are stops within 335m of the development entrance. There are retail/services within 200m and the closest primary school is within approximately 450m of the development site. No public rights of way cross the site.

- 10.22 Kirklees Highway Safety team have records of complaints regarding speeding vehicles on Birkdale Road and two injury accident collisions being related to excessive speed have been recorded in 2003 and 2012. Although it is accepted that these are both beyond the usual 5 year analysis period and as such carry little weight. Furthermore, Kirklees Highway Safety have indicated that traditional traffic calming may not be suitable in this location.
- 10.23 The proposal would mean the use of the existing vehicle access point with Birkdale Road. Proposals include the necessary works to create a 5.2m wide access point and build out to ensure a safe visibility splay of 2.4m by 43m, suitable for an 85th percentile wet weather speed of 30mph is achieved. Officers are of the opinion, that a safe access can be achieved subject to planning conditions securing further details regarding the use and location of gates, a more detailed car park management plan and details of highway construction. A second vehicular access from A638 Halifax Road and running to the north east side of the development is to be changed to a pedestrian/cycle access route. Again, conditions would be required to secure the necessary works of the highway.
- 10.24 The proposed site plan includes 92no. car parking spaces, 12no. motorcycle spaces and 66no. cycle spaces, which are considered acceptable by officers. The applicant noted that there would be a shortfall of 4no. visitor parking spaces but officers consider that this could be easily accommodated as on street parking on Birkdale Road. However, officers consider that the on-site visitor parking should be clearly identified on a car park management plan, which can be secured as part of a planning condition. Further details regarding covered and secure cycle parking storage facilities would be required as part of a planning condition.
- 10.25 The internal layout allows for delivery and service/emergency service vehicles to safely access the site with suitable turning space displayed with swept path analysis to allow refuse vehicles to get within 30m of the bin store to the north of the site and 45m of the bin store located at the centre of the site.
- 10.26 Trip generation rates were provided from the industry standard TRICS database and these predict the proposals would generate approximately 21 two way trips in the peak hours. This is below what would have been expected with the previous college use and is acceptable. A capacity model was submitted for the A638 Halifax Road/Birkdale Road priority junction with all development traffic being distributed through this junction. The model showed that the junction still operated well within capacity.
- 10.27 The application is accompanied with a car park management plan which covers details on parking provision and access to the site for residents, guests and servicing/deliveries. It suggests that this will be kept as a "live" document and will be revised and amended as necessary. The document doesn't take account of evening deliveries by supermarket home delivery services or similar and should be amended to take account of these. Access should be allowed to avoid delivery vehicles from having to wait where they will obstruct the footway or highway for road safety reasons. The document is acceptable as an interim Car Parking Management Plan. However, a planning condition would be required to secure a revised and updated document containing input from the building management team should be submitted prior to first occupation.

- 10.28 The submitted Travel Plan is acceptable as an Interim Travel Plan and can be used as a springboard to create a Full Travel Plan when the Travel Plan Coordinator is appointed. At this point the Travel Plan should include some interim targets for modal shift and a mention of the Residential Metro Card Scheme and the TPC's commitment to promotion and administration of the scheme. The full Travel Plan should come in to operation after the initial travel plan survey has taken place, the data collected has been analysed and realistic but challenging targets for modal shift have been set. Therefore, Travel Plan and monitoring payments of £2000 per year for 5 years are required as part of a s106 agreement.
- 10.29 A financial contribution towards Metro cards for residents, bus shelters and/or other measures to be secured via a Section 106 agreement, may also be necessary.
- 10.30 There are a number of highways works external to the site (s278 charges) that have been identified, such as removal of road markings, relocation of signs and build outs of the kerb line. These works have been agreed in principle by the applicant and would have to be included within the application or added to the approved plan.

**Do Members have any comments in relation to highways and transport at this stage?**

Landscape, Trees and Biodiversity

- 10.31 Limited detail landscape proposals are included with the planning application but it is considered that such details could be secured by way of planning condition to accord with Local Plan policies LP24 and LP32, as well as NPPF chapter 15.
- 10.32 An Arboricultural Method Statement accompanies the planning application. Officers have reviewed this information and consider that the proposed recommendations within this statement can be secured by way of planning condition to accord with Local Plan policies LP24 and LP33 as well as NPPF chapter 15.
- 10.33 The application is supported by bat survey information that indicates the presence of two bat roosts of low conservation value, and identifies likely disturbance to both of these roosts. Officers consider the relevant recommendation of the initial ecological report have been incorporated into the scheme design. Furthermore, the appropriate impacts avoidance and mitigation measures for the bat roosts can be secured by way of condition to accord with Local Plan policy LP30 as well as NPPF chapter 15.

**Do Members have any comments in relation to trees, landscaping and/or biodiversity considerations at this stage?**

Drainage and Flood Risk

- 10.34 The site is within Flood Zone 1 and the LLFA holds no records of flooding events within or proximal to the site. However, the Environment Agency's Long Term Flood Map shows there are areas of surface water flood risk on site and in the area, up to a high risk. There is an existing flow path of water around the building. The water appears to flow from the adjacent land to the

north of the site and pool in the area between the Block C (80s building) and Block B (to be demolished), as well as to the north and west of the Block C. It then flows east/south-east towards the main part of the building (Block A) and towards the gate, joining a flow path on Halifax Road flowing further south.

- 10.35 There are two watercourses over 250m from the site, they include, Batley Carr Beck and Batley Carr Dyke, records indicate neither of these watercourses run through the site. Ground levels indicate there is no interaction between the site and these watercourses. There is a surface water sewer and a foul sewer running along Halifax Road (eastern edge of the development) and there is also a combined sewer in the south east corner of the site.
- 10.36 LLFA records show that the ground conditions may be suitable for infiltration SuDS. However, considering the development has a lower ground floor which is to be occupied, the LLFA accept infiltration features may not be suitable.
- 10.37 The applicant's drainage consultant identifies that there is elevated surface water flood risk on site. They state this is connected to the building footprint being cut into the hillslope, effectively creating a constrained area between the slope and the building. The applicant identifies that there is drainage in this area of the site. In assessing the drainage, the applicant has identified that the current drainage network reaches capacity in the 1 in 20 return period event (no climate change) or the 1 in 4 (with 40% climate change). LLFA have requested additional information to demonstrate how the proposed drainage network will be designed to prevent such restrictions on the network.
- 10.38 Flow routing from the development captures only areas to the side and south of the site, the primary area of concern is to the North of the site where the building construction could impound overland or exceedance flow. The LLFA have requested that the applicant further investigates this matter and identify whether landscaping or similar is required.
- 10.39 The applicant has stated within the drainage strategy that a CCTV survey has been performed and the LLFA have requested the submission of the survey.
- 10.40 It is stated in section 2.4 that a section of roofing discharges surface water into the Foul Sewerage network and has therefore been removed from 'existing contribution' surface water calculation. Kirklees LLFA agree to this being omitted from calculations to determine permissive discharge rate. It is also agreed that this discharge should be diverted into the surface water network at a restricted rate.
- 10.41 The LLFA acknowledge that the most suitable point of connection for the site is to the Yorkshire Water surface water sewer. The applicant's drainage consultant proposes a restricted discharge rate of 68.5 l/s. The LLFA require the full calculations and input data used to justify this rate including an impermeable contributing area plan. Without this evidence the LLFA cannot approve a rate.
- 10.42 The permissive discharge rate should be confirmed with Yorkshire Water, they may be aware of operational issues on the network that may justify another rate.

- 10.43 It is noted that it is proposed for the existing access road serving the development to discharge unrestricted to the surface water network by running onto the carriageway. Kirklees LLFA object to this proposal; the applicant should capture all surface water originating onsite and manage it's discharge safely into the surface water network. The applicant is required to provide a 30% reduction on all site contributions. Finally, the LLFA make note of the maintenance specification provided in the drainage strategy, and agree in broad accordance with this strategy.
- 10.44 Therefore, the above information is requested for the proposal to fully accord with Local Plan policies LP27 and LP28 regarding flood risk and drainage, as well as chapter 14 of the NPPF in terms of meeting climate change.

**Do Members have any comments in relation to flood risk and drainage at this stage?**

Environmental and Public Health

- 10.45 A Preliminary Geo-environmental Risk Assessment by Delta-Simons dated July 2019 (ref: 19- 0651.02) has been submitted. The report does not identify any significant contaminated land risks associated with the proposed development and future use. It concludes that further investigation is not required. I consider that this is an acceptable Phase 1 contaminated land report and agree with the conclusions. However a condition relating to unexpected contamination being encountered is still necessary.
- 10.46 In relation to air quality, The plan shows just 6 charging points on three columns for the 65 apartments each with allocated parking spaces and an additional 12 visitor and 4 disabled parking spaces. The proposed type charging points are considered to be satisfactory, a 3.6kW output is considered to be satisfactory and 7.2kW is considered to be more likely to be future proof. However the proposed number of charging points is considered to be inadequate. It is expected that a standard EVCP for each of the 65 apartments plus EVCPs for a minimum of 10% of the remaining parking spaces. This would therefore mean that there is a requirement for a minimum of 67 standard charging points at this development. However, with a development of this nature it is acknowledged the issues regarding the provision of charging points at parking spaces that are in a location remote from the apartment that they serve. Therefore, alternative proposals for the provision of EVCPs such as utilising rapid chargers should be considered. These can provide a charge much more quickly and therefore fewer would be needed, but the parking spaces serving these chargers would need to be subjected to enforced maximum waiting times to ensure the chargers were regularly available to those requiring them. A condition requiring adequate facilities for charging electric vehicles is therefore necessary.
- 10.47 The applicant has submitted a Health Impact Assessment and comments have been sought from Public Health, which if received shall be included within the planning committee update.

**Do Members have any comments in relation to public health and/or environmental health at this stage?**



## Representations

- 10.48 To date, three representations have been received in response to the council's consultation. The issues raised have been addressed in this Position Statement.

### **Do Members have any comments in relation to representations at this stage?**

## Planning Obligations

- 10.49 Consultees have requested that the following planning obligations would need to be secured by a Section 106 agreement, and would be necessary to mitigate against the impacts of the proposed development, should planning permission be granted.

### *Affordable Housing*

13 plots to be affordable (20%), of which:  
7 plots social or affordable rent (55%)  
6 plots intermediate ownership (45%)

### *Education*

St John's CH(VC) Infant School - £44,479;  
Westmoor Junior School - £103,785;  
Westborough High School £0.  
Total Contribution £148,264.

### *Public Open Space and Landscape*

Off-site commuted sum - £55,345  
Management company to manage and maintain onsite landscape areas.

### *Highways*

Residential Metro Card Scheme contribution of 1 bus only card per dwelling - £32,532.50  
The upgrade of two bus stops (Nos 15064 and 15065) on the high frequency Halifax Road corridor to include "real time" information displays – £20,000 (£10,000 per stop)  
A Residential Travel Plan with a travel plan monitoring fee – £10,000 (£2000 per year for 5 years).

### *Flood Risk and Drainage*

Management company for necessary drainage maintenance and management prior to adoption

- 10.50 The applicant is aware of the above planning obligations. A viability appraisal has been subsequently provided, which shows a significant deficit without the provision of any affordable housing or local authority contributions under Section 106. The viability appraisal is currently being reviewed by the council's selected viability assessor and their findings will be reported in a private paper.
- 10.51 The applicant contends that the council should relax its requirement for full policy compliance as viability could prevent the being implemented. However, officers are aware of the recent appeal for the proposed demolition of existing dwelling and outline application for the erection of 36 dwellings at Land

adjacent Upper Quarry Road and Bradley Road, Bradley, Huddersfield (Appeal Reference - APP/Z4718/W/19/3232430). Similar circumstances existed with this planning application, i.e. residential development on unallocated land, submission of a viability appraisal which showed a significant deficit without the provision of any affordable housing or local authority contributions under Section 106.

- 10.52 In line with NPPF paragraph 57, the inspector attached great weight to the viability appraisal, as independent consultants acting on behalf of the Council, agreed with its conclusions. The inspector considered that there was the sufficient flexibility to take financial viability into account for Local Plan policy considerations for affordable housing (policy LP11), public open space provision (policy LP63) and education (policy LP4). Therefore, dependant on independent consultants report for this application, officers consider that such flexibility could be applied in this instance.
- 10.53 Additionally, the inspector noted that as this site was a windfall site (similar to this application) affordable housing would still be achieved from outstanding permissions and new residential allocations. The inspector stated that on this basis, the harm arising from the lack of the necessary affordable units on this site would be limited and would not jeopardise the ability of the Council to meet its overall affordable housing target.
- 10.54 It should also be noted that the pre application letter to the applicant explained how the proposal may benefit from vacant building credit. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when calculating any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. This would mean a reduction (partial or total) in the amount of affordable allocation. The applicant has not applied or provided the requested information for the proposal to be considered for vacant building credit. However, officers believe that this could be a key material consideration when considering the viability of the proposal.
- 10.55 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant threshold (housing developments which would deliver 60 dwellings or more), officers have asked the applicant to agree to provide a training or apprenticeship programme to improve skills and education. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. Any developer partner would be expected to maximise opportunities for apprenticeships, the employment of long-term jobseekers, and training. Officers suggest that an Employment and Skills Agreement be entered into.

**Do Members have any comments in relation to viability or planning obligations at this stage?**

## Other Matters

10.56 The site is within an SCR with sandstone and/clay shale minerals safeguarding area. Therefore, due consideration needs to be given to Local Plan policy LP38 (Minerals safeguarding) of the Local Plan as to how this development proposal would not sterilise any future mineral extraction.

10.57 The site is also within a Development High Risk Area as defined by the Coal Authority and a Coal Mining Risk Assessment was provided. The Coal Authority has raised no objections to this proposal.

**Are there any comments that Members wish to make in relation to other matters relevant to planning at this stage?**

## **11.0 CONCLUSION**

11.1 Members are asked to note the contents of this Position Statement. Members' comments in response to the questions listed above (and recapped below) would help and inform ongoing consideration of the application, and discussions between officers and the applicant.

- Do Members have any comments in relation to land use, the principle of development?
- Do Members have any comments in relation to the proposed design and quantum of development at this stage?
- Do Members have any comments in relation to residential amenity and/or quality at this stage?
- Do Members have any comments in relation to highways and transport at this stage?
- Do Members have any comments in relation to trees, landscaping and/or biodiversity considerations at this stage?
- Do Members have any comments in relation to flood risk and drainage at this stage?
- Do Members have any comments in relation to public health and/or environmental health at this stage?
- Do Members have any comments in relation to representations at this stage?
- Do Members have any comments in relation to viability /planning obligations at this stage?
- Are there any comments that Members wish to make in relation to other matters relevant to planning at this stage?

## **Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/92587>

Certificate of Ownership – Certificate B signed