

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

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

11 MAY 2023

Planning Application 2021/93006

Item 11 – Page 13

**Conversion of existing barn to form 8 dwellings, erection of 9 dwellings,
demolition of redundant agricultural buildings and associated works
(Listed Building within a Conservation Area)**

Yew Tree Farm, The Village, Farnley Tyas, Huddersfield, HD4 6UQ

Update on Green Belt incursion

Further to paragraph 10.7 of the committee report, it was noted that the 'line of Green Belt' within Drawing No. (20)001 Rev H – Proposed Site Plan does not wholly reflect the level of incursion into Green Belt land. The level of incursion would result in 4.5% of the site being included within the Green Belt to the south of the site. Officers' conclusions and recommendation remain as is described within paragraph 10.13 of the committee report. A revised site layout outlining this change has been requested from the applicant's agent.

Boundary Treatments

Officers have recognised that the retention of the existing dry-stone walls, where possible, is appropriate and will be to be secured via a condition ensuring that the wall is retained and repaired sensitively, with the re-use of materials within the blocking up of the existing access. Should additional materials be required, these must match the existing in terms of stone type, coursing etc.

Representations

Three further representations have been received, taking the total received for the fourth round of consultations to 7. Having reviewed submitted representations, many of the matters raised have already been raised and addressed previously within the committee report and therefore these elements of the representations have not been duplicated below.

The following is a summary of the new matters made within the further representations:

- Concerns in regard to the scale, height and design of the proposed new builds. The heights of the dwellings should be reduced, as well as a reduction in the amount of glazing proposed.

Response: Noted. This is discussed in more detail within the urban design and heritage sections of the committee report.

- The subdivision of any gardens belonging to the milking shed should be changed to metal railings to retain the openness of the existing farmyard.

Response: Noted. This change is something that could be incorporated within the recommended condition relating to boundary treatments.

- Permitted development rights should be removed for extensions and outbuildings.

Response: Should planning permission be granted a condition is recommended to remove permitted development rights from all new build and converted dwellings to ensure that no large, overly dominant extensions, outbuildings or dormer windows could be constructed without first seeking approval from the Local Planning Authority.

- The applicant has made no reference on the drawings as to which sections of boundary wall will be new, retained, repaired or demolished.

Response: Noted. A condition has been recommended which requires full details of all boundary treatments to be submitted to the Council prior to their installation on site.

- No details have been provided by the applicant regarding the use of the land and how it will be reinstated following demolition of the modern barns. This should be covered by a condition should the application be approved.

Response: Noted. A condition to this effect could be included should planning permission be granted.

- As previously plot 10 has been removed, plot 9 is now more openly visible from the south and Farnley Road.

Response: Noted.

- The existing green belt boundary should be defined by professional survey at the applicants cost and agreed before demolition works take place.

Response: Noted.

- Comments received from West Yorkshire Police advise that refuse bins must not be sited near ground floor windows, the site plan and the rear elevation of the proposed conversion of the Old Barn indicate that the current proposals do not comply.

Response: Noted. However, comments from West Yorkshire Police are advisory and it would be down to the developers as to whether they wish to take on board this advice.

- The characteristics of Yew Tree Farm bears little comparison to the adjacent Park Farm site.

Response: Noted.

- Further section drawings are required to highlight the relationship between the levels of the proposed new builds and existing buildings.

Response: Noted.

- Within the recently submitted Climate Change Statement it is outlined that the new build houses will benefit from storm water storage tanks within the gardens however, no details have been provided in respect to the sizes or locations of these storage tanks. This needs to be addressed and added to the site layout plan.

Response: Noted. Should members feel that an additional condition in respect of water storage tanks should be included this could be requested.

- The rooflights aren't shown on plots 1-8 on the submitted site layout plan.

Response: Noted. Whilst this is the case, the application is clear on floor and elevation plans for those units that roof lights are included in the design, which does not affect the commentary or conclusions drawn within the committee report and the rooflights have been assessed as being installed within these plots.

- The garage for plot 10 is detached this should be amended to be attached to the dwelling.

Response: Noted. This is discussed in more detail within the urban design and heritage sections of the committee report.

- There aren't any dimensions for the road and footpaths on the submitted site layout plan.

Response: Noted. These elements of the scheme are drawn to scale and have been assessed by the Council's Highways Team who raise no objections to the proposals in terms of highway safety.

- Concerns in relation to the trees adjacent to the detached garage of plot 10, worried that during the excavation of the foundations and building will certainly damage root structures and canopies of trees that are within a conservation area.

Response: Noted. Following an informal discussion with the Council's Trees Officer it is considered that given the differences in land levels, the 1.5m buffer and the types of trees within the adjacent site it is unlikely that root structure or canopies would be impacted by the proposals. However, a condition has been requested in respect of an updated Arboricultural Method Statement and this element of the scheme could be included within that update.

- The garage to plot 10 in its proposed location, with only 1.5m between neighbours, has is an insufficient gap to accommodate the proposed planting of two new trees to provide screening.

Response: Noted. However, a condition has been included should planning permission be granted for the submission of details in respect of hard and soft landscaping and therefore this could be addressed, if necessary, via that condition.

Planning Application 2021/94061

Item 12 – Page 77

Reserved matters application pursuant to outline permission 2022/91849 for variation condition 21 (highways and occupation) on previous permission 2021/94060 for variation condition 32 on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) to include the discharge of conditions 17 (site investigations), 29 (Noise attenuation) and 31 (electric vehicle charging points)

Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET

Public objection

A representation has been sent direct to members of the committee raising concerns on both applications (2021/94061 & 2021/94208). The following is a summary of the comments made, with officer responses:

- the developer is attempting to take advantage of the area, all to the detriment of the Green Belt, which the Planning Inspector gave clear instructions to protect. Attachment 1 [as submitted to members] shows the approved area within the Local Plan for development within ES7. Note that both applications to develop across the whole Red Line Boundary of ES7 were REJECTED, citing the following reason...

The extent of this site would therefore significantly reinforce merger with Bradford contrary to the role and function of the green belt. Alternative employment option E1985a has been accepted instead as the potential for merger has been reduced.

This statement has never been included in a Committee Report!

Response: The current construction within the Green Belt was approved via 2016/92298, which granted outline permission for commercial development (B1c, B2, B8 uses). Application 2016/92298 pre-dates the current Local Plan, and at that time the whole site was within the Green Belt. The site was deemed to consist of two-halves. The brownfield part (i.e., previously build on land hosting the sewerage infrastructure), and the greenfield part (undeveloped land, neighbouring fields). As part of 2016/92298 the re-development of the brownfield area was considered acceptable within the Green Belt, in accordance with policy, while building on the greenfield was, initially, not.

However, due to the abnormal costs of redeveloping the brownfield land, the applicant successfully evidenced a viability need to build partly upon the greenfield site land. This was considered a Very Special Circumstance unique to their application.

As such, 2016/92298 approved development within the Green Belt. All development on the site to date accords with the approval of 2016/92298 (as modified by S73 application 2022/91849).

When it came to Kirklees' Local Plan, the authority did a review of the Green Belt and whether land could be released. The relevant assessments were undertaken and resolved to allocate the brownfield land on the site as an Employment Allocation (ES7). This employment allocation did not include the adjacent greenfield land (which 2016/92298 approved some building upon), because it was not considered the Council had any Very Special Circumstances and due to concerns raised by the inspector over merging with Bradford.

To reiterate, the Very Special Circumstances evidenced as part of 2016/92298, were unique to that applicant and that developer, at the time of their submission. Another developer, at another point of time, would not be able to make the exact same argument, so it was not considered reasonable to have the whole of 2016/92298's boundary be released as the Employment Allocation.

Despite this, the adoption of the Local Plan does not negate or invalidate the extent of development approved by 2016/92298. The above explains why the applicant is currently building on land which the Local Plan, as advised by the inspector, included as Green Belt.

- Attachment 2 is the extract from the Local Plan approving only 35,285 sqm of floorspace within ES7. Note that the last sentence of Para 255 was not included in the Committee Report for Planning Application 2021/94060, which is critical to these applications. This omission suggests that that exceptional circumstances exist to justify removal of the site from the Green Belt - the Committee was misled!
- Attachment 3 is a crude map to represent what ES7 will look like if both planning applications were to be approved. Note the additional incursions outside the approved area (i.e. Green Belt). The Outline Planning Application (2016/92298) was submitted and granted for 35,284 sqm only, not 51,000 sqm - It is highly unlikely that this master plan would have been approved at Outline
- Attachment 4 is the evidence previously put to committee highlighting the restrictions on floorspace/indicative capacity. The Committee Report for this Application appears to have forgotten all of this information.

Response: The following is paragraph 255 in full, with the sentence in question highlighted in red:

255. E1985a, former North Bierley Waste Water Treatment Works, Cleckheaton – The site is brownfield land and has now gained outline planning permission for redevelopment for employment uses. The site is located in the M62 corridor, and development in this strategic location would help to meet the needs of businesses and generate new jobs. The site lies in part of the Green Belt gap between Hunsworth and Woodlands. However, the site is previously developed land which

contains existing buildings and structures, and a clear physical gap would remain. The site is also contained by woodland and slopes to the east and by the M62 and the M606 to the west and south, and therefore has a limited relationship with the wider countryside. Taking account of these factors I conclude that exceptional circumstances exist to justify removal of the site from the Green Belt. In order to be effective, the policy should be modified to refer to the site capacity in the recent planning permission (SD2- MM16) and to require the preparation of a Masterplan (SD2-MM17).

In regard to the Green Belt, please see the previous response.

The indicative capacity within the Local Plan is not a hard cap that cannot be exceeded. Each application must be assessed on its own merits and, for the reasons given within each of the committee reports, the impacts of the higher floor space then indicated as part of the Local Plan have been found to be acceptable.

- I would also like to question the fact that an independent inquiry (Stage 3 Complaint) into the Committee's approval of Planning Application 2021/94060, is yet to be addressed... 7 months after submission. This is preventing a review of the Committee decision by the Planning Ombudsman, which could have a critical impact on any decision made on these 2 Applications.

Response: This is outside of the remit of planning and is not a material planning consideration in the determination of these applications.

- Planning Application 2021/94060 granted an amendment to Condition 32, which was imposed at Outline to control the impact of traffic on the local road network. However, the developer has utilised it to override the Outline floorspace limit, the Local Plan and the Planning Inspector's direction. Perhaps one of you could ask the Planning Officer and Kirklees Legal for an explanation in a public forum? Condition 32 has nothing to do with floorspace!

Response: This comment looks to challenge the Council's determination of application 2021/94060. For the reasons given in that application's officer report, officers consider condition 32 to govern floor space. Officers recommended approval, which was accepted by committee. It is beyond the scope of this application to return to such matters, given that the application has been determined.

Outline application for re-development of former waste water treatment works, including demolition of existing structures to provide employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8)

Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Oakenshaw, BD12 7ET

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Councillor Comments

Local Ward Councillor Kath Pinnock has asked the following questions, with officer response provided:

1. *Can you let me know what the cumulative traffic count will be at various hours of the day on the DECLASSIFIED (A)638 Bradford Road? There are already long queues on that road for access to the Chain Bar roundabout. The queues are bound to lengthen. What assessment has been made of queue lengths? The Arriva bus company already, rightly, complains about there buses being held up for 20 minutes at that junction. What will the new assessment be?*

Response: In accordance with good practice guidance (including the 'NPPF Planning Practice Guidance - Travel Plans, Transport Assessments and Statements'), Transport Assessments normally assess the combined peak periods (e.g., a combination of background and development traffic). For an industrial development of this type, this would include assessments during the weekday AM/PM network peak periods, which then enables an assessment of

the peak traffic impact of the development to be considered; and is the approach that has been followed for this development. Therefore, cumulative traffic count data at various times of the day on Bradford Road has not been included in the applicant's assessment, as the development impact during these other time periods would typically be less than during the assessed network peak periods.

It is clear that the development will generate additional traffic on Bradford Road. Therefore, it is correct that this would add to queuing when this does occur, which it is understood to be at its greatest at network peak periods and when there are incidents on the M62 (including the ongoing roadworks) that in turn creates queuing issues at Chain Bar roundabout. The Transport Assessment has not quantified the increase in queues on the Bradford Road approach to Chain Bar. However, National Highways have considered the development traffic impact on the operation of Chain Bar roundabout, and have concluded that the impact is not severe, and that the capacity improvements associated with the approved development are adequate to accommodate this additional phase of development. For information, the anticipated increase in peak hour traffic flows on approach to Chain Bar associated with this new phase of development have been assessed as being 20 and 45 vehicles in the AM and PM weekday peak periods, which would equate to a maximum increase of 0.75 additional vehicles per minute.

It is acknowledged that buses are delayed when queuing occurs on Bradford Road on approach to Chain Bar roundabout, and measures are being investigated by Kirklees Council and WYCA to address this issue, which could involve the introduction of a new bus lane on Bradford Road that would allow buses to bypass queuing traffic. An initial proposal for this potential scheme has been subject to public consultation by WYCA, with the consultation information available on their webpage.

2. *What are the parameters used by Highways in assessing whether a highway can accommodate traffic i.e., how long do the queues have to be before Highways refuse an application on those grounds?*

Response: There are various factors that are taken into consideration when taking account of traffic impact. However, the main focus is usually on the impact of traffic at junctions, as junctions are usually where traffic capacity is constrained and where congestion problems usually occur. In terms of capacity at junctions, there are again various factors that are taken into account, which include the impact on junction capacity, queuing and delay.

In terms of how long a queue needs to be before an application is refused, there are no set rules for this. Instead, the test for this is set out in the NPPF paragraph 111, which states that [underlining is our emphasis of the relevant section]:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Therefore, the test in term of traffic impact is whether the impact would be regarded as 'severe'. However, there is no set definition for what a 'severe' impact is. Instead, we are guided by Planning Appeal decisions, which have previously considered this test and have confirmed that the 'severe' test represents a '*high bar*' in terms of traffic impact. In practical terms, to support a reason for refusal in terms of a 'severe' traffic impact, additional development traffic would need to be the cause of a significant problem on the highway network. In this case, as development traffic would be adding less than 1 vehicle per minute on Bradford Road on approach to Chain Bar roundabout, this it is not considered to be a significant impact that could be regarded as being 'severe'.

3. *What assessment has been made of the Mill Carr Hill / Bradford Road junction? What assessment has been made of queuing at that junction which has no traffic lights?*

Response: The traffic impact at this priority junction has been assessed during AM and PM weekday network peak period, using PICADY modelling software (industry standard software produced by TRL). This assessment has demonstrated that with the introduction of the additional development traffic, the junction would operate within capacity (e.g., an RFC (Ratio of Flow to Capacity) value below 1). The assessment also indicated that on the Mill Carr Hill Road arm of the junction, average queues of 2 vehicles would occur at peak times (please note that as this an average queue over an hour period, so there will be times when queues are longer than this, which then dissipate and result in this average queue length estimate).

4. *How will the increase in traffic impact children and their parents taking them to Woodlands school?*

Response: The initial phase of development that is currently under construction includes measures to address safety associated with the interaction of development traffic and existing users of Mill Carr Hill Road and Cliff Hollins Lane, including users accessing Woodlands School. These measures include:

- New pedestrian crossing island on Mill Carr Hill Road close to the junction with Bradford Road, with associated footway improvements;
- New road hump on Mill Carr Hill Road, to the northeast of the Cliff Hollins Lane junction and prior to Woodlands school;
- Road widening on Mill Carr Hill Road to accommodate development traffic increases and HGVs;
- Improvements at the Mill Carr Hill Road / Cliff Hollins Lane junction, including widening to accommodate HGV turning movements, and additional 'No waiting' (Double yellow lines) Traffic Regulation Orders to prevent parked cars from blocking the highway;
- New 7.5T weight restriction on Cliffe Hollins Lane, to the north of the development site access.

The above improvements have been accepted at the planning stage for the initial phase of development as being adequate to accommodate an industrial development of this type, and to mitigate the impact on existing highway users, including users accessing Woodland School.

5. *If a condition is placed to restrict last mile deliveries, how will this be enforced?*

Response: This restriction would prevent the occupier from being a business that operates as a last mile delivery / parcel distribution type use. Should this type of business attempt to occupy the development, then planning enforcement action of this restriction could be taken to stop this use type.

6. *What assessment has been made of air quality on Bradford Road?*

Response: The application is supported by an Environmental Statement which includes a section on Air Quality. Please see section 6 of the following report:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2021/94208&file_reference=903866

This assessment has been reviewed by K.C. Environmental Health, as is reported within the main committee report. Their full review and assessment of the Air Quality impacts of the development may be found at:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2021/94208&file_reference=920502

However, K.C. Environmental Health offer the following summary:

Having assessed the report, we agree with the overall methodology and approach. We concur with the conclusions of the report that for the operational phase of the development concentrations of NO2, PM10 and PM2.5 will not be exceeded at any of the modelled receptor locations. For the construction phase of the development, we expect the best practice mitigation measures as detailed in the report to be implemented. Therefore, a condition will be necessary to control fugitive dust emissions during the construction phase of the development

The condition, as advised by K.C. Environmental Health, is recommended within paragraph 10.64 and is listed as condition 8 in section 12 (Conditions).

7. *What consideration has been given to the residents of the 8 bungalows on Cliff Hollins Lane who will have the constant noise of traffic movements to cope with?*

Response: Cliff Hollins Lane is an existing road. The traffic generation from the cumulative development at the site would not be constant and would not result in unreasonable level of noise pollution from the road.

Councillor Kath Pinnock concludes her questions with the following comment:

I am opposed to this application being given approval because inadequate consideration has been given to the issues listed. Any development of the southern site should only proceed on condition of a new access road being developed.

Response: As set out within in the main (original), in addition to the reasons given above, the use of the existing access formed via application 2016/92298 (from Cliff Hollins Lane) is considered acceptable by officers and K.C. Highways. As part of 2016/92298 consideration was given to whether access to the development could be taken from the M606, M62, or Chain Bar roundabout. Each alternative option was discounted by Highways Development Management and National Highways, and while it is noted that the proposal seeks additional floor space, additional floor space would not affect the reasons given why other accesses would be unacceptable. These were:

- Option 1: Access via Mill Carr Hill Road and Bradford Road;
- Option 2: Access from the M606 via a new junction onto the motorway;
- Option 3: Access from Bradford Road via a new bridge across the M606;
- Option 4: An access directly to and from the circulatory roundabout at Junction 27 of the M62 (Chain Bar).

These were considered at length, including by National Highways (formally Highways England). See their full consideration at:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2016/92298&file_reference=678410

In short, options 2 and 4 were against national policy. Option 3 was discounted due to viability, maintenance, and visual impact issues by National Highways.

Regarding costings of these works, options 2 and 4 are against national highway policy and therefore were not progressed. Option 3 was considered unacceptable, both on viability but in general terms, as being undesirable.

Ultimately option 1 was considered acceptable (subject to improvements) from a highway perspective, and therefore further investigation work was not deemed necessary. No such further investigations were required by local or national policy.

Change of use of Crown House to provide student-only living accommodation (sui generis) in the form of studios (198), with ancillary concierge and communal facilities including an open plan lounge, coffee bar and gym at ground floor, with laundry, car parking, cycle store, parcel store and plant rooms at basement level and associated works including the installation of new cladding and fenestration to the elevations with a new roof garden atop the building

Crown House, 12, Southgate Huddersfield, HD1 1DE

Plans Update

The applicant submitted updated plans on the 10th of May 2023 where the bin-store was re-positioned slightly. The change is considered a minor, but welcome, visual improvement. It is not considered that the re-position materially affects any planning considerations or would prejudice any interested party. As such, the plans and nominal change are not considered to require re-advertisement.

Fire Safety

In the main report it was reported in paragraph 8.1 that the Health and Safety Executive: Fire group had expressed concerns over the proposal. At the time of the report, officers had both sought clarification from the HSE, as their comments were unclear, and also the applicant had provided updated details to attempt to address the concerns. Therefore, a formal re-consultation was issued, due back on the 2nd of May. The HSE has responded to officer's email requesting clarification, but not the formal consultation response on the updated details, the deadline for which has passed. Based on the details provided by the HSE in their initial comments and clarification email, the following is proposed:

The first concern was that both of the building's staircases connected to the basement, contrary to Building Regulation 2010 Approved Document B (Fire Safety). The concern is that, in the case of a basement fire, both staircases would be compromised as fire escapes. The applicant notes this issue but has not updated the plans to close off a staircase. A condition addressing this is considered reasonable, requiring the applicant to close one of the ground-floor to basement staircases prior to the building being brought into use, in the interest of fire safety.

The second concern was the proximity of the bin store to the building. At 6m, a fire in the bin store could spread to the main building, and therefore it should be moved further than 6m away. This cannot be done given the limited amount of curtilage to the building, there is no external area within the applicant's ownership that is further than 6m away. The proposed bin store is located where the site's existing bin store has been for a prolonged period. Reasonable flexibility must be given when considering the re-use of buildings and given the inability to locate it elsewhere. The applicant has commented that the proposed bin store would be roofed (unlike it is now) and would be built as a fire rated building, although no details of specification etc. have been provided. A

condition is therefore proposed, requiring technical details of the fire mitigation measures for the bin store, to ensure adequate protection.

In summary, the concerns of the HSE are noted and may be, on balance, adequately addresses via condition. As such section 12 (conditions list) of the main report should be amended to include:

- Details of the sealing / closure of one ground floor to basement staircase to be submitted and approved.
 - Details of the fire mitigation measures of the external bin store to be provided and approved.
-