Planning Statement

Former Lowdham Leisureworld, Crosland Hill Road, Crosland Moor, Huddersfield, HD4 5NU

Park Valley Huddersfield Ltd

September 2024

Sheppard Planning

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1. Introduction

1.1 This planning statement has been prepared in support of an application lodged by Park Valley Huddersfield Ltd for a 10,443 sqm (112,400sqft) mixed employment development (Use Classes E(g)ii, E(g)iii, B2 and B8) of the former Lowdham's site on Blackmoorfoot Road, Crosland Hill.

1.2 This application is in hybrid format seeking:

i. Detailed approval of a new site access point off Blackmoorfoot Road and Units 1 & 2, totalling 6,434sqm (69,250sqft), with

ii. The remaining 4,009sqm (43,153sqft) and a secondary access point off Crosland Hill Road, in outline.

1.3 This is a prominent derelict site on a major route in and out of Huddersfield. It was occupied by Lowdhams until 2022, when their Huddersfield branch closed. Since that time, it has continued to deteriorate.

1.4 The site is allocated for housing development in the Adopted Kirklees Local Plan. Allocation HS20 sought 116 dwellings and the site was subject to an application made by Redrow Homes[1] for 84 dwellings. That application was ultimately withdrawn, following issues with scheme viability and deliverability.

1.5 The site has now been purchased by a local developer and operator, who propose a major investment in new employment space. The applicant is the owner and operator of the Park Valley site in Lockwood, which is a high quality employment park that utilises converted historic buildings, and provides new build small industrial units. It offers a high quality and modern employment space, focused on meeting the needs of local businesses and in particular advanced manufacturing operations.

1.6 This application aims to meet the need for more space of a similar quality and type in this area of Huddersfield. Existing operators at Park Valley are expanding and need larger premises to meet their ongoing contract requirements. Other local businesses are keen to relocate to this site from less suitable premises.

1.7 One of the units on this site would accommodate a new building for Wayland Additives- an innovative advanced manufacturing company that have pioneered a new metal 3-D printing process.

1.8 Carramore International will also take a unit on the application site, relocating from existing mill premises near Holmfirth. This company offers supply and logistics solutions for biomedical and life science products in Lower middle-income countries.

1.9 The detailed application element of this proposal will secure the presence of these important local businesses in Huddersfield. Almost 2/3rd of the space on the application site is already secured by local companies, despite a current lack of planning certainty.

[1] 2021/93150

1.10 The remainder of the site is proposed in outline. It is likely that this will provide for a range of smaller local businesses, and the application is made in outline so that their specific needs can be met.

1.11 This application is supported by the following information:

- Design and Access Statement, KPP Architects
- Transport Statement, Via Solutions
- Travel Plan, Via Solutions
- Tree surveys, JCA
- Ground Conditions Report, Dudleys
- Preliminary Ecological Appraisal, Envirotech
- Statement of Community Consultation, Royal Pilgrim Communications
- Flood Risk Assessment and Drainage Strategy, Dudleys
- Landscape Strategy, PWP Design
- Sustainability, Utilities and Lighting design, Orbis
- Security Needs Assessment, Kabsec
- This Planning Statement.

1.12 This statement addresses the following key issues:

- A description of the site and surroundings,
- A review of the relevant planning history,
- A review of the relevant policies, including our assessment of whether the proposed development complies with the Development Plan,
- A review of the principle of the development and whether it is acceptable in planning terms,
- A review of the technical supporting information for this application,
- A review of the key benefits that arise from this development, and
- Consideration of the planning balance that we see in this case.

1.13 In overview, we consider that this application deviates from the Local Plan, but has considerable benefits that justify granting planning permission in this case. This statement sets out the reasoning and justification behind that conclusion.

2. Site Location and Description

2.1 The site is located off Blackmoorfoot Road, immediately opposite the Johnsons Wellfield Quarry. The former "Black Cat" firework factory is to the west, with housing to the north and east.

2.2 The site location is shown below:

2.3 The site is previously developed and was occupied by Lowdhams Leisureworld as a "Service centre for caravan, awning and accessory sales". The majority of the site is hardstanding, with a stone brick and ridged metal roof building, with small areas of incidental landscaping between former caravan / motorhome show areas.

2.4 There are existing residential properties to the immediate east of the site, on Crosland Hill Road. These date back to the early 2000's and have a traditional 2 storey form with art stone blockwork and concrete roof tiles. To the north, on Greystone and Mason Court, the houses have a similar aesthetic and were approved at around the same time but seem to have been constructed more recently.

2.5 There are commercial uses on Blackmoorfoot Road, including car sales, an industrial fan manufacturer and mechanical / electrical engineer.

3. Planning History

3.1 The Lowdhams Leisureworld permisson was granted in 1997[2] following an earlier approval for use of the site as a workshop, store and yard for Goodalls Caravans[3]. There were also various operational permission for minor works associated with these uses.

3.2 Outline Permission was also granted for "industrial development class B1"[4] which it is assumed was a light industrial use, under use clas B1(b) or (c) (Now E(g) uses) and the far northrn part of the site secured utline permission for residential uses[5]. These uses were not implemented.

3.3 The most relevant history is the more recent application made by Redrow in August 2021[6]. It was ultimatey withdrawn in January 2023. As is common, no reasons for the withdrawl were stated, but it is understood to have stemmed from major viability concerns.

3.4 The viability appraisal submitted by Redrow showed that a policy compliant scheme would generate a -£2m loss. This loss was understood, primarily, to be a result of ground conditions[7].

3.5 The Redrow application was withdrawn in January 2023 before determination, and it is understood that agreement could not be reached on the policy compromises needed to make the site viable- which amounted to a major reduction in affordable housing provision.

3.6 It is clear that if a compromise coul have been reached on this issue, it would have been. It would be extremely unusual for a national housebuilder to acquire an interest in a site, and then spend considerable monies on the consultancy fees required to prepare, submit and negotiate a planning application- only to then walk away from that considerable coost outlay. If a compromise could have been found, it would have been.

3.7 The only reasonable explanation for this outcome of events is that allocation HS20 is not viable for housing development. Whilst it is accepted that the council no longer has an adequate supply of land to meet housing needs, there is also a concern that employment land supply is highly restricted.

3.8 This is a brownfield site in a highly accessible location, and some future development must be achieved in order to make suitable use of existing urban capacity before the new Local plan considers incursions into the Greenbelt to meet development needs.

3.9 It is on this basis that this application is submitted- in short, something needs to happen with this site that positively addresses the legacy of Lowdhams Leisure World having closed, whilst also meeting acknowledged development needs.

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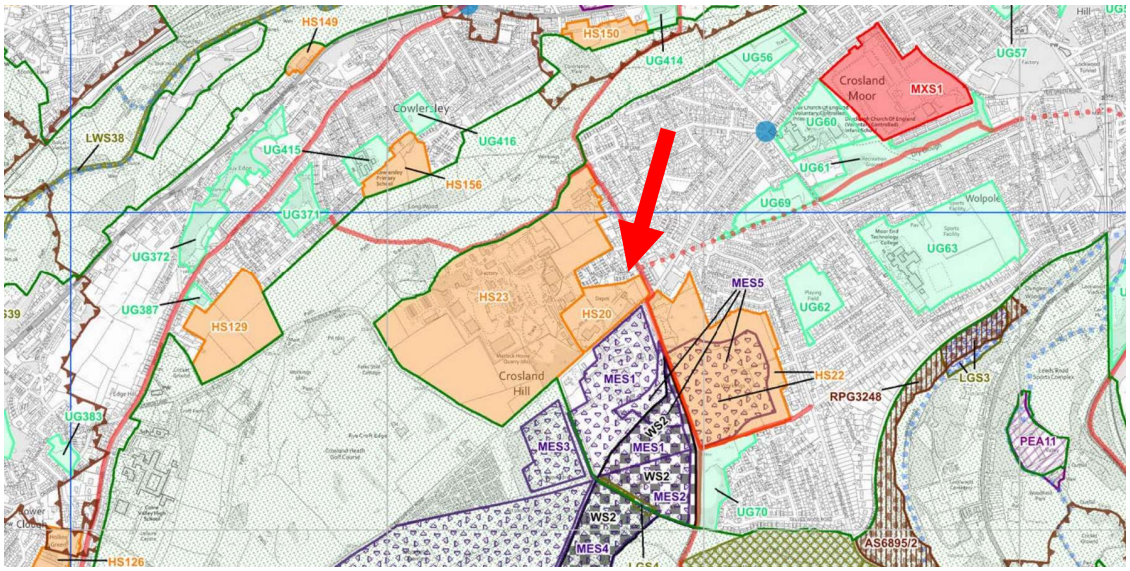
[2] 97/90138 and 97/91313 both approved in 1997
[3] 86/05489 Approved in 1987
[4] 96/90356 approved in June 1998
[5] 96/90357 approved in June 1998
[6] 2021/93150
[7] Abnormal costs showed £1m for piling 84 plots; c.£700,000 of earth working and materials handling, and; c.£700,000 of retaining walls.

4. Policy Analysis and the Principle of the Development

4.1 The Development Plan is the Kirklees Local Plan, adopted in 2019. We consider that that, other than the sites allocation for housing, this Application meets the expectations of the relevant policies in the Adopted Plan.

4.2 The site is allocated for housing development in the Local Plan under policy HS20, as shown in the extract below:



4.3 The main issue with this application is considered to be the deviation of the current proposal from the site's allocation. It is recognised that the Council currently do not have an adequate supply of housing land[8], and that delivery on strategic sites has been hampered by technical / Development Management issues.

4.4 Park Valley accept that the Council will be reluctant to see the loss of a housing site in this context. However, this site has not delivered and a national housebuilder has "walked away" from the site as they can't make housing development viable. That is a clear indication that housing is not a likely outcome on this site despite the allocation.

4.5 Park Valley consider that a suitable alternative for this urban accessible brownfield site should be found- in line with clear national policy drive to make efficient use of urban land. In summary, they consider that a departure from the Plan is justified on the following grounds:

a. **The site is not viable** for residential uses, as evidenced by the withdrawal of the Redrow application.

b. **There is a shortage of employment land**. Local market intelligence has been raising this point for some time, but the issue was formally acknowledged by the Council in agreeing to review it's Local Plan just 5 years after adoption. The papers[9] notes that

[8] 2023-12-21 Cabinet Report Appendix 1 Interim Housing Position Statement to Boost Supply.pdf (kirklees.gov.uk)
[9] 2023-10-17 Local Plan Review-Update Cabinet Report and App1 finaldocx.pdf (kirklees.gov.uk)

employment land supply is "*borderline*" and that "*…the review raises concerns in relation to meeting housing and employment targets*".

c. **There are regularly losses from employment land** to housing. Longer term data review suggests that this averages around 3Ha per annum- the site is just over 3Ha and so represents just 1 years' worth of recovery of employment land. The 4 years data available for the Plan Period so far, demonstrate employment land losses of over 12Ha in that period.

d. **There is a need for more jobs in Kirklees**. Currently Kirklees has 3.9% unemployment, which compared unfavourably to the 3.4% rate in the rest of Yorkshire[10]. The District needs to create jobs, not lose them. This is just as important as delivering new housing.

e. The provision of **space for locally important businesses** who wish to stay in Kirklees weighs heavily in favour of a positive deviation from the site's allocation. This application will secure two important business in Kirklees.

4.6 These points are explored in more detail below.

Housing Supply Issues

4.7 It is accepted that the Council have needed to review their Local Plan in order to meet development needs in the first five year period after adoption. This is both unusual, and indicates that not enough land was released during the Local Plan process. The applicant also considers that the deletion of strategic employment sites during the Local Plan process has significantly hampered the delivery of employment land in Kirklees.

4.8 More importantly, for this section of the analysis, the delivery of housing has been hampered by a reliance on strategic sites. The Interim Housing Position Statement of October 2023 acknowledges that there is not enough housing land to meet needs, and sets out a series of measures to boost supply before new Local Plan is adopted.

4.9 The primary response to this issue is to release safeguarded land for housing development prior to future allocation. It is known that there are a number of sites at "pre-app" stage at the present time looking to make use of this allowance. This is likely to have the effect of delivering houses in the next 12 to 24 months, and should go some way to addressing delivery in the interim, before more housing sites can be allocated.

4.10 This is a positive way forward and is likely to secure meaningful delivery in this interim period.

4.11 Whilst the Council may not wish to accept that they have allocated a site for housing which is not likely to be viable, this was not a foreseeable outcome. Ground conditions have proved to be considerably worse than could have been anticipated during the preparation of the Development Plan.

[10] Labour Market Profile - Nomis - Official Census and Labour Market Statistics (nomisweb.co.uk)

4.12 To compound this issue, there have been unanticipated delays on strategic sites, which account for a large quantum of houses in the Plan's supply. It is, therefore, an unfortunate outcome that these two issues have arisen at the same time, contributing to under delivery.

4.13 The Council have taken positive steps to address that delivery concern, but it is clear that resisting an alternative use of a site- which is proven to be unviable for housing- would not be a positive step. That would work directly against the national policy drive to make best use of existing urban land, to recycle the brownfield resource, and thereby reduce pressure on Greenfield and Green Belt land to meet development needs. It would also fail to recognise the supply issues with employment land, for which there is also an acknowledged need.

4.14 It is expected that this will be a topic of discussion during the determination of the application. However, the applicant is clear that a positive use should be found for this site when it is unlikely that a housebuilder will deliver what the plan had envisaged for this land.

Viability Issues

4.15 Leading on from the strategic position set out above, it is clear that Redrow had significant viability concerns with this allocation. In very simple terms, it is highly unlikely that a national housebuilder would abandon their past investment if there was a feasible outcome that could have delivered houses on this site.

4.16 The costs associated with Redrow submitting a planning application which advanced this far through the process will have been considerable. The costs will have included:

- Securing a position on with the land- including both internal and professional fees, as well as costs directly paid to the landowner.

- Preparing the planning application- including all of the professional and legal fees associated with preparing technical reports, and then paying for further professional advice during the course of the application to demonstrate the lack of viability.

4.17 Redrow's outlay on this planning application will have been considerable, and it would be unusual for a national house builder to abandon that prior expenditure, if there was a reasonable chance that a viable development could have been achieved.

4.18 Whilst it may have been assumed that the viability discussion was purely an attempt to minimise costs (to boost profit), it would appear that that was not the case, and that housing is no longer a viable proposition on this site.

4.19 The viability report is available on the Council's public access system. It is assumed that the Council would not accept the basis of this analysis. However, with hindsight, it must now be clearer that there was a genuine underlying viability concern with this site.

4.20 The Viability Assessment prepared for Redrow by Cushman & Wakefield identified a benchmark land value of £2m, and residual land value of -£2m. That is a considerable gap to address.

4.21 There are a number of factors that can be "manipulated" in a viability assessment, but big changes are needed to address such a significant shortfall in residual land value. There is likely to have been some room for changing assumptions on revenue, contingencies and profit levels, but it is unlikely that these would result in a £4m gain in value to address that fundamental concern. Equally, the current climate of build cost increases is set to continue, which will have worsened the cost assumptions over time[11].

4.22 The main issue seems to have been the abnormal costs of nearly £6m. Whilst, again, some of this might have been arguable as a "normal" rather than "abnormal" cost, there were some considerable costs "in the ground" including:

Cost Item	Cost (£)
Earthworks to formation (cut and fill)	£154,536
Import Topsoil	£47,081
Import Subsoil - Clean capping requirement	£30,120
No Dig barrier to underside of clean cap	£18,833
Export Subsoil from Arisings - below cap level assumed contamination	£450,002
Foundation to 84 no. plots	£1,032,062
Form pile mats - RL dig	£72,576
Retaining	£419,491
Retaining Wall to site boundary	£295,520
Additional Geogrid to hardstanding areas	£54,495
Total	**£2,574,716**

4.23 Clearly, ground conditions costs amounted to around £2.6m. Removing these from the equation may have resulted in a possible outcome where manipulation of the "usual" variables (revenue, contingencies, build costs, profit level) might have produced a marginally viable scheme- which may then have allowed a compromise position for affordable housing to have been reached. However, that was not possible.

4.24 Under these circumstances, it seems clear that no housebuilder is going to take this site on. The data on costs is freely available in the public domain, and with one of the larger housebuilders (which may be able to command a favourable rate on materials and supply side costs, due to the scale of their operation) having failed to negotiate a compromise position, it is unlikely that other similar companies will attempt the same discussion.

4.25 It seems clear that this site is no longer going to be pursued for housing development.

4.26 Officers will be well aware of the content of Section 11 of NPPF. This national guidance requires as much use as possible to be made of previously developed land[12], and gives substantial weight to the value of using brownfield land within settlements for homes and

[11] Construction Industry Forecast | BCIS "Building costs will increase by 15% over the next five years, while tender prices will rise by 19% over the same period, according to the latest construction forecast data from BCIS."
[12] NPPF 123

other identified needs[13]. It asks LPA's to take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs[14].

4.27 It also offers very clear guidance on how the Council should respond to a failure to deliver the use allocated in the Plan. NPPF 126 states:

Where the local planning authority considers there to be ***no reasonable prospect of an application coming forward for the use allocated in a plan****:*

a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and

b) in the interim, ***prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area****.* [our emphasis]

4.28 It is clear that the failure of a nationally recognised housebuilder to deliver a viable development on the site represents a lack of reasonable prospect of an application coming forward for the use allocated in the plan.

4.29 In this event, the Council are required to positively consider applications for alternative uses, where there is a need for that development. Park Valley considered there to be a clear unmet need for employment uses in this area. This is explored further below, but in essence comprises:

a) A general shortage of employment land- a problem created by the Inspector's deletion of strategic employment sites from the Kirklees Local Plan during its Examination, and acknowledged by the Council's recent acceptance that the Local Plan needs to be reviewed in order to provide further employment land[15].

b) Ongoing losses of employment, land to housing use- With local data indicating that land of an equivalent size to the application site is lost on an annual basis from the employment land supply.

c) The need to accommodate specific named operators who have expressed a desire to locate on this site despite the current lack of planning certainty. This is a direct factor of the lack of suitable supply to meet their needs, which in itself indicates an under supply of employment land, and an unmet need for this use in this area.

4.30 These matters are explored in more detail below.

[13] NPPF 124c)
[14] NPPF 125
[15] 2023-10-17 Local Plan Review-Update Cabinet Report and App1 finaldocx.pdf (kirklees.gov.uk)

Shortage of Employment Land

4.31 The supply of employment land provided in the adopted Plan was affected by several high-profile deletions of strategic sites. This has affected the District's ability to meet employment needs.

4.32 Cooper Bridge was identified in the Leeds City Region Strategic Economic Plan[16] as a "*major employment growth opportunit[y]*"[17]. However, draft allocation E1832c was deleted from the Plan by the Inspector because of heritage effects. This left only 4Ha of brownfield element remaining from the allocation- a site which is now subject to an application for the expansion of John Cotton, a local manufacturer. This change to the Plan during the EIP removed 29Ha (net) of highly accessible strategic employment land from the Plan.

4.33 Equally, a major employment allocation at Clayton West, draft allocation E2333a, was deleted by the Inspector as it would harm the setting and character of the village. This removed 16.82Ha of employment land (15Ha net) from the Plan.

4.34 Whitechapel Road in Cleckheaton (E1831) was also reduced from 25Ha in the Publication Draft Plan to 11Ha in the Adopted version (ES6) due to the presence of a high pressure gas pipeline and buffer area.

4.35 These high profile deletions of strategically located employment land took a considerable amount of good quality land away from the supply.

4.36 The Spatial Development Strategy in the Publication Draft Plan sought to allocate 165Ha of land in order to achieve 75% employment rate over the Plan Period[18]. The Adopted Plan reduced it's ambitions to just 95Ha of new employment land to achieve the same level of employment outcome[19].

4.37 That very nearly halved the available employment land supply, leaving just 57% of the originally proposed allocations intact.

4.38 The resulting supply (arguably) met OAN[20], which was identified at 175Ha. However, it shifted the reliance of the supply available to meet that need onto the estimated 48Ha of supply provided by the Priority Employment Area (PEA) sites. These are generally small, remnant sites in poorer locations, which are less suitable to meet the needs of major businesses which the Council wish to keep and encourage to locate into Kirklees.

4.39 The harm caused by this loss is recognised in the recent Cabinet papers which justified a full Local Plan Review to meet both housing and employment land needs.

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[16] https://www.westyorks-ca.gov.uk/media/1110/strategic-economic-plan.pdf

[17] Page 32 LCR SEP 2016-2036

[18] Section 6.1 Policies and Strategies DPD Publication Draft Plan.

[19] Section 6.1 Policies and Strategies DPD Adopted version

[20] Objectively Assessed Needs

4.40 The press releases associated with the local Plan review quoted Cllr Turner, Cabinet Member for Finance and Regeneration as follows:

The Local Plan is about how we work within our current constraints to deliver that potential – strengthening our local economy, creating much-needed housing, and bringing huge benefits for everyone who lives and works in Kirklees.[21]

4.41 This public facing message places greater emphasis on economic growth then housing needs.

4.42 The review papers[22] found the following key points relating to employment land:

- *the assessment has identified* ***issues relating to the achievement of sufficient jobs across the district*** *to meet the 23,000 jobs target set out in the Local Plan including concerns about achieving sufficient jobs from remaining 4 employment allocations and* ***issues around the spatial distribution of employment opportunities****.*

- *the council's* ***employment delivery and land supply is borderline*** *and there are concerns that the delivery of potential 1,782 jobs that may be delivered from employment/mixed-use allocations are yet to enter the planning process.*

- *key site allocations are unlikely to deliver housing/employment targets within the Plan period which will impact on the delivery of the Kirklees spatial strategy* [our emphasis]

4.43 It is clear that there is a delivery concern around employment land and jobs- as well as around housing provision. Whilst employment land may not be as high profile, or even as desirable an area of practice, as housing delivery in professional circles, it is a critical part of achieving balanced growth and securing a positive future for the people of Kirklees.

4.44 It seems clear that there is also an employment land need to meet, in general terms.

4.45 In line with NPPF advice, the Council should support this application for an alternative use, as it will contribute to meeting an unmet need in the area- in lie with NPPF 126 b). It also seems clear that housing will not be delivered on this site due to viability issues.

Losses of Employment land to Housing

4.46 The section above shows that there is a general need for employment uses in this area which is not being met. In addition to this, there is the issue of ongoing losses from employment land supply.

4.47 The Local Plan was adopted in February 2019, with an (arguably insufficient) employment land supply of 175Ha, including the PEA sites (poor quality, constrained, poorly located sites).

[21] Kirklees Local Plan to undergo full update - Kirklees Together
[22] 2023-10-17 Local Plan Review-Update Cabinet Report and App1 finaldocx.pdf (kirklees.gov.uk)

4.48 This supply is being constantly eroded. Data from the Council's AMR's, since the adoption of the plan shows the following losses:

Year	Loss (Ha)
2022/23	-2.7 Ha
2021/22	-0.8 Ha
2020/21	-4.12 Ha
2019/20	-4.78 Ha
Total	**12.4 Ha**
Average	**3.1 Ha per annum**
Application Site Area	**3.34Ha**

4.49 In absolute terms, the application site is equivalent to around ¼ of the land lost from employment uses since the adoption of the Plan. It is about the same size as the average lost every year form the employment land supply.

4.50 As we have demonstrated above- this is not a deliverable housing site. This application should be seen as a very minor reclamation of the employment land which has been lost to housing- and is lost to housing on an annual basis.

4.51 This is a longer term trend. The Council's Employment Land Supply Report sets out losses form the employment land supply for the period prior to the current Plan being adopted, as follows:

Year	Loss (Ha)
ELSR 2019[23]	5.76Ha
ELSR 2018	2.59Ha
ELSR 2017	1.95Ha
ELSR 2016	2.64Ha
ELSR 2015	0.92Ha
Total	**13.86Ha**
Average	**2.77Ha per annum**
Site Area	**3.4Ha**

4.52 As can be seen, a similar picture exists in the 5 year run up to the Local Plan being adopted. There is a long term trend for a loss of around 3Ha[24] of employment land per annum. This means that there is a site like this one lost from the supply every year.

4.53 It is rare- even unheard of, in the author's experience- for a housing site to be lost to an employment use.

4.54 Over the last 9 years some 26Ha of land has been lost, this application recovers just 12.7% of that loss. This application is simply doing something to regain those considerable losses.

[23] All figures taken from the relevant ELSR report "Summary Table 1" from the "Losses" row
[24] The 9 year average from the data above is 2.92Ha per annum over the 9 years data presented above.

4.55 The Council should not be concerned about losing housing land- rather they should be concerned about the ongoing nature and scale of loss of employment land.

Job needs

4.56 The Council's Cabinet Report notes a concern that the current land supply is not likely to meet the job creation aspirations of the Local Plan. This concern is supported by current unemployment statistics from NOMIS / ONS.

4.57 Labour Supply statistics for January to December 2023 show that there are 8,600 economically active, but unemployed, people in Kirklees. The Cabinet paper suggest that there are concerns about the delivery of 1,782 jobs. The rates of loss of employment land set out above must exacerbate these concerns.

4.58 Kirklees is performing less well than Yorkshire and the UK as a whole. Current unemployment in Kirklees is 3.6%, which compares unfavourably to the wider rate in Yorkshire (3.4%).

4.59 There is a need to recover some of this lost employment land to address acknowledged concerns about the delivery of jobs in this area.

Space for Locally Important Businesses

4.60 The application proposal has already secured interest from two important local businesses.

4.61 Unit 1 (47,500 sqft) is designed specifically to accommodate an expansion of Wayland Additives, a company that has pioneered a metal additive manufacturing process (3d printing in metal). They originated in Huddersfield, having grown from Reliance Precision- another local advanced manufacturing business based in Lepton.

4.62 They are committed to a unit on this site, having leased space from Park Valley for a number of years, but have outgrown their current unit. They have been unable to find a space of suitable quality size and specification, which is close enough to their existing employee base to minimise disruption and ensure that they can keep their highly skilled staff.

4.63 This unit alone will make sure that Kirklees is able to maintain it's focus on advanced manufacturing, as set out in the Council's economic strategy. This is a key area for growth, produces high quality, highly skilled jobs, and maintains Kirklees reputation for delivering top quality R&D and innovative manufacturing processes.

4.64 Unit 2 (21,750 sqft) is designed to meet the needs of Carramore International. They are a product sourcing and supply company, servicing medical and life sciences research in lower middle-income countries. They source, supply, quality control, export and manage a complete supply chain service for universities, research institutes, Governments, NGO's and private countries involved in infectious diseases and topical medicine across the world.

4.65 This important medical and life sciences business has struggled to find new space of a suitable quality within Kirklees. Agreeing to take a unit on this site, with it's current level of planning uncertainty, highlights the significant dearth in supply of top quality space in the

area. This is a high profile, well respected local business, that provides good quality jobs in a target sector for the local economy.

4.66 Clearly the application site is attractive to locally important businesses, and it is hoped that the remainder of the site can attract similar occupiers. The provision of smaller units is likely to secure a bias towards light industrial and R&D activities, which will help to deliver the Council's objectives as set out in their economic strategy.

Local Policy Considerations

4.67 Policy HS20 sets out detailed development management considerations for applications that are proposed on this site:

- Transport Assessment
- Travel Plan
- Contamination report (Phase 1 and 2)
- Noise assessment
- Flood Risk Assessment
- Heritage Impact Assessment
- Health Impact Assessment
- Ecological Assessment

4.68 These topic considerations apply equally well to an employment proposal and are considered in more detail in the remainder of this report. However, in summary:

- Transport

The Transport Assessment shows that the proposed development will not have any impact on the local highway in terms of safety or capacity. The site is in a sustainable location.

- Contamination

The Geo-environmental appraisal shows that the site is previously quarried, and has been backfilled up to a depth of 23m. The materials used to backfill the quarry has a minor concentration of inorganic contaminants, as well as asbestos. The development of the site for employment uses is likely to be safer than an end use for residential.

- Noise

The site occupants are not anticipated to generate considerable noise effects.

The noise environment at the site is dominated by traffic on Blackmoorfoot Road, with elements of stone sawing being faintly perceptible but being “drowned out” when vehicles

pass. The noise survey for the previous residential proposal showed background levels greater than 50 dB LAeq 16 hour during the day and in the late 40's during night time. This shows a fairly high background level.

Whilst some B2 uses may be proposed for flexibility purposes, it is not anticipated than any inherently noisy activity will be undertaken on site. Where there are manufacturing elements, these would be undertaken within the buildings and the noise would be contained within that structure.

The applicant suggests that a noise condition would be appropriate under these circumstances, which limit noise levels to not exceed background levels. That can be discussed further with the EHO team if needed.

- Flood Risk

The site is in Flood Zone 1 and surface water from each phase will be collected in attenuation tanks, with a connection to the existing combined sewer in Blackmoorfoot Road.

The two phases will be attenuated to meet climate change requirements and all water from parking areas will pass through an interceptor before entering the tanks. Foul water will connect to the Yorkshire Water combined sewer in Blackmoorfoot Road.

The detailed design can be controlled by condition and there should be no greater risk of flooding in the area as a result of the development.

- Heritage

There are several heritage assets close to the site. Crosland Hall is Grade II* Listed and the adjacent Crosland Hall Cottage is Grade II Listed. The development site is not within the curtilage of either of these properties, and there is no intervisibility. The immediate surroundings of these listed properties are new build housing, and there is a depth of at least 5 houses between the site and the Listed Buildings.

The site is also previously quarried and backfilled, and therefore the chances of any surviving archaeology is negligible at best. There is not considered to be any heritage impact resulting from this proposal.

- Health

There are not likely to be any health impacts arising as a result of the activities proposed on this site.

- Ecology

The site is not home to any important habitats or species and a biodiversity net gain score of 57% can be achieved. This is considerably beyond current legislative and policy requirements and is a significant benefit of the proposed development.

4.69 As can be seen the development management aspects set out in the allocation are not harmed by the proposed development.

4.70 There is a strong rationale for deviating from the Local Plan in this case, and it is considered that the principle of development ought to be acceptable.

5. Material Considerations

5.1 The application is accompanied by a number of supporting documents. The following key conclusions are reached:

Health and Safety

5.2 The previous application on this site was within the consultation distance for the Black Cat HSE licenced explosives site, and the population proposed on the site would exceed the density permitted in that zone.

5.3 However, the Black Cat explosives licence has now been revoked. A check of the HSE online system shows that the site is no longer within a consultation distance of any major hazard site or major accident pipeline. Therefore, health and safety issues are no longer a concern for applications on this site, and it is anticipated that consultation with the PADHI+ system will show that HSE do not advise against this proposed development.

Transport

5.4 Traffic and transport issues were one of the key points raised during the public consultation exercise. The application is accompanied by a Transport Assessment and Travel Plan.

5.5 The Transport Assessment considers the existing and proposed operation of the highway in terms of highway safety, sustainability and capacity. Taking into account the large residential development adjacent to the site at the former Black Cat site, the modelling undertaken shows that the traffic from the development will not have a significant effect on any of the junctions close to the site.

5.6 The site is also considered to be in a sustainable location, with good access to local services and facilities that can be accessed on foot and by cycle. It is also close to residential areas which could provide a source of labour. Bus services stop adjacent to the site offering services to Slaithwaite, Meltham and Huddersfield. Lockwood Station is a 2.5km cycle ride from the site and so is highly accessible to the site.

5.7 The proposed development will not have a significant effect on the surrounding highways and there are no capacity or safety reasons for this proposal to be resisted.

Noise

5.8 The site occupants are not anticipated to generate considerable noise effects. The noise environment at the site is dominated by traffic on Blackmoorfoot Road, with elements of stone sawing from the adjacent quarry being faintly perceptible on site, but normally being “drowned out” when vehicles pass.

5.9 The noise survey for the previous residential proposal showed background levels greater than 50 dB LAeq 16 hour during the day and in the late 40’s during night time. This shows a fairly high background level for existing sensitive receptors close to the site.

5.10 Whilst some B2 uses may be required on the site for flexibility purposes, it is not anticipated than any inherently noisy activity will be undertaken on site. Where there are manufacturing

elements, these would be undertaken within the buildings and the noise would be contained within that structure.

5.11 There are areas of yard close to existing houses, but this will be little different to the operation of the established caravan storage and maintenance use.

5.12 The applicant suggests that a noise condition would be appropriate under these circumstances, which limit noise levels to not exceed background levels. That can be discussed further with the EHO team if needed. The noise assessment shows that the proposed development will not lead to an unacceptable risk from noise or vibration.

Air Quality

5.13 The site is not in an AQMA, with the nearest being Kirklees AQMA 9 in the town centre. The level of traffic generated will be very low and the development is not expected to have a meaningful effect on air quality.

5.14 However, mitigation will be provided in the form of travel planning, the provision of Electric Vehicle (EV) charging points, and provisions to encourage cycling and walking to work.

5.15 The construction stage will generate dust and other particulates, during both demolition and construction activities. This will be mitigated through standard construction management practices and can be controlled through a CEMP, which can be conditioned.

5.16 Air quality effects are therefore considered to be 'not significant'.

Ground conditions

5.17 The site is a former quarry that has been backfilled up to 20m deep. It suffers from poor ground conditions which resulted in a disagreement about development costs and the withdrawal of the previous housing application on this site. Due to the number of separate structures, and the piles required for each one, it was argued by the previous applicant that it is not possible to develop the site for residential uses in a viable manner.

5.18 This application proposes fewer structures, and so a reduced number of piles is required. As a result, viability is less of a concern for this employment proposal.

5.19 The proposed buildings will need to be piled (and pre-drilled due to boulders) but ground slabs will be acceptable as ground bearing for general use. However, any high loading uses or high bay racking would require enhanced slab design/piling support.

5.20 The development will require a gas membrane and some asbestos hot spot contamination was found. It is suggested that a clean cover system will be employed in landscaped areas a that contamination is not a significant risk.

5.21 Current information suggests that ground conditions are not a factor that weighs against this proposal and that a suitable solution can be found to the ground issues which resulted in the residential proposal not being viable on this site.

Archaeology

5.22 The site has been subject to very significant modern disturbance, having been previously open cast.

5.23 It has been backfilled and built over, and the ground has also been disturbed by the construction of the adjacent houses, roads and the Black Cat factory. There is therefore not likely to be any archaeological potential remining on the site.

Ecology

5.24 The application is accompanied by an Ecological Assessment and BNG appraisal. The majority of the site is hardstanding and bare compacted gravel- the site has less than 10% vegetation cover.

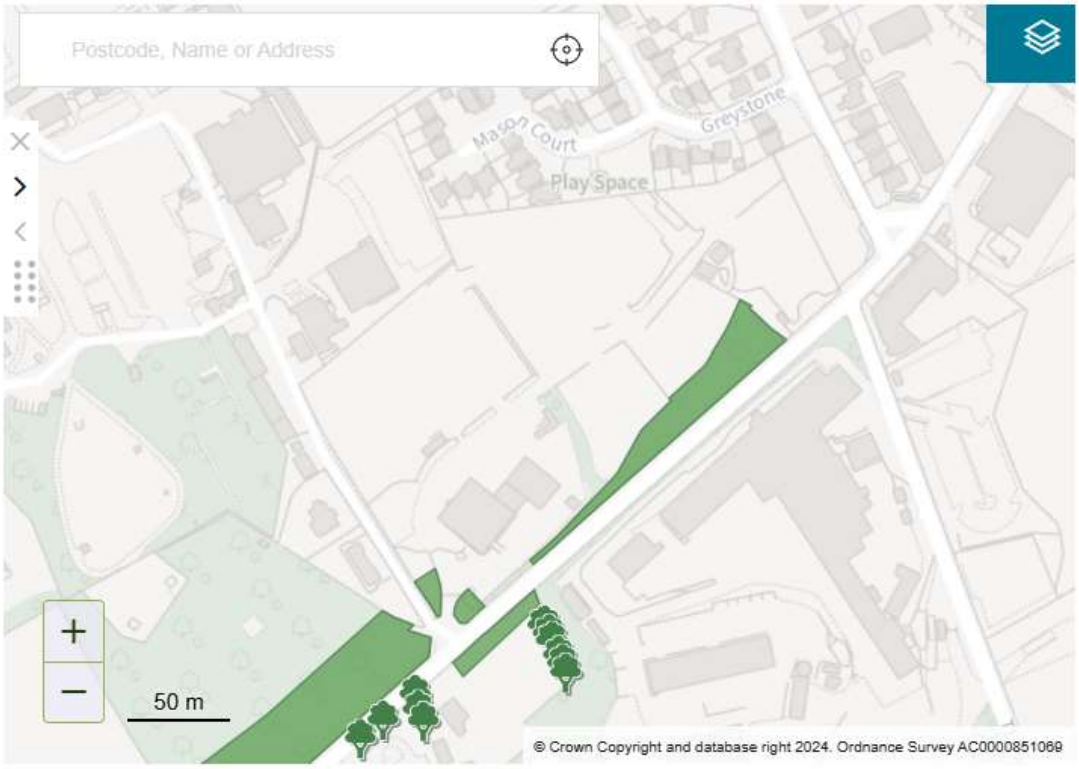
5.25 The plant species surveyed are all common in the local area and are considered to be of low ecological value. The landscape proposal is considered to offer habitat of equal or greater ecological value. The woodland on site is of poor quality, although much of this will be retained.

5.26 No bats were recorded roosting on or near the site. Birds are likely to utilise the woodland on site for nesting between March and September, so a condition should specify that vegetation clearance should be undertaken outside this period. No other notable or protected species were recorded on the site

5.27 The BNG assessment shows that the current proposals will offer a gain of 2.01 biodiversity area units, resulting in a BNG increase of 57.12%. This is considerably beyond legal requirements and is a major benefit of this proposed development.

Trees

5.28 There are two areas of tree cover on site which are subject to a TPO, as shown below:



5.29 The majority of the site frontage TPO has been preserved, although a section will need to be removed to gain access to the site. Other trees within the site will also need to be removed, where they fall within the main yard areas, although a group to the north (adjacent to proposed units 7 and 8) will also be retained.

5.30 Protective fencing will be erected round those trees that are being retained and are likely to be affected by development.

5.31 A number of trees will be planted to mitigate those removed for the development. In particular, enhanced tree planting will be provided around the site boundaries where tree cover is currently weak, as well as between the units and along the new access road.

Landscape

5.32 The application is accompanied by a Landscape Strategy document, which sets out the key principles that have been adopted to enhance the landscape contribution of this site.

5.33 The site is clearly a redundant brownfield site, which has a negative visual impact on a highly trafficked route into Huddersfield.

5.34 The Landscape Strategy sets out the following key principles which can be adopted during consideration of Reserved Matters applications:

- Improving the retained woodland blocks on Blackmoorfoot Road to retain and enhance the strong green frontage to the site.
- Provide pockets of native scrub planting with native trees within the development area of the site.

- Create a new woodland buffer mix around the site boundaries, to provide year round structure and screening as well as enhancing wildlife connectivity.

- Create an avenue of street trees on the main access road into the site, With native hedgerows to frame the access Rd and provide a more formal entrance.

- Provide a unified planting approach that maximises habitats, connectivity and value across the site.

- Provide a strong green boundary between the development and the adjacent residential dwellings, through a native landscape buffer which also provides valuable habitat connectivity.

- Introduce native planting to the development site where feasible.

5.35 It is considered that the development will not have any significant visual or landscape character effects and that planting can both enhance biodiversity value and protect amenity.

Flood Risk and Drainage

5.36 The site is in Flood Zone 1 and surface water from each phase will be collected in attenuation tanks, with a connection to the existing combined sewer in Blackmoorfoot Road.

5.37 The two phases will be attenuated to meet climate change requirements and all water from parking areas will pass through an interceptor before entering the tanks. Foul water will connect to the Yorkshire Water combined sewer in Blackmoorfoot Road.

5.38 The detailed design can be controlled by condition and there should be no greater risk of flooding in the area as a result of the development.

5.39 It is concluded that flooding and drainage is not a fact that weighs against this proposed development.

Sustainability

5.40 The proposed development will comply with both building regulations and local policy requirements. It will exceed the required carbon dioxide reductions and will achieve this through high fabric performance and the inclusion of solar PV to generate zero carbon energy and air source heat pumps, to provide heating and hot water needs.

5.41 The development will include:

- Building fabric elements and glazing specifications improved over and above Building Regulation requirements;

- Maximise the use of natural daylight within the occupied areas, to reduce energy use associated with artificial lighting;

- Reduced air permeability to reduce energy demand;

- Electric vehicle charging points;
- Energy efficient lighting and controls throughout the development;
- Water efficient sanitary fittings;
- Sustainable and responsible sourcing of materials.

5.42 It is concluded that the building will exceed the required sustainability standards.

Consultation Feedback

5.43 The application proposals were subject to Public Consultation in June 2024. The consultation included:

- Direct contact with key stakeholders, including Local councillors, key Cabinet Members and MP.
- Contact with neighbouring businesses and residents.
- Distribution of a flyer to around 1000 local residents close to the site.
- Exhibition held on the 26th of June at Crosland Moor Community Learning Centre - Attended by around 30 people.

5.44 The results of the consultation exercise are provided in the SCI.

5.45 Feedback from the consultation event was generally supportive, with the main focus being around existing local issues, including parking, traffic and operational matters of exiting business in the area.

5.46 The points issues raised included:

- A preference for commercial units, over residential;
- A desire to cut back existing trees, and;
- The need for traffic calming proposals on Blackmoorfoot Road

5.47 These issues are addressed elsewhere in this statement.

Material Considerations Overview

5.48 A series of technical reports have been prepared to support the application.

5.49 This technical work shows that the effects of the application will be acceptable, following any necessary mitigation. This suggests that there are no material considerations which might outweigh the presumption in favour of the Development Plan.

6. Benefits

6.1 The proposed development has a number of benefits which need to be considered in the overall planning balance for these applications. These are:

- Secure re-use of an abandoned “eye sore” site on a main road into Huddersfield
- Direct Economic Benefits
- Enable retention and growth of two major local businesses
- Securing a deliverable solution for a site which has been proven to be economically unviable for it’s allocated use
- Exceedance of current Bio-diversity Net Gain requirements

6.2 These are considered in more detail below.

Re-use of an abandoned site at a prominent location

6.3 The former Lowdhams site has been vacant for over 2 years and the site is now a prominent derelict site on a main road into and from Huddersfield, as shown below:

6.4 The proposed development will be a major investment by Park Valley that will transform the site and make best use of derelict urban land that is proven to be unviable for residential uses.

6.5 It will regenerate this derelict, brownfield site, as well as find a meaningful use for this allocated site which has failed to deliver.

Direct Economic Benefits

6.6 The proposed development is up to 112,400sqft of mixed employment development. The known occupier for Unit 1 will deliver around 150 jobs for a local advanced manufacturing operation, and the remaining units will deliver around 109 jobs. In total, once local and regional multipliers are taken into account the development will generate around 373 jobs.

6.7 This increase in jobs would result in additional GVA of around £19.7m when operational[25].

6.8 This is clearly a considerable direct economic benefit to weigh in the planning balance.

Retention and growth of two major local businesses

6.9 The Kirklees Economic Strategy 2019-25 identifies "*specialised advanced manufacturing assets*", as a key asset to build on- as identified as the Strategy's "*Priority 1*". The strategy aims to encourage higher productivity work, recognising that manufacturing is the most pronounced high value sector in Kirklees, with the ultimate aim of producing "*good jobs*" for the people of Kirklees.

6.10 Unit 1 will accommodate an expansion of Wayland Additives. As described earlier in this report, they are a company that has pioneered a metal additive manufacturing process (3d printing in metal) which originated in Huddersfield, having grown from Reliance Precision- another local advanced manufacturing business based in Lepton.

6.11 They currently lease space from Park Valley, but have outgrown their current unit and have been unable to find a space of suitable quality size and specification, which is close enough

[25] Calculated using £52,769 GVA per job, based on 2021 data in Subregional productivity: labour productivity indices by local authority district - Office for National Statistics (ons.gov.uk)

to their existing employee base to minimise disruption and ensure that they can keep their highly skilled staff.

6.12 Wayland represent a key area for growth, they produce high quality, highly skilled jobs, and will help to maintain Kirklees' reputation for delivering top quality R&D jobs and innovative manufacturing processes.

6.13 Unit 2 is designed to meet the needs of Carramore International. They are a product sourcing and supply company, servicing medical and life sciences research in lower middle-income countries. They source, supply, quality control, export and manage a complete supply chain service for universities, research institutes, Governments, NGO's and private countries involved in infectious diseases and topical medicine across the world.

6.14 This important medical and life sciences business has struggled to find new space of a suitable quality within Kirklees. Agreeing to take a unit on this site, with it's current level of planning uncertainty, highlights the significant dearth in supply of top quality space in the area. This is a high profile, well respected local business, that provides good quality jobs in a target sector for the local economy.

6.15 These local businesses are exactly the kind of employment that the economic strategy looks to support. This proposal will provide operational efficiencies and allow expansion- which, in turn, will enable these businesses to remain in Kirklees, retaining those high value jobs.

Deliverable use for unviable residential allocation

6.16 The site was subject to an application by Redrow, but they identified a viability issues due to the extra costs associated primarily with ground conditions. Getting an application to that late stage will have involved considerable costs for Redrow, including securing a position on the land and preparing the application, with the associated consultants costs. It would be unusual for a national house builder to abandon that prior expenditure, if there was a reasonable chance that a viable development could have been achieved.

6.17 Clearly, ground conditions costs amounted to around £2.6m. Removing these from the equation may have resulted in a possible outcome where manipulation of the "usual" variables (revenue, contingencies, build costs, profit level) might have produced a marginally viable scheme- which may then have allowed a compromise position for affordable housing to have been reached. However, that was not possible.

6.18 Under these circumstances, it seems clear that no housebuilder is going to take this site on. The data on costs is freely available in the public domain, and with one of the larger housebuilders (which may be able to command a favourable rate on materials and supply side costs, due to the scale of their operation) having failed to negotiate a compromise position, it is unlikely that other similar companies will attempt the same discussion.

6.19 National guidance is clear that when a site is no longer going to be pursued for it's allocated use, an alternative should be supported, especially where it would contribute to meet an alternative unmet need.[26]

[26] NPPF126

6.20 National guidance also requires as much use as possible to be made of previously developed land[27], and gives substantial weight to the value of using brownfield land within settlements for homes and other identified needs[28].

6.21 The Council are required to positively consider applications for alternative uses, where there is a need for that development. Park Valley considered there to be a clear unmet need for employment uses in this area. In particular:

a) A general shortage of employment land- acknowledged by the Council's recent acceptance that the Local Plan needs to be reviewed in order to provide further employment land[29].

b) Ongoing losses of employment, land to housing use- With local data indicating that land of an equivalent size to the application site is lost on an annual basis from the employment land supply, and

c) The need to accommodate specific named operators who have expressed a desire to locate on this site despite the current lack of planning certainty. This is a direct factor of the lack of suitable supply to meet their needs, which in itself indicates an under supply of employment land, and an unmet need for this use in this area.

6.22 The use of this previously developed land ia major benefit. It is unusual that a viable form of development can be secured when the alocated use has failed. The application proposal:

- Addresses a gap in existing land supply for employment uses
- Keeps 2 major local employers in Kirklees in the short term
- Reduces the pressure to release more Green Belt to meet this need
- Make efficient use of derelict land in an accesible urban area

6.23 This adds considerable weight to the importance of positively considering this application.

Biodiversity net gain

6.24 The proposed development will achieve an exceedance of the current policy requirement for biodiversity net gain, providing well in excess of the forthcoming legal requirement of a 10% uplift.

6.25 The proposed development will result in a 57% gain in habitat units.

6.26 This proposal offers a major biodiversity benefit which significantly weighs in favour of approving this application. The diversity benefits from this proposal will be very significant when compared to most other developments, as well as all current policy and legal requirements.

[27] NPPF 123
[28] NPPF 124c)
[29] 2023-10-17 Local Plan Review-Update Cabinet Report and App1 finaldocx.pdf (kirklees.gov.uk)

7. Planning Balance

7.1 This statement has considered the relevant policy and practical issues resulting from the proposed development. It has found that the proposed development accords with the provisions of the adopted and emerging Development Plan. It has also found a number of benefits that weigh in favour of granting permission.

7.2 The principle of the development is considered to be acceptable. An application for the allocated use was proven to be unviable and national guidance encourages support for alternative proposals which meet wider needs in these circumstances. The public consultation exercise also showed that people living nearby also favour an employment use over a residential development.

7.3 This application makes best use of a previously developed site and will secure major visual improvements on this key gateway into both Huddersfield. The development will help to secure the future of nearly 400 jobs including at least 150 in high productivity jobs in a key target sector for Kirklees, in line with the economic strategy. It will also produce nearly £20m of GVA in the local economy.

7.4 The development will create major benefits in terms of biodiversity net gain, which exceeds all current policy and legal requirements.

7.5 The application doesn't fully accord with the Development Plan as the site is allocated or housing. However, NPPF guidance, at Para 126, confirms that in these circumstances the Council should support this alternative proposal. Major benefits have been identified that also weigh significantly in favour of approving the application.

7.6 We consider that the presumption in favour of sustainable development applies in this case and, in line with NPPF 11c) and Policy LP1, we conclude that planning permission should be granted "*without delay*".

7.7 No material considerations have been identified that suggest refusal, and we have identified a number of material benefits that suggest that the balance lies in favour of granting this application.

7.8 We, therefore, suggest that planning permission for this important economic development should be granted.

Sheppard Planning