

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2020/62/93105/W

Site Address: Land adj Lockwood Road (A616) and Crowther/Albert Street Intersection

Description: Highway development works to realign Lockwood Bar junction at Crowther Street, between Lockwood Road and Albert Street, with new pedestrian crossing facilities, removal of on-street car parking, improved bus stop facilities and public realm enhancements to Lockwood Road frontage

Recommending Officer: Kate Mansell

DECISION - Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 08-Jan-2021

Officer Report

Site Description

The red line boundary for this application extends to 0.13 hectares. It relates to 5 areas of highway related interventions (detailed below) on the A616 at Lockwood Bar. They are situated on the north and south side of Lockwood Road between the junctions with Bridge Street and Crowther Street.

Lockwood Road is a busy traffic thoroughfare connecting Huddersfield to the south-western settlements of the District. It has an urban character, principally dominated by the heavy traffic within the vicinity. The road is aligned by mainly stone buildings that are either in commercial or residential use. It also includes the 'Shine-On' car wash at the junction of Lockwood Road and Crowther Street – a hand car wash on the site of a former garage with an overhead canopy.

Part of the site (excluding the car wash) lies within the Lockwood Local Centre.

Description of Proposal

This application for planning permission is submitted by Kirklees MBC. The works represent one of four highway schemes that cumulatively form Phase 1 of the Huddersfield Southern Corridors project (HSC).

HSC is part of a West Yorkshire Transport Fund Programme funded from an £800M Government allocation made to the Leeds City Region, Local Enterprise Partnership (LCR LEP) in July 2014. The programme comprises a range of road, rail and general connectivity schemes.

The Planning Statement identifies the primary objectives of the Lockwood Bar Phase Project to include the following:

- The major A616 flow from Bridge Street to Lockwood Road will be abstracted from the Lockwood Bar junction via an improved Albert Street, to reappear at a new, simpler signalised junction;
- The existing Lockwood Bar junction will occupy a smaller footprint, with improved pedestrian crossing facilities, public realm enhancements, a new bus gate and relocated / enhanced bus stop facilities;
- A new traffic signal-controlled junction with a new link road section at Crowther Street to abstract Holme Valley-bound traffic from Lockwood Bar onto Albert Street;
- New pedestrian crossing facilities;

- Some removal of on-street parking, provision of on-street electric vehicle charging bays and enhancements to cycle infrastructure.
- The creation of two pocket park areas with new trees, suitable bulb planting and sustainable urban drainage areas as rain gardens.

The plans submitted to support this application indicate the extent of improvements along this section of road, including signage, resurfacing of footways and road markings. However, many of these works fall within land that is within the ownership of Kirklees Council or within the adopted highway. Accordingly, such works constitute Permitted Development under (Part 9 (Development relating to roads), Class A: Development by Highway Authorities) and/or (Part 12 (Development by local authorities)) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and they do not require planning permission.

This application therefore seeks approval for those aspects of the scheme that do require planning permission on the basis that they are not within the adopted highway. It relates to the following 5 interventions:

- An area extending to 0.104ha to the east of Crowther Street and to the north and south of Lockwood Road and Albert Street respectively. This is the main part of the proposal and seeks to demolish the existing car hand wash facility (Shine On) at 181-187 Lockwood Road to enable the provision of a new link road to connect Albert Street and Lockwood Road. A new signal-controlled junction would be provided to regulate traffic movements between the realigned Crowther Street link and Lockwood Road. Two small pocket parks would be created on either side of this link road.
- 2 areas in front of existing properties on the south side of Lockwood Road extending to 37m² (approximately in front of 209-219 Lockwood Road) and 9m² (close to No 201) respectively where the frontages will be repaved to match the proposed footway material;
- An area of 95m² in front of 254-260 Lockwood Road, on the north side of the street, to be re-surfaced in asphalt (subject to agreement with the landowner);
- An area of 100m² (0.011ha) in front of Mount Pleasant Primary School where improvements will be made to the access and pedestrian crossing points. The staff car park access would become signal controlled and slight geometric changes would be made to the access to include a minor boundary wall change.

The wider objectives of the Lockwood Bar application are to improve traffic flow at peak times on Lockwood Road and improve infrastructure for pedestrians, cyclists and bus users by creating a simplified junction layout with further improved bus stop facilities on Lockwood Road, with amendments to traffic signalling at the junction.

History of negotiations/amendments received

No amendments have been sought in the course of this application.

Relevant Planning History

The car wash site has been the subject of various historic planning applications relating to its previous use as a service station, including a 1998 application for the change of use from petrol filling station and automatic self-service car wash to hand car wash and valeting/sale of cars (98/92890) and permission in 2006 for the erection of a restaurant with take-away/drive through facility (2006/93398).

For information, there are also two concurrent applications for two of the other four projects that comprise Phase 1 HSC:

Longroyd:

2020/93107 (Planning): Highway development works to widen the carriageway to Longroyd Lane to create an extra exit lane, with proposed improvements to the width of a shared footway/cycleway and amendments to traffic signalling and;

2020/93010 (LBC) Demolition of 1 -5 Longroyd Lane (Grade II)
Pending Consideration

Queensgate

2020/93108 (Planning): Proposed highway development works to reconfigure access and egress arrangements from the University campus with realignment works to the Shorehead roundabout and improvements to pedestrian and cycle access and facilities for the University campus.
Approved: 18 December 2020

2020/93009 (LBC): Listed Building Consent for the partial demolition and rebuilding of boundary wall to St. Paul's Concert Hall, to allow for improved pedestrian and cycle access works (within a Conservation Area)
Approved: 18 December 2020

Folly Hall

The fourth project at Folly Hall, which involves minor road widening to enable the extension of the two right-turn lanes at Folly Hall from approx. 40m to 90m does not require planning permission as it can be carried out under PD rights.

Representations

The application was advertised by means of a site notice (posted 14th October 2020) and a press notice in the Huddersfield Examiner (Friday October 16th 2020) as a proposal affecting the setting of a Listed Building. It was also advertised by means of direct neighbour notification (93 letters sent).

Final publicity date expired: 6th November 2020

It is also noted that the applicant has submitted a Statement of Community Involvement (SCI). This confirms that prior to submitting the application, a public exhibition was held in October 2019 detailing the HSC proposals generally, including Lockwood Bar. This incorporated drop-in sessions open to all residents and other interested parties and a project website. A total of 43 specific surveys were received on the Lockwood Bar scheme both supporting and objecting to different elements of the scheme.

As part of this application, however, only one representation has been received from the Kirklees Cycling Campaign, who have provided a number of detailed comments set out below:

- Generally, it is difficult to see any significant improvements in these plans from the currently poor cycling conditions at Lockwood. Whilst it is understood that the main aim of this project is to increase capacity of motor traffic at this junction, Kirklees does also state that this project aims to make better conditions for cyclists and pedestrians. The council should be honest and accept that this aim has not yet been fulfilled;
- There is a missed opportunity to install a cycling refuge on the corner of Bridge St and Woodhead Rd so that cyclists can safely wait before turning right into Lockwood Scar. They would then be able to safely access the (to be improved) Lockwood Riverside Path, which is a good potential cycling route into the town centre from the Holme Valley;
- Measures should be taken to prevent Bentley St from being a 'rat run' and to improve the local environment of these local streets for residents. (Low Traffic Neighbourhood?);
- The painted/marked advisory cycle lane on Lockwood Road is not acceptable;
- These plans present difficulties and hazards for a cyclist turning right into Albert St from Bridge St and then wishing to continue down Albert St instead of using the newly created road to access Lockwood Road;
- There is signage permitting a right turn into the second part of Albert St, and a marked green painted access area for cycles;
- This green area needs protection from right turning HGV's and other vehicles;
- There needs to be a refuge to allow cyclists to wait until it is safe to turn right into the green painted access of Albert St.

Consultation Responses

The following is a brief summary of consultee responses:

KC Highways Development Management: No objection.

KC Ecology: Limited risk of significant ecological harm and the application is in accordance with LP30i.

Conservation and Design: No objection and consider the proposal to enhance the public realm in this area.

Lead Local Flood Authority: No objection

KC Environmental Health: No objection subject to conditions

Policy

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).

The site broadly fall within Transport Scheme TS3 on the Kirklees Local Plan - Huddersfield Southern Corridor.

Kirklees Local Plan (LP):

The following policies within the Kirklees Local Plan (KLP) are most relevant to the determination of this application:

TS3 Huddersfield Southern Corridor

LP19 Strategic Transport Infrastructure
LP21 Highways and Access
LP23 Core walking and cycling network
LP24 Design
LP32 Landscape
LP35 Historic Environment
LP51 Air Quality

Relevant SPD Guidance

Highways Design Guide SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019 and Planning Practice Guidance (PPG) first

launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

This application seeks planning permission for highway development works to realign Lockwood Bar junction at Crowther Street between Lockwood Road and Albert Street and public realm enhancements to Lockwood Road. The wider project (beyond the scope of this application) also includes new pedestrian crossing facilities, removal of on-street car parking and improved bus stop facilities.

The main issues to consider in the determination of this application include the following:

- Principle of development – including demolition of the car wash;
- Highways and Access;
- Heritage considerations;
- Living conditions of adjoining occupiers;
- Flood Risk and Drainage;
- Climate Change;
- Response to representations.

Principle of development

The minor works proposed within this application, along with the wider improvements to be undertaken along Lockwood Road under the Council's Permitted Development rights, form part of a wider transport infrastructure project known as the Huddersfield Southern Corridors.

Site TS3 in the Kirklees Local Plan Allocations and Designations document advises that the HSC project relates to junction improvements at key strategic locations on roads approaching Huddersfield Town Centre and in South Kirklees, with complimentary route-based traffic management. The identified impact for Kirklees is to accommodate the effect of new development in South Kirklees at key strategic junctions, reduce congestion and to improve connectivity to Huddersfield and destinations beyond. It specifically identifies A616/B6108 (Lockwood Bar).

Policy LP19 of the KLP refers specifically to strategic highway infrastructure, which relates to those transport schemes identified in the allocations document, including HSC. The policy states, amongst other matters, that the

aim is to achieve a balanced and integrated transport network, which makes the most efficient and effective use of road, rail and public transport. It also confirms that detailed transport schemes that require planning permission will have regard to the constraints and considerations as set out in the Local Plan, such as the impact on designated heritage assets and any other environmental impacts. The latter is assessed in detail within this report but overall, the works sought within this application support the Huddersfield Southern Corridors project.

The proposed changes, including the demolition of the existing car hand wash facility (Shine On) at 181-187 Lockwood Road to enable the provision of a new link road to connect Albert Street and Lockwood Road will contribute to improvements to traffic management and traffic connectivity that are sought by the HSC project. It will also contribute to the broader objectives of the HSC to improve air quality outcomes by reductions in congestion and engine idling, which will also help to improve bus journey times.

The remaining elements of the scheme, in terms of the creation of the two small pocket parks on either side of the realigned link road, re-surfacing footways in front of properties and improving pedestrian crossing points will also contribute to broader objectives of the HSC project, in terms of creating additional green infrastructure and enhancing the public realm.

The wider scheme (i.e. highway improvements that do not require planning permission) will also result in some additional cycle facilities. It will introduce an advisory on carriageway cycle inbound along Lockwood Road; an advance cycle stop lines at all traffic signal-controlled approaches; and a cycle only entry to Albert Street at the proposed Albert Street / realigned Crowther Street priority-controlled junction. Cyclists will also be able to turn right from Bridge Street to Lockwood Road alongside buses and will benefit from the prohibition of general traffic from this movement.

With regard to the demolition of the car wash, the demolition of structures such as those on the site, constitutes development. It therefore forms part of the consideration of this application. These existing structures appear to be the remnant of a previous petrol filling station canopy and some single storey building within the site. These are commercial type buildings of simple construction. They are not listed nor are they of a quality to be considered as non-designated heritage assets. Consequently, subject to conditions to be imposed in relation to demolition management to address any issues of public amenity, there is no objection to the demolition of these buildings to facilitate the new road alignment.

Overall, the application is therefore considered to comply with the objectives of TS3 and by association, with Policies LP19 and LP23. The principle of the works is therefore acceptable in accordance with the Local Plan.

Highways and Access

Policy LP21 of the KLP advises that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. It states that new development will be permitted where safe and suitable access to the site can be achieved for all people.

To support this application, the applicant has prepared a Transport Assessment, which considers the existing and proposed transport characteristics and interventions.

With regard to pedestrian and cyclist facilities, the TA notes that Lockwood is designated as a Local Centre (Local Plan ID LCB27) and, as such, there is a good level of footway provision with formal pedestrian crossing facilities to enable local access by foot to the shops and facilities located therein. There are both controlled and uncontrolled pedestrian crossing facilities.

In terms of cycling provision, it notes that Kirklees Local Plan identifies a core walking, cycling and riding network which identifies an off-carriageway cycle path which connects between Lockwood Scar at its southern end, and continues along Queens Mill Road to connect to the pedestrian/ cycle bridge across the River Colne for cycle access towards Huddersfield town centre. The off-road section is partially hard surfaced with a street lighting at its terminal ends. The on-road section along Queens Mill Road provides a section of shared off-carriageway footway / cycleway. It acknowledges that there are limited dedicated on-carriageway cycle facilities around Lockwood. However, cyclists are permitted to use the Lockwood Road outbound bus lane in conjunction with buses between 16:00-18:30.

The TA also looks at existing junction performance, evidencing, amongst other matters, a degree of saturation and various junction approaches. There has also been 12 personal injury accidents in the last 5 years in and around the junctions, of which 11 result in serious injury and 1 a slight injury.

In terms of the effects of this proposal, the TA identifies the following:

- The main element of this application is the demolition of the car wash and the re-alignment of Crowther Street. The TA includes an assessment of the future performance of the junctions that will be created, which demonstrates acceptable levels of highway network operation within capacity.
- It would also provide enhanced pedestrian facilities by general improvements to the quality of the footway environment with improved surface finishes (which forms part of this application on land that is not adopted highway), introduction of landscaping (including the 2 pocket parks within this application) and street furniture and localised footway widening, particularly around the Lockwood Bar junction (within the Council's Permitted Development rights).

- The proposed new traffic signal-controlled junction at Lockwood Road / realigned Crowther Street would provide additional controlled pedestrian crossing facilities of Lockwood Road and the realigned Crowther Street link. Facilities will be provided across the southern and western arms of the junction. Due to operational reasons it is not possible to provide controlled pedestrian facilities across the eastern arm of the junction.
- The mid-block pedestrian crossing within the local centre is to be removed but additional controlled pedestrian crossing facilities would be provided across the Lockwood Road at the new signals and at the Lockwood Bar junction

The cycle improvements do not fall within scope of this application (being Highway Works within the adopted highway and therefore permitted development) but include the following:

- An advisory on carriageway cycle inbound along Lockwood Road;
- Advance cycle stop lines at all traffic signal-controlled approaches; and;
- A cycle only entry to Albert Street at the proposed Albert Street / realigned Crowther Street priority-controlled junction.
- Cyclists will also be able to turn right from Bridge Street to Lockwood Road alongside buses and will benefit from the prohibition of general traffic from this movement.

Again, outside the scope of this application, the proposal also proposes the following on-street parking provision:

- Lockwood Road southern side between Crowther Street and Bridge Street approximately 10 spaces which may be timed restricted during working hours;
- Albert Street northern side, between Crowther Street and Bridge Street, provide c.100m of on-street parking which will be time restricted to enable parking outside of weekday peak hours 07:30 – 09:30 and 15:30 – 18:30.
- The existing section of carriageway at the retained southern section of the closed Crowther Street to provide a parking module which could accommodate four electric vehicle parking spaces and one standard parking space.

The statutory processes to progress the scheme delivery, including the statutory consent (traffic regulation orders and highway stopping up) will be progressed if planning permission is granted. These will be subject to further public consultation outside of the planning system.

The Council's Highways Development Management Team (HDM) have advised that given that these works are for a government funded and Kirklees designed scheme, HDM have no objection to these proposals.

It is therefore considered that the works that form the basis of this application and the wider scheme along the HSC route can accommodate sustainable modes of transport within the funding constraints of the project and be accessed effectively and safely by all users. The proposals are therefore considered to comply with Policy LP21 and the Highways Design Guide.

Heritage

The Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is further reinforced in guidance within the NPPF, which states at Paragraph 193 that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

There are a number of Listed Buildings within the vicinities of the various red line boundaries that form the extent of this planning application. The closest lies to the east of the car wash at 29 Albert Street – a mid-19th Century Grade II Listed Building.

The Baptist Church is also Grade II Listed. There are further listed buildings to the south west of the site boundaries – at 2, 4, 6, 8/10 Meltham Road and along the east side of Bridge Street at 1-23 Bridge Street.

The applicant has advised that the proposed highways works will have no physical impact upon any of these assets. In addition, the current context of the Listed Buildings within the vicinity of the application site is that of street facing buildings set alongside the existing road network. Despite the proposed work, this relationship would remain unchanged, and would, in fact, be enhanced through the associated upgrading on the public realm.

The application has then been considered by the Council's Design and Conservation Team, who advise that Albert Street is characterised by large scale textile mills built along the valley bottom, and although most of these are not listed buildings, their association with the textile industry contributes to the identity of Huddersfield and several of them are considered to be non-designated heritage assets. However, the enhancements to the public realm in this area proposed within this application are welcomed.

In terms of the guidance set out within the NPPF (paragraphs 193-202), it is thus not considered that the proposals will result in any harm to the significance of the various Listed Buildings within the vicinity of the site via a

change in setting, and the proposal will therefore accord with the statutory obligations set out within the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also therefore accord with the requirements of the Act, Policy LP35 of the KLP and guidance within the Framework.

Flood Risk and Drainage

Policy LP27 of the LP advises that proposals must demonstrate that they will be safe throughout the lifetime of the development (taking account of climate change) and it must also not increase flood risk elsewhere. Policy LP28 relates to drainage and the need to address surface water issues.

In this case, most of the site is located within Flood Zone 1 according to the Environment Agency's Flood Map and at a low risk of flooding. It also does not lie within a critical drainage area. However, a small section of the car wash site adjoining Albert Street lies within Flood Zone 3 (high risk) with a larger proportion of the site (circa 50%) within Flood Zone 2.

For this reason, the application includes the submission of a Flood Risk Assessment. However, given the nature and type of the proposal, consultation with the EA is not required and it is subject to their Standing Advice.

A Sequential Test is also not required in this instance because the NPPF advises that the sequential test does not need to be applied for applications for minor developments or change of use. The proposal would also represent a less vulnerable use.

Nonetheless, the FRA considers the flood risk and drainage proposals for the scheme. It notes that the existing highway has an assumed unrestricted discharge and no attenuation storage. Furthermore, the proposed highway improvement scheme would provide a reduction in calculated impermeable area, and therefore, it is proposed to be an unrestricted discharge and there are no plans to provide proposed attenuation storage.

The Lead Local Flood Authority has considered the application and states that they do not object to this application and they have no recommended conditions. For these reasons, the proposal is considered to comply with Policies LP27 and LP28.

Air Quality

Policy LP51 of the Kirklees Local Plan advises, amongst other matters, that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in any increase in air pollution which would have an unacceptable impact on the natural and built environment or to people. The impact of a proposal on air quality is a material planning consideration.

This application includes the submission of an Air Quality Assessment. The Assessment identifies that variations to road geometry and a redistribution of vehicle trips may lead to changes in pollution levels at sensitive receptors

during the operation of the scheme. As such, an Air Quality Assessment was undertaken in order to determine baseline conditions and assess potential effects. The AQA confirms that dispersion modelling was undertaken in order to predict pollutant concentrations at sensitive locations as a result of emissions from the local highway network both with and without the realigned roads in place. Results were subsequently verified using local monitoring data.

The AQA concludes that the impacts on NO₂ concentrations as a result of the proposals were predicted to be 'moderate beneficial' at seven locations, including sensitive receptors on Lockwood Road, slight beneficial at two locations and negligible at the remaining locations. Impacts on PM₁₀ concentrations were predicted to be negligible at all receptors. Consequently, the overall significance of potential air quality impacts was determined as 'not significant', in accordance with the IAQM guidance. The Assessment concludes that based on the results, air quality issues are not considered to be a constraint.

Environmental Health have reviewed the application and noted that the report concludes that the proposals will have a slight positive impact on air quality with a reduction in NO₂ concentrations at 9 of the 34 sensitive receptor sites and with a negligible impact at the remaining locations. Whereas, for PM₁₀ concentrations it was predicted there will be a negligible impact at all sensitive receptors. Therefore, based on the Institute of Air Quality Management Guidance (IAQM) the overall significance of air quality impacts because of the road realignment was determined as not being significant. Having assessed the report, KCEH agree with the methodology and conclusions of the Air Quality Assessment and therefore, conditions regarding air quality are not necessary.

Given the scale of the proposal and the wider merits of the scheme, it is therefore considered that no specific mitigation measures are required in this instance to support this application and it complies with Policy LP51 of the KLP.

Landscape and Ecology

Policy LP32 requires development proposals to take into account and seek to enhance the landscape character of the area. Policy LP30 of the KLP also states that the Council will seek to enhance the biodiversity of Kirklees and development proposals will therefore be required to result in no significant loss or harm to biodiversity in Kirklees and to provide net biodiversity gains where opportunities exist.

In this case, the proposal overall includes the creation of 2 small pocket parks. One of these is within the red line of the planning application, to the west of the re-aligned road on the site of the car wash. The second is at the end of Albert Road, fronting onto Bridge Street. The Design and Access Statement advises that these parks will be planted with new trees, suitable bulb planting and sustainable urban drainage areas as rain gardens.

The Council's Ecologist has advised that no specific ecology information has been included with the application. However, due to the nature of the proposals it is considered that there is limited risk of significant ecological harm and the application is in accordance with LP30i. In addition, the submitted landscaping designs provide an improvement upon the existing habitats with soft planting beneficial to native pollinators. Further enhancements for pollinators such as insect towers could potentially be incorporated into the design to ensure compliance with LP30ii. This will be required by condition.

It is advised that the species mix selected appears to be suitable to the urban location of the site albeit that the Ecologist advised against the inclusion of Monbretia 'Lucifer' as it is listed as an invasive species by Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). It was subsequently omitted from the landscape scheme by the submission of a revised plan received 7th December 2020.

In terms of bio-diversity net gain, it is not feasible or reasonable to demonstrate a biodiversity net gain given the nature and scale of the works. Nevertheless, taking into account the introduction of the pocket parks and new planting, the proposal is considered to comply with Policies LP30 and LP32 in this instance.

Living Conditions of adjoining residential occupiers

Policy LP24 (b) of the KLP advises that proposals should provide a high standard of amenity for future and neighbouring occupiers.

In this case, the proposal would result in a re-alignment of the road, which changes its position relative to residential properties that adjoin Lockwood Road, particularly those that would face onto it at 191, 193 and 199.

At the present time, these properties look towards the car wash. In terms of the visual impact of the proposal, it is considered that the application would result in some improvements to their outlook as a consequence of the introduction of a small pocket park to the west of the new road. This would be planted with some trees, including 'maple' and 'silver birch' as well as shrub and ornamental grass planting.

In terms of the impact of the proposal on the road noise experienced by these properties, the applicant was asked to prepare a Noise Impact Assessment. The assessment identifies the nearest noise sensitive receptors (NSRs), which have the potential to be affected by the scheme as:

- A first-floor apartment to the north of the scheme (opposite) at 228 Lockwood Road (NSR1);
- The single aspect (facing Albert Street) dwellings to the west of the scheme at 191 – 199 Lockwood Road (NSR2);
- The rear elevations of dwellings at 209 - 219 Lockwood Road (NSR3);;

- The rear elevations of dwellings at 201 – 207 Lockwood Road (NSR4);;
- Mount Pleasant Primary School (NSR5);.

The Noise Assessment (NA) advises that noise monitoring was undertaken in May 2020 to understand the existing noise levels. However, it acknowledges that this was in the period of travel restrictions imposed as a consequence of Covid-19 and as a result, the results cannot be relied upon as being wholly representative of typical prevailing external noise conditions. Nevertheless, it considers that the noise data acquired during the survey is sufficiently useful when used in conjunction with other available data sources such road traffic flows on primary routes in the immediate vicinity

From the data gathered, the NA advises that road traffic noise is the most dominant noise factor for the NSRs at the present time with a L_{Aeq} (dB) (Equivalent Continuous Sound Pressure Level, - the constant noise level that would result in the same total sound energy being produced over a given period) ranging from 64 to 75 across the 5 NSRs. For comparison, a normal conversation is estimated at about 60dB, and a motorcycle engine running is about 95dB.

The NA then considers the impact of the new road alignment. It considers that negligible to moderate impacts are expected at the nearest NSRs in the short term. The initial assessment also suggests that moderate effects would be significant at NSR2 and NSR4. Effects at the other receptors would not be significant. However, it concludes that the overall impact on the nearest NSRs is considered to be significant.

Where significant adverse effects occur, there are measures to mitigate and manage operational noise, including, but not limited to vertical or horizontal alignment of the road, earth bunds to act as a noise barrier, noise barriers, low noise road surfacing, speed limits and/or restrictions on noisy vehicle types. In this instance, the NA concludes that 191 – 199 Lockwood Road and the rear elevations of 201 – 207 Lockwood Road fulfil the criteria detailed in the Noise Insulation Regulations such that they are therefore eligible for a discretionary grant in respect of the cost of undertaking noise insulation work(s), which would mitigate the impact of the proposal.

These Regulations state, amongst other matters, that where the use of a highway to which the Regulation applies, causes or is expected to cause noise at a level not less than the specified level, the appropriate highway authority shall carry out or make a grant in respect of the cost of carrying out insulation work in or to an eligible building. For the purpose of this regulation, the use of a highway causes or is expected to cause noise at a level not less than the specified level if (a) the relevant noise level is greater by at least 1dB(A) than the prevailing noise level and is not less than the specified level, and (b) noise caused or expected to be caused by traffic using or expected to use that highway makes an effective contribution to the relevant noise level of at least 1dB(A).

Environmental Health also note that it is necessary to ensure that the residential properties at NSR 2 and 4 that will be adversely affected by noise

from the development are provided with noise mitigation measures as prescribed in the Noise Insulation Regulations 1975.

The applicant has confirmed that the project includes a budget identified for Part 1 claims. This would allow those eligible properties (with owner occupiers) to obtain funding to mitigate noise increases (if they come forward with a claim). The highway authority is liable and the first day for claiming compensation is a year and a day after the new or altered highway first came into public use (known as the 'first claim day'). Compensation could be for noise attenuation at windows – possibly double or triple glazing depending on observed noise measurements. However, this compensation strategy sits entirely outside the planning process. It would, nonetheless, provide appropriate mitigation for noise impacts arising from the proposal and thereby ensure that the living conditions of these adjoining occupiers are suitably preserved.

Based on the above considerations, the proposal is considered to comply with Policy LP24(b).

Ground Conditions

The red line boundary includes land that is identified to be potentially contaminated. Policy LP53 of the Kirklees Local Plan relates to contaminated and unstable land and seeks to ensure that any hazardous material which may be in the ground from the previous use of a site is not exposed through development work which could result in harm to the environment. For this reason, the application includes a Preliminary Site Assessment.

In terms of site history, from the earliest available mapping in the 1850s until the 2000s, the site has had various commercial and industrial uses, including a works and a garage (fuel station) and more recently, a car wash and tyre shop.

Overall, the Assessment determines that the qualitative risk assessment (QRA) identifies a low/moderate level of risk to future site users associated with the proposed development. It does recommend that a generic quantitative risk assessment is conducted as part of a ground investigation in support of the engineering design. This would include an intrusive ground investigation to support civil and structural design, screening of site soils (visual, olfactory) with basic contamination screening (lab testing) to inform CDM and preliminary waste classification. Additional testing should be undertaken if and where any markers of contamination are revealed.

Environmental Health advise that from the Phase I Report, it is evident that historical potentially contaminative land uses on the site (and/or adjoining land) may impact the proposed development. Notably, the site may have underground storage tanks believed for petrol and diesel, which need further assessment. The report recommends that an intrusive investigation is required to observe ground conditions. Samples will also be sent for laboratory analysis to assess contamination. KCEH agree with the Phase I report that a Phase II investigation is required.

The Site Investigation also recommends that a specification for safe removal of underground storage tanks is prepared to ensure appropriate decommissioning and validation of removal is undertaken to minimise the risk to ground workers and the environment during site clearance and construction. These matters will form a condition(s) of this permission. On this basis, the proposal is considered to comply with Policy LP53.

Response to representations

The comprehensive comments from the Kirklees Cycling Campaign have been fully considered by the applicant. It should be noted that the plans submitted with the planning application include all the wider Lockwood Bar proposals, beyond the scope of this application, which is limited to the red line boundary areas. Nonetheless, the applicant has provided the following response:

There is a missed opportunity to install a cycling refuge on the corner of Bridge St and Woodhead Rd so that cyclists can safely wait before turning right into Lockwood Scar. They would then be able to safely access the (to be improved) Lockwood Riverside Path, which is a good potential cycling route into the town centre from the Holme Valley.

Response: The scheme extent did not unfortunately initially include this junction. The applicant has advised that they appreciate the value of the Lockwood Riverside Route and attended a walk through with the River Holme Connections organisation to look at potential improvements. The Council did also make a request to WYCA to include cycle track improvements to this facility within the Lockwood scheme, at the latest stage of the business case process. However, this was felt by WYCA to be too material a change for consideration. The Council further lobbied for improvements to the route to be included in a second phase of the Corridor Improvement Programme, but this was not successful and did not progress for funding at the Strategic Outline Case stage as part of a further external funding stream.

Measures should be taken to prevent Bentley St from being a 'rat run' and to improve the local environment of these local streets for residents. (Low Traffic Neighbourhood?)

Response: The proposed left turn restriction from Meltham Road to Swan Lane enables an improved footway area at the corner of the Lockwood Bar junction to be provided and improve the pedestrian inter-visibility splays required under the DMRB standard. Traffic surveys identified a very low level of demand (five and fifteen vehicles during the morning and evening peak hour respectively) for the movement, which may redistribute to a number of routes, including Bentley Road. It was considered that the minor resultant traffic increases on any road would be imperceptible and within the levels of daily traffic fluctuations. The applicant will, however, monitor the changes resulting from the proposal.

The painted/marked advisory cycle lane on Lockwood Road is not acceptable.

Response: The design had been finalised in advance of the LTN1/20 publication (and associated gear change document) and due to tender timeframes was difficult to further amend the design. Prior to construction, however, the applicant will be undertaking a further assessment of the design to identify potential additional measures for cyclists more in line with the aspiration outlined in Gear Change and LTN1:20 where possible. (N.B. These works do not require planning permission and are beyond the scope of this application).

These plans present difficulties and hazards for a cyclist turning right into Albert St from Bridge St and then wishing to continue down Albert St instead of using the newly created road to access Lockwood Rd. There is signage permitting a right turn into the second part of Albert St, and a marked green painted access area for cycles.

This green area needs protection from right turning HGV's and other vehicles. There needs to be a refuge to allow cyclists to wait until it is safe to turn right into the green painted access of Albert St.

Response: As stated above, a further design review will be undertaken prior to construction to identify if potential additional cycle measures can be provided. Works within the adopted highway, including signage and markings, do not require planning permission and are beyond the scope of this application.

Conclusion

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.

This application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out in the report above, it is considered that this application accords with relevant policies within the development plan.

The proposals represent a small element of the wider Huddersfield Southern Corridors project, which, overall, would provide a range of improvements. These include air quality outcomes by reductions in congestion and engine idling, the reliability of journey time on the public transport network by creating improved bus journey times and enhancements to pedestrian facilities by widening footways and providing improved controlled crossing opportunities. For these reasons, it is considered that the development would constitute sustainable development and the application is therefore recommended for approval.

NOTE ON PLANS: The applicant submitted a full set of plans for the entire Lockwood Project, including those that do not require planning permission and are to be undertaken in accordance with Local Planning Authority Permitted Development Rights. The plans listed on the decision notice relate only to those works sought by this planning permission.

Application Number: 2020/93105
Decision Authorisation: Delegated Powers
Recommendation – Grant subject to conditions

Conditions and Reasons:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.

Reason: To ensure the satisfactory appearance of the development on completion.

3. Prior to the commencement of works to demolish the car wash facility, a Statement of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:

- a) The methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) Measures to control the emissions of dust and dirt during demolition;
- c) Location of site compound and plant equipment/storage; and
- d) Working hours.

The approved details shall be implemented at the commencement of demolition work on site, and shall thereafter be retained and employed until completion of these works.

Reason: To protect the living condition of occupants of nearby property.

4. Prior to the commencement of works to demolish the car wash facility, a specification for the safe removal of any underground storage tanks to ensure their appropriate decommissioning in accordance with the recommendations of the Preliminary Site Assessment for Lockwood Road, Kirklees prepared by Curtins (Rev V01 dated 22nd May 2020) shall be submitted to and approved in writing by the Local Planning Authority. This shall include the subsequent validation of their removal. The underground storage tanks shall then be removed in accordance with the agreed specification.

Reason: To ensure that any necessary remediation works are identified to make the site suitable for use.

5. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site.

8. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site

9. The landscape scheme set out on Plan LAD.418.LA03 Rev F shall be implemented as soon as reasonably possible following commencement of the development and shall be completed no later than the end of the first available planting season following completion of the development. If, within a period of five years from the date of the planting of any tree/hedge/shrub, that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first subsequent available planting season.

Reason: To ensure the implementation and maintenance of a healthy landscape scheme.

10. Prior to the implementation of the approved landscape scheme, details of measures to enhance bio-diversity (e.g. provision of insect towers) shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented as approved prior to the completion of the landscape scheme and no later than the end of the first available planting season following completion of the development.

Reason: To enhance the bio-diversity value of the development.

Informative

All contamination reports shall be prepared in accordance with guidance in *Land Contamination Risk Management (LCRM)*, National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

Reason: In the interests of visual amenity and bio-diversity.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan 1 of 2	HD-25-64313-PA-01	Rev B	17 September 2020
Location Plan 2 of 2	HD-25-64313-PA-01	Rev B	17 September 2020
Surfaces	GA_418_LA01	Rev A	17 September 2020
General Arrangement Plan 1 of 2	HD-25-64313-GA-01	Rev I	7 January 2021
General Arrangement Plan 2 of 2	HD-25-64313-GA-01	Rev I	7 January 2021
General Construction Plan	HD-25-64313-GC-01		17 September 2020
Landscape Layout	LAD.418.LA03	Rev F	7 December 2020
Tree detail	LockwoodTreeDetail_418_LA02	Rev A	17 September 2020
Kerbline and Fencing	HD-25-64313-KF-1		17 September 2020
Drainage Layout 1 of 2	HD-25-64313-DR-01		17 September 2020
Drainage Layout	HD-25-64313-DR-01		17 September

Plan Type	Reference	Version	Date Received
2 of 2			2020
Typical Section Sheet	HD-25-64313-TS-01		17 September 2020
Planning, Design and Access Statement	Prepared by Pegasus Group dated September 2020 P20-0802.003 dated September 2020		17 September 2020
Noise Impact Assessment	Prepared by ENS NIA/9094/20/9125/v1/Lockwood Bar, Huddersfield dated 21 August 2020		17 September 2020
Transport Note	Prepared by Kirklees Council dated 10 July 2020	V1	17 September 2020
Air Quality Assessment	Prepared by Redmore Environmental Reference: 3619r1 dated 18 th August 2020		17 September 2020
Preliminary Site Assessment	Prepared by Curtins Reference Rev V01 dated 22nd May 2020		17 September 2020
Flood Risk Assessment and Drainage Strategy	Prepared by SCP Reference WJ/200208/FRA02 dated May 2020		17 September 2020
Statement of Community Involvement	Prepared by Pegasus Group Reference P20-0802.001A dated August 2020		17 September 2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this case, a revised landscape scheme was sought in the course of the application but the proposal was otherwise considered acceptable subject to conditions.

Report Dated: 7 January 2021

