

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

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

8 DECEMBER 2022

Planning Application 2020/92331

Item 9 – Page 13

Outline planning application for demolition of existing dwellings and development of phased, mixed use scheme comprising residential development (up to 1,354 dwellings), employment development (up to 35 hectares of B1(part a and c), B2, B8 uses), residential institution (C2) development (up to 1 hectare), a local centre (comprising A1/A2/A3/A4/A5/D1 uses), a 2 form entry primary school including early years provision, green space, access and other associated infrastructure (amended and further information received)

Land east of, Leeds Road, Chidswell, Shaw Cross, Dewsbury

Revised recommendation

The following additional conditions are recommended:

- 34) Site-wide open space strategy to be submitted prior to Reserved Matters applications (or with the first Reserved Matters application), and to include proposals for on-site provision with reference to existing local provision and the six open space typologies of the Open Space SPD.
- 35) M62 junction 28 monitoring strategy to be submitted, approved and implemented, and mitigation to be implemented if monitoring demonstrates the need (condition to be worded to allow for an alternative scheme to be approved, for a contribution to be made via a Section 106 agreement, and for the developer to implement phase 1 of the scheme).
- 36) M1 junction 40 monitoring strategy to be submitted, approved and implemented, and mitigation to be implemented if monitoring demonstrates the need (condition to be worded to allow for an alternative scheme to be approved, and for a contribution to be made via a Section 106 agreement).

The following rewording of the first two items listed in the Section 106 Heads of Terms is recommended:

- 1) Highway capacity / improvement / other works
 - a) Contribution towards M62 junction 28 mitigation (if details submitted pursuant to condition 35 demonstrate this is appropriate)
 - b) Contribution towards M1 junction 40 mitigation (if details submitted pursuant to condition 36 demonstrate this is appropriate)

Of note, the above changes regarding junction 28 of the M62 and junction 40 of the M1 are a result of further discussions with National Highways, who had raised concerns regarding the earlier intention to address relevant matters entirely via the recommended Section 106 agreement (which National Highways would not be a signatory to). Essentially, the above changes move the requirements from the recommended Section 106 agreement into recommended conditions 35 and 36 to address National Highways' concerns, however related provisions would still be required in the recommended Section 106 agreement, to enable contributions to be collected in the event that this proves more appropriate.

Representations

Mark Eastwood MP made the following comments:

I write today to express my concerns regarding the Proposed Chidswell Development Ref: 2020/60/92331/E. I have been involved in the Chidswell Action Group since 2011 and strongly support their work to oppose this development which would have significant impact on the local biodiversity, ancient woodlands, traffic, and congestion on local roads. Specifically, in relation to the current application I would like to raise several concerns:

Despite Natural England's requests for site-specific surveys to assess the quality of the land, this has not been completed. The Landowner states that the need for new housing and employment outweighs the loss of agricultural land. A Land Assessment Survey is required to ensure the Planning Department are provided with clear indication if this land is of better agricultural value than the Landowner claims.

The Ecological Survey is outdated, in the previous report it was acknowledged that species such as Skylarks and Yellow Hammers would be permanently displaced. Reports indicate that regular sightings have been reported of Schedule 1 species such as Kingfisher, Red Kite and Barn Owl. Evidence of this is recorded multiple times over 2 seasons, clearly indicating they are not "passing by" as indicated by the landowners. The Ecological Impact Assessment carried out states "with a development of this scale, some impacts remain significant and are very hard to mitigate" A full and up to date Ecological Survey is required. The latest reports from Biodiversity Net Gain states that the waterways have dried up and does not classify as being part of KWHN. There are clear indications that this is not correct. A report based on the October Ecologist walk-over, claims the development will deliver 10% more biodiversity than in its current state. A previous Biodiversity Net Gain report, based on exact same conditions, was assessed at 14% Net Loss this creates a disparity of 24%? The net loss in 2020 was advised independently by Yorkshire Wildlife Trust. In addition to this, the Forestry Commission has issued its advice in relation to the ancient woodlands and the Woodland Trust have strongly objected.

Many local residents have expressed their concerns with me about this application, specifically around the impact, two development sites, Chidswell and Heybeck, will have on local transport networks, and on the health and wellbeing of local people.

I would be grateful if you would consider these concerns and address them as the application progresses, specifically conducting a new Ecological Survey, a reassessment of the Biodiversity New Gain figures, and a Land Assessment Survey.

Simon Lightwood MP relayed the concerns of the Chair of the Chidswell Action Group, stating:

As you will note, my constituent has expressed the following concerns in relation to these applications:

- *Impact to local traffic leaving Wakefield via A638*
- *Pollution flowing into Wakefield owned areas including Fenton Dam*
- *Impact on J40 of the M1*
- *Impact on local community of gawthorpe due to increased traffic and pollution as vehicle numbers are shown to increase with no mitigation due to being in Wakefield.*
- *Increased flooding risk in Wakefield.*

I understand that both application 2020/92350 and 2020/92331 are both allocated sites within the Kirklees Local Plan and form part of the council's programme of works to deliver thousands of homes across Kirklees.

However, I note that the Chidswell Action Group are particularly concerned that the above applications will lead to a loss of agricultural land. In addition, I understand that there is concern that the amount of affordable housing on the site might be reduced after approval, thus not addressing the significant issues faced regarding the demand for affordable housing.

On 05/12/2022, the Chidswell Action Group directly emailed Members, including Members of the Strategic Planning Committee, requesting deferral of the council's decision to enable the following information to be obtained:

- An up-to-date Agricultural Land Classification assessment;
- Up-to-date ecological surveys; and
- An up-to-date biodiversity net gain assessment.

Without this information, the Chidswell Action Group are of the view that a grant of outline permission would be made on an incomplete assessment of the proposal's impacts.

Further to section 7.0 of the committee report, a further 125 representations have been received, including from Cllr Jim Aveyard (Morley Town Councillor, Woodkirk ward). The following is a summary of the additional comments made:

- Separate applications should not have been submitted.
- Applicant has refused to assess the site's agricultural quality.

- Site is used for growing potatoes, wheat and barley.
- Green belt should be sacrosanct.
- Objection to designs of houses.
- More homes are needed.
- Carcinogens would be released into the air.
- Two or three thousand vehicles would be added to Leeds Road.
- 22,000 vehicle journeys per day would occur.
- Junctions are over capacity.
- Objection to monitoring approach instead of “predict and provide”.
- Lack of parking for tradespeople.
- 32 homes would only be accessible via Windsor Road, where visibility is poor.
- Concern regarding vehicular access to rear of 919 to 929 Leeds Road.
- Unrealistic travel plan.
- Residents would not cycle in such a hilly area.
- Residents would have to rise early to commute by bus.
- Existing bus services are regularly cancelled and delayed.
- Regarding drainage, proposed 30% allowance for climate change is inadequate. 40% should be allowed.
- Lack of a drainage layout.
- Unclear where surface water would be stored.
- UK suffers from a lack of tree cover.
- Existing trees store carbon.
- Forestry Commission have commented.
- Woodland Trust have objected.
- Site forms part of the Kirklees Wildlife Habitat Network.
- Peregrine falcons visit the site from Ossett church.
- Independent bat survey required.
- Council can't be part of the White Rose Forest initiative if the proposed development is approved.
- Environmental disaster would occur.
- Noise from vehicles pulling away from new signalised junctions.
- Proposed school provision is a misnomer and a smokescreen.
- Pupils from outside Kirklees would be able to attend the proposed school.
- Unsafe to build on mined land.
- Applicant's consultants' findings can't be relied on.
- Applicant's site photographs are not representative.
- Vulnerable people in Gawthorpe would be affected.
- Houses would be overpriced.
- Livelihood of an AirBnB property owner would be affected.
- Much has changed since the Local Plan was adopted in 2019.
- Development is not wanted or needed.
- No benefits to local people.

To date, a total of 830 representations have been received in relation to the application.

Consultation responses

Yorkshire Wildlife Trust – Unclear how applicant's assumptions regarding river condition were reached. Inappropriate to make such assumptions. Request that river metric calculations are undertaken prior to determination of the application. The relevant river forms part of the Kirklees Wildlife Habitat Network and therefore should be assessed as the highest strategic significance criteria in the biodiversity metric. Amending the metric spreadsheet would alter the baseline units from 12.77 to 14.69 and consequently would reduce the overall river net

gain percentage from 10.20% to 7.76%. It is therefore critical that the baseline river condition is properly assessed as just small variations in the assessment will affect the overall score. It is also necessary to demonstrate how the project complies with the ten good practice principles of net gain. Other earlier comments may be outstanding.

Corrections

At paragraph 10.156 of the committee report, the first two sentences regarding committed schemes were included in error, and should be disregarded. As set out at paragraph 10.153 of the committee report, at pre-application stage, when discussing the scope of the applicant's Transport Assessment, the council advised the applicant to use the council's SATURN (Simulation and Assignment of Traffic to Urban Road Networks) model to determine future traffic growth. This model was developed to support the Local Plan and included committed and future development sites, and was considered to better reflect detailed changes to traffic assignment and growth. Given the use of this model, a list of committed schemes did not need to be agreed with the applicant.

In the third sentence of paragraph 10.218 of the committee report, the words "(and developable areas would not be set if outline permission is granted)" were included in error, and should be disregarded. Developable areas would in fact be fixed at outline stage (as noted at paragraph 10.96). Regarding the odour issue discussed at paragraph 10.218, officer advice otherwise remains unchanged. Although developable areas would be fixed at outline stage, the precise locations of new dwellings within those areas would not be fixed until Reserved Matters stage. At that stage, a further assessment of odour (and its influence on dwelling locations) would be considered.

Land use and principle of development

The application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing and employment need, having regard to Local Plan delivery targets) for it.

Ecological considerations

The comments of the Yorkshire Wildlife Trust (YWT) are noted, however officer advice is unchanged. It is again noted that further survey work would be required prior to the submission of Reserved Matters applications. This would in turn inform a revised biodiversity net gain calculation.

The applicant has also responded to the YWT's comments as follows:

The information on the headwater stream was collected as part of the updated walkover survey in October 2022 by Chris Shaw, principal ecologist, and discussed with his colleague who is trained and accredited in modular physical survey river condition assessments (MoRPh), which returned the score of poor for the stream. We would expect a MoRPh,

along with any other updated surveys needed, to be undertaken at RM stage, to inform individual phases of development coming forward.

Furthermore, [the case officer has recommended] a condition which requires the achievement of 10% net gain across the site. So the metric will need updating as part of discharging this condition, and any specific points on the metric can be addressed when more information is available about the scheme details and the specifics of mitigation.

The Chartered Institute for Ecology and Environmental Management guidance referred to at paragraph 10.244 of the committee report can be viewed online at: <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>

Other planning matters

Illustrative visualisations of the proposed development have been submitted by the applicant. These have been posted online, and will be included in the case officer's presentation on 08/12/2022.

On 17/11/2022 the Chidswell Action Group contacted the case officer, stating that many residents had not been contacted as part of the council's reconsultation. Two local residents have subsequently stated that they weren't reconsulted. These concerns were investigated. In one case, the council had not received an earlier representation (and, therefore, the resident was not logged as an interested party who would be reconsulted). In the other case, although the resident's email address appears to have been logged incorrectly by the council, a reconsultation letter was sent to that resident's address on 27/10/2022.

As noted in the committee reports, a total of 13 new site notices were posted on 02/11/2022, in addition to the reconsultation letters posted and emailed in October 2022.

The Chidswell Action Group's email of 17/11/2022 requested an extension to the reconsultation period. This, in turn, would have resulted in a delay to the determination of the application, hence the reference in paragraph 10.285 of the committee report.

Planning Application 2020/92350

Item 10 – Page 95

Outline application for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated infrastructure (amended and further information received)

Land south of, Heybeck Lane, Chidswell, Shaw Cross, Dewsbury

Revised recommendation

The following additional condition is recommended:

27) Site-wide open space strategy to be submitted prior to Reserved Matters applications (or with the first Reserved Matters application), and

to include proposals for on-site provision with reference to existing local provision and the six open space typologies of the Open Space SPD.

Representations

The comments relayed by Simon Lightwood MP (see above) also relate to application 2020/92350.

On 05/12/2022, the Chidswell Action Group directly emailed Members, including Members of the Strategic Planning Committee (see above).

Further to section 7.0 of the committee report, a further 91 representations have been received, including from Cllr Jim Aveyard (Morley Town Councillor, Woodkirk ward). Most of these representations also related to application 2020/92331. The above summary of the additional comments made includes those comments made in relation to application 2020/92350.

To date, a total of 396 representations have been received in relation to the application.

Corrections

At paragraph 10.41 of the committee report, the second sentence regarding committed schemes was included in error, and should be disregarded (see above information regarding SATURN modelling).

Land use and principle of development

The application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.

Planning Application 2020/92307

Item 11 – Page 123

Outline application, including the consideration of access, for erection of residential development (up to 75 units)

Penistone Road / Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS

Updated comments from Cllr Munro

Local ward councillor Alison Munro has provided further comments on the scheme, as detailed below.

The following comments were received on the 2nd of December.

Air Pollution - Air Quality

I have recently visited the website AddressPollution.org

HD8 0AW which is around the Whitegates Grove area in Fenay Bridge and HD8 0AP which covers houses along Penistone Rd in Fenay Bridge both show a high reading for air pollution which exceeds WHO (World Health Organisation) limits. " DEMAND ACTION"

In addition there was a recent report in the media concerning" air pollution cancer breakthrough will rewrite the rules" as scientists have discovered that air pollution actually triggers damaged cells in the human body which then mutate to cause cancer.

www.bbc.co.uk/news/health-62797777?

The impact from the housing developments will lead to an increase in traffic which ultimately will increase air pollution on the Penistone Rd corridor, increase air pollution up Rowley Lane by the school and increase air pollution on the Wakefield Rd corridor. Many people live along these corridors. School children attend Rowley Lane School and Lepton Cof E which will also be impacted.

Scientists have now found a direct link between toxic air pollution and cancer, so allowing these houses to be developed will impact upon the wider area in terms of air pollution. According to the report undertaken by WHO the limit for PM2.5 should be a maximum of 5mcg, but the level on Penistone Rd is already double that at 10mcg. Almost 20% of strokes can be attributed to exposure of this pollutant over a period of a year- yet this Cabinet only seeks to encourage many more unnecessary houses in our area which means more vehicles on our roads and more pollution.

Officer Response: The air quality impacts of the proposal have been assessed in accordance with local and national policy, using relevant planning guidance.

Roundabout

In the meantime I understand that the Applicant will be liable for the costs towards the roundabout of £285,000 for Phase 1 I seek clarification on which applicant this refers to? Is it the applicant seeking outline planning permission or the applicant who will make an application for full planning permission. What happens in relation to further phases which may or may not be built in which case a roundabout would never transpire and who would be liable for the costs of further phases?. I wonder how much the actual cost of building a roundabout will be when it actually comes to building one? Could it be the costs will have increased again so the developer can use that to wriggle out of building affordable houses?

Officer Response: While it remains to be detailed by K.C. Legal, it is expected that 'the applicant' expected to pay will be the final developer. This may, or may not, be the current applicant for this application, or a new party. If later phases (3 and 4, as per the masterplan) are not built, the roundabout would not be needed or come forward. The cost is to be index linked, and an overage clause included allowing the Planning Authority to seek additional funds, if required.

Affordable housing

In this country and across the world we are currently experiencing instability and economic turmoil. How can we be assured that approving the site for outline permission that the affordable houses will ever be built as we have a similar site in Fenay Bridge formerly k/a HS1 where outline planning approval was given for 68 houses which includes 20% affordable housing, but recently we have now been led to believe that it would never have been viable to build 20% affordable housing on that site.

The site being determined to day is once more for outline planning for 75 new houses to include 20% affordable, it's a similar scenario. In this current economic time, it is important more than ever that affordable houses are built, and that section 106 monies are paid in full to the Council.

Officer Response: Each application is assessed on its own merits. The default position, as per the Local Plan, is to consider housing allocations to be viable and able to contribute S106 obligations, including affordable homes. Should the applicant content this is not the case, as per 2022/93154 a viability assessment process will be undertaken in accordance with local and national policy.

Creating a sense of Place

I do not believe that developing the sites known as HS 2 and HS3 in a piecemeal fashion will create a sense of place as stated by the developers. What it does mean is that there will be a housing estate of 75 houses leading off narrow Rowley lane and lying close to a main road. That's it! These houses are not close to any amenities so people will inevitably drive to where they need to be. Simply offering a bus pass helps no one when the bus service is unreliable and infrequent. Offering a bus pass is merely a gesture and achieves nothing.

Officer Response: Developing allocations with an indicative capacity of 598 dwellings across several phases is not considered unreasonable. The point of access for phase 1 has been considered and found to be acceptable in the report. Paragraphs 10.44 – 10.51 detail officers' consideration of the site's accessibility and proximity to services.

Fenay Beck/ Beldon Brook

How can the developers assure us that no contaminants will seep into Fenay Beck as a result of building these houses? Additionally how can we be assured that any additional water entering Fenay Beck from the site will not increase its flood risk which is currently 1:30 years chance of happening in Fenay Bridge and what is being done to reverse this risk to what it was formerly of 1:100 years. I do know that allowing additional water into the Beck will not help reverse the flood risk.

Officer Response: It is an offence to cause or knowingly permit a water pollution discharge activity. The offences cover pollution of all watercourses, including streams and rivers. Such pollution events, being covered by separate legislation, would be outside the remit of planning. Nonetheless, a condition has

been recommended for a temporary drainage flood routing plan, to demonstrate how any surface water discharge during construction will be managed.

The impact of flood risk and drainage is assessed in paragraphs 10.115 – 10.121 of the officer's report.

The following comments were received on the 5th of December.

Affordable housing

In the light of the earlier concerns I highlighted in relation to affordable housing and site HS1, Isn't it pointless in asking this committee to approve this planning application which provides for 20% affordable housing due to the economic downturn, falling house prices sharp hikes in timber and delays to supply chains for building materials and rising costs of those? How can we be assured that such houses will be built?

I do wonder that this application is premature from several perspectives, not least being the Masterplan and the aspects already highlighted.

Officer Response: If approved the application will include a s106 legal agreement to cover the provision of 20% affordable units (to be detailed at reserved matters stage). Should the applicant seek to change this in the future it would have to go through due process, including an independently assessed viability process.

In relation to the Master Plan point 6 Policy LP5f

I believe it is wrong for the Applicants to refer to the former railway line in the way they have as this line is privately owned. Were the views/consent of the owners of that land all taken before the Applicants used this line as part of their application to try to persuade us all their plans are sustainable?

Officer Response: The masterplan refers to the potential ability for the development to connect onto the Huddersfield-Kirkburton Railway Line, which is noted as a proposed future cycle/ walking path. This was included on the request of officers. The railway line is identified in the Local Plan as a 'Core Walk / Cycle Proposed' route and it is an ambition for it to be developed into such a cycle / walking way. However, as identified by Cllr Munro the split ownership makes this currently difficult. Nonetheless, officers welcome its inclusion and note the a potential link.

In reference to the Masterplan I note that in relation to green space that eventually once all the houses are sold that the house owners who will be shareholders in the management companies and will take over maintenance of the site and the play area once all the houses are sold? This is concerning- will individual house owners have a choice as to whether they become shareholders? Will they feel compelled to be a shareholder? A shareholder in land they will not own, but be forced to maintain to make profit for the over- arching company that owns the land in order to maintain the environment they live in? This proposal is unacceptable and places a heavy burden upon people buying houses on these sites and could cause arguments to break out between home

owners who are shareholders and those who chose not to be if that is possible. In the long term it will be detrimental to our area and the people who live there. Why not sell the individual home owners the land? It is simply not right to place such a heavy burden upon house owners. And the proposal should be rejected by this Council.

Officer Response: The establishment of a resident management and maintenance company is typical for modern housing estates. By spreading the cost across all land owners, the price of management and maintenance is kept to a minimal.

In relation to the Masterplan

The committee cannot be certain that the whole site HS2 and HS3 can be delivered in a way that complies in full with the requirements of the NPPF and council policies. It is simply not right to determine this site in isolation as there are no guarantees the other sites will ever be delivered as stated this site is to be situated at the side of the Penistone Rd corridor, away from local amenities. Parents who may buy these houses will jump in their cars to take their children to the local Primary schools which are both up steep hills and the local secondary school again by driving there. They will jump into their cars to travel to work as the bus service is unreliable and insufficient and they will use their cars to go shopping. All this will increase the toxicity of the air in our area and overburden the Penistone Rd corridor and Rowley Lane where the local school is located.

This application must not be approved.

Officer Response: While the masterplan is relevant to this application, for the avoidance of doubt this application relates to the redline area only – phase 1 as detailed within the masterplan. Subsequent applications for later phases of HS2 and HS3 will be assessed on their own merits, against relevant policy and the parameters established by the masterplan, when they are submitted.

Paragraphs 10.44 – 10.51 detail officers' consideration of the site's accessibility and proximity to services.

On the 6th of December Cllr Munro sent an email to officers and members of the committee. This re-iterated many of the above matters.

Access

secondary access then (in the context of the wider plan) is again immediately below a bend but close to the junction with Penistone Rd where traffic queues at peak times. Additionally as outlined in the wider plan there will be two access points off Rowley Lane, (the other being Woodsome Park) within a few metres of each other and this will be combined with access to Woodsome Drive on the opposite side of the road. Vehicles back up, at the junction with Rowley Lane and Penistone Rd at peak times and this is likely to impact upon traffic flow due to the accumulative increase in houses in the area and therefore increase in vehicles. I have been in queuing traffic here myself often. If this outline plan is approved with access as currently proposed, this will result in the

site access being frequently blocked.” This comment does not seem to figure in the Report but this application concerns access so it is therefore important to underline the issue.

Officer Response: The distances between the site’s access, Woodsome Park, and Penistone Road junctions, both as proposed by this application and indicatively shown for phase 3 (when the roundabout comes forward) are considered acceptable. The proposal includes works to improve the capacity of the Rowley Lane / Penistone Road junction, as detailed in paragraphs 10.33 – 10.39.

Historic Environment

I refer to 10.93 of the Report the delivery of a residential development at a time of national crisis is a substantial public benefit- The houses planned for this site are within a sensitive historic environment which while it is noted will cause less than substantial harm to the setting of Woodsome Hall Grade 1 listed– this is debateable – the houses are not needed, so I question the public benefit.

The population in Kirklees has declined by circa 16,000 people since the census in 2011, I have highlighted several times that the Local Plan provides for too many houses, approximately 10,000 plus that are planned to be built on former green belt land- I seriously question the public benefit in this case?

Officer Response: The Local Plan’s housing target figures were based on Government methodologies. The calculated housing requirement was reviewed by the Government appointment inspector and found to be acceptable. There are considered no grounds to deviate from the Local Plan.

Trees

I note that some mature trees will have to be felled to improve visibility and enable a 2m wide footpath to be implemented leading out of the estate up Rowley Lane. I must object to any mature trees being felled in relation to access to the site. Mature trees sequester CO2 and there are many residents living along Rowley Lane. Due to an increase in traffic as a result of the housing development, there will be an inevitable increase in air pollution, it is therefore important that the trees remain in situ.

Officer Response: The felling of the trees along the site’s west boundary has been identified as necessary to form any acceptable access, due to the need to secure sightlines. The provision of a 2m footpath is also a benefit of the proposal. Nonetheless, at Reserved Matters stage officers expect a proportionate level of mitigatory replanting, in addition to the standard level of tree planting which would be expected. Air pollution is considered within paragraphs 10.127 – 10.131 (as well as in the above response).

Representation from Green Alert in Lepton (GAIL)

Since the officer's committee report was published an additional representation has been received, submitted by representatives of the local community group GAIL. This brings the total representations to 107. This letter raises the following matters (summarised):

Historic England and KC Conservation and Design

- Historic England make it clear in their recommendations they maintain concerns and require the Authority to assess the proposal against 199 and 202 of the NPPF.
- Historic England have failed to mention no. 1 Woodsome Road (Grade 2) and their response on Woodsome Hall (Grade 1) is not definitive.
- The Council have failed to demonstrate that there is a convincing business case that shows there is a need for housing in the area and this specific site. As such, the required public benefits to outweigh the identified harm to heritage assets (providing housing), are called into question.
- In their comments, the Conservation Officer describes Woodsome Hall as Grade 2, not the correct Grade 1.
- Both Conservation and Design and Historic England agree the proposal will harm the setting of Woodsome Hall; the Council and applicant have failed to clearly lay out the benefits.
- The roundabout has been removed from the proposal: GAIL expect Conservation and Design and Historic England to be more robust and direct in their response when a scheme including it comes forward.
- Documents recommended by Historic England (Zones of Theoretical Visibility and Visual Impact Assessments) have not been provided and the development cannot be fully assessed.
- The impact assessment fails to consider other Listed Buildings, outside of 1 Woodsome Road and Woodsome Hall.

Officers Response: The comments from GAIL are noted but are not considered to affect officers' assessment detailed within the report (paragraphs 10.63 – 10.95).

As per the report, it is accepted that the development will be visible from Woodsome Hall and no. 1 Woodsome Road and would affect them. The submitted documents to include Viewshed assessments which are considered sufficient to understand the visibility at outline stage. However, it has been determined that the harm would not intrinsically be greater than less than substantial. As noted within the report, careful design would be required at Reserved Matters stage to ensure the harm does not exceed less than substantial. The public benefit of provision of housing at a time of need is sufficient to outweigh the identified harm.

While GAIL dispute the housing need for the area, this has been established through the Local Plan process and verified by the Planning Inspectorate.

Officers Response:

Noise and vibration

- The matter of noise pollution and vibration between the new development and Reliance Precision should be resolved now; any later is too late.
- Failing to do so risks the operation of a major employer and the living standard of future residents.

Officers Response: Noise and vibration documents have been provided and reviewed by K.C. Environmental Health. This is detailed within paragraphs 10.102 – 10.114. Based on the information provided, subject to condition and appropriate standards at Reserved Matters stage officers are satisfied that there would be no prohibitive impact to either residents or adjacent business.

The masterplan

- GAIL contends that the masterplan is inadequate to address the requirements of LP5.
- There is no signed guarantee that the sites will ever be delivered, including the railway line owners.

Officers Response: Officers consider the masterplan within paragraphs 10.16 to 10.27 of the committee report and conclude it to be acceptable. A signed contract obligating a landowner to develop a site would not be reasonable, however the masterplan sets out a strategic overview from the relevant landowners of how development on the site should be approached.

Planning Application 2022/92718

Item 13 – Page 213

Demolition of fire training building, extension and landscaping of RTC yard, including erection of fuel pump and tank, bin store and dog kennels, recladding of the BA building and erection of an enclosed link between BA and TRTC, provision of a new sub-station and new boundary treatments, retaining and landscaping works.

Oakroyd Hall, West Yorkshire Fire and Rescue Service Headquarters, Bradford Road, Birkenshaw, BD11 2DY

Contaminated Land

A remediation strategy has been submitted to officers and is currently under consideration by KC Environmental Health. If it is deemed acceptable, officers will seek a compliance only condition for this matter.
