

Kirklees Local Plan Examination Hearing Statement

Our ref 50511/JG/AJk
Date January 2018

Subject **Matter 37 Hearing Statement on behalf of KeyLand Developments Ltd – Site H198 and Rejected Site H596**

1.0 Introduction

1.1 This Hearing Statement has been prepared by Lichfields on behalf of KeyLand Developments Ltd (“KeyLand”) and responds to the questions set by the Inspector within Matter 37 in relation to the proposed residential allocation Site H198 (land at Second Avenue, Hightown). It also **promotes the rejected site H596 (Windy Bank Lane, Hightown)** which is located immediately adjacent to H198. On behalf of KeyLand we have commented on both these sites throughout the various stages of the preparation of the Local Plan. In particular this Hearing Statement should be read in conjunction with our representations submitted during the Local Plan Consultation (2016) on behalf of KeyLand (Lichfields representor ID: 969464). This includes detailed technical justification, including an overarching ‘Vision Document’ in support of the Windy Bank Lane site.

KeyLand Developments

- 1.2 KeyLand is part of the wider Kelda Group and a sister company of Yorkshire Water. In addition to regenerating former Yorkshire Water sites, KeyLand also works with other landowners to unlock the potential of sites to contribute towards the land supply and delivery much needed new housing. KeyLand controls the rejected site at Windy Bank Lane, Hightown.
- 1.3 In the context of the need for additional sites to be identified in the Plan to address the full to address the overall shortfall in housing sites to meet the housing requirements in the plan period (see our accompanying Hearing Statements to Matters 26, 30 and 34 in respect of this), KeyLand considers that that the Windy Bank Lane site represents a suitable and deliverable location to accommodate an element of this shortfall either in conjunction with the adjoining H198 allocation, or in isolation. The site in is capable of accommodating approximately 160 additional dwellings.

2.0 *Issue – Are the proposed Green Belt release housing allocations in the Batley and Spen Sub-Area justified, effective, developable/deliverable and consistent with national policy?*

Site H198 – Second Avenue, Hightown

- 2.1 Prior to responding to the questions posed by the Inspector in respect of this site, it is important to firstly point out that KeyLand does not object to the principle of the allocation of this site for housing. KeyLand’s position is, however, that the Council has applied a wholly inconsistent and as a result unsound approach in amending the Green Belt boundary and allocating this site for

development, whilst rejecting the deliverable site immediately adjacent to it, which shares the same Green Belt boundary.

Question (a) - Is the site suitable for the proposed use?

- 2.2 The majority of the site is currently Urban Greenspace in the Kirklees UDP, however is largely redundant following the demolition of the school that used to occupy the site. The southern part of the site is Green Belt and we agree that exceptional circumstances, in the form of the absence of non-Green Belt land to meet the overall housing need, have been demonstrated (see response to Question (d) below) and that it represents an appropriate location to amend such boundaries.
- 2.3 We therefore agree that the site, in general terms, is suitable for housing, subject to the comments below.

Question (b) - Is the indicative site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?

- 2.4 The site is identified as having a capacity of 125 units in Part 2 of the Plan. KeyLand has commissioned the production of an indicative masterplan which shows how both this site and Site H596 in their control to the immediate south could be delivered together (discussed in further detail later in this Statement). This masterplan is included at **Annex 1** and shows an indicative capacity for Site H198 of approximately 120 units, and therefore we consider that the identified capacity within the Plan is broadly appropriate. However, if a replacement multi-use games area (MUGA) needs to be provided at the site (see Question (i) below), this would reduce this capacity unless a larger site was proposed. As discussed below, a larger site incorporating H596 would be better able to absorb such infrastructure requirements in a more flexible way.

Question (c) - Is the site available and deliverable in the timescales set out in the Council's housing trajectory?

- 2.5 Whilst the Plan states that the site is within private ownership, we understand that the site is in fact Council owned, and it should therefore be available for development, subject to the Council reaching an agreement with a developer. Discussions between KeyLand and the Council have confirmed that the Council has yet to actively market the site and as such is therefore not immediately available for development.
- 2.6 It is considered that the prospects of attracting a developer to the site would be enhanced if the land to the south (i.e. Site H596) was included as part of the development option, either through the extension of allocation H198 to include H596, or through the separate allocation of H596 and promotion of a conjoined masterplan for the two sites. This is because the joining of the two sites would allow for improved access from Windy Bank Lane, and would allow for a potential uplift in values which would increase the attractiveness of the site as a whole from a development viability perspective. Such a view is shared by Strata Homes who has considered both sites. A copy of a letter from Strata Homes is included at **Annex 2**.
- 2.7 The Housing Trajectory within the Housing Supply Topic Paper (EX30.2) shows the site delivering housing from 2019/20. Whilst it is considered that this timeframe is optimistic given that the Council as landowner has yet to actively market the site, it is nonetheless agreed that the site should be deliverable in full within the plan period.

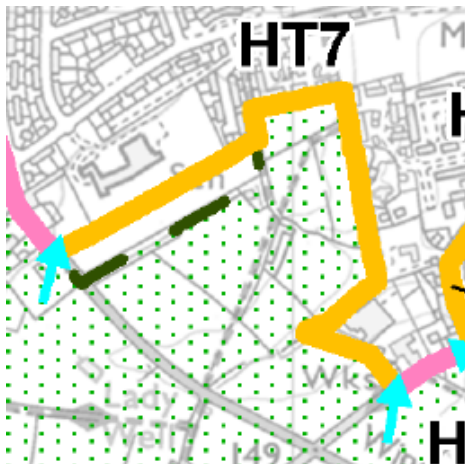
Question (d) - What effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Are there exceptional circumstances that justify altering the Green Belt? If so, what are they?

2.8 District wide it is clear that it is not possible to accommodate the full objectively assessed housing need without removing land from the Green Belt. In this part of the District, as well as in the other sub-areas, the built up areas are highly constrained by Green Belt, and as such it is simply not possible to deliver an appropriate level of housing within the Batley and Spen without amending Green Belt boundaries. The Council’s assessment of the allocation includes an assessment of exceptional circumstances, which notes:

‘Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt.’

2.9 The site includes part of Green Belt Edge HT7 (Green Belt Edge maps (SD20)). As shown in Figure 1 below, the edge extends from Windy Bank Lane at the west of H198, through H198 and around the south-western edge of the built up area of Hightown, and then running south to the timber yard on Hare Park Lane.

Figure 1 Green Belt Edge HT7



2.10 The Green Belt Review found that land to the south of HT7 is free from topographical, physical and environmental constraints. The report therefore established that there are no features or land uses adjacent to edge HT7 which are best preserved or protected by their Green Belt designation.

2.11 The Green Belt Review also assessed HT7 against four of the five Green Belt purposes set out at paragraph 80 of the NPPF. The results of this assessment are replicated in Table 1 below:

Table 1 Test 2: Green Belt Review

Green Belt Purposes	Findings of Green Belt Edge Review
Prevent settlements from merging	Green - Extensive gap
Check urban sprawl	Amber - Windy Bank Lane, Hare Park Lane and field boundaries provide containment
Safeguard the countryside from encroachment	Amber - Largely separated from wider countryside by Windy Bank Lane. Existing undeveloped edge with urban greenspace (former school) does not follow a feature on the ground.
Preserve setting and character of historic towns	Green - Listed building

2.12 From the above findings, it is considered acceptable that the Green Belt boundary be amended in this location, given the District wide pressure for new housing land and need to release land from the Green Belt to meet objectively assessed needs. However, the findings suggest that it is Windy Bank Lane and Hare Park Lane that provide containment, and the existing and proposed new Green Belt boundary at the edge of the school site is weak and does not follow a natural feature on the ground.

2.13 It is agreed that edge HT7 provides a suitable opportunity to amend the Green Belt boundary and accommodate growth, however, in the context of the very significant housing shortfall in the plan period identified in our separate Stage 4 Hearing Statements, it is considered that the Green Belt boundary should be amended so that it follows Windy Bank Lane and Hare Park Lane, in accordance with the findings of the Green Belt Review. Although this amendment will result in additional land being taken out of the Green Belt to the east of Site H596, it will provide a more robust and durable Green Belt boundary which will endure beyond the plan period, and it will also allow the development of Site H596 to round-off the settlement. If the Green Belt boundary is amended as currently proposed in the Plan and Site H596 is not amended, it will result in a weak Green Belt boundary which will be vulnerable to development pressure in the short to medium term.

Site specific question (i) - Is the proposal consistent with paragraph 74 in the National Planning Policy Framework (NPPF) in relation to the potential loss of open space & sports facilities?

2.14 The site presently contains one small Multi-Use Games Area (MUGA) within the western part of the site which has been retained following the demolition of the school. The rest of the site is not in active use.

2.15 Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless one of three criteria are met:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 2.16 The Council's site assessment (BP29) indicates that the site is in a ward with open space and playing pitch deficiencies, and it is therefore understood that the first criteria cannot be met.
- 2.17 The second criterion permits loss of a playing field if it is to be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. As referred to above in response to Question (b), it is unclear whether the site capacity takes into account the potential need for an on-site MUGA to satisfy the requirements of Paragraph 74 of the NPPF. However, what is more certain is that the development of Site H596 alongside H198 will allow for any deficit in the residential capacity of H198 to be absorbed (in addition to addressing the wider shortfall), and also the uplift in values created by the development of H596 will make the provision of an on-site MUGA a more viable proposition. Therefore, if H198 is developed alongside H596 with a MUGA provided within this wider conjoined site, the proposal would be consistent with paragraph 74 of the NPPF.

Site specific question (ii) - Has the impact of the proposal on heritage assets been adequately assessed and addressed? Should the proposal seek to provide links to and enhancement to the adjoining PROW, in line with mitigation measures in the Heritage Impact Assessment (LE71)?

- 2.18 It is considered that the Heritage Impact Assessment at LE71 provides an adequate assessment of the impact of the proposal on nearby heritage assets.
- 2.19 Lichfields has separately prepared a Heritage Statement which assesses the potential impact of the development of the adjacent site (H596) on surrounding heritage assets. This found that the development of this site would result in minor less than substantial harm to the significance of the Grade II* listed St Peter's Church and moderate less than substantial harm to the significance of the Grade II listed Thornbush Farm. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, Paragraph 134 of the NPPF requires this harm to be weighed against the public benefits of the proposal. Pre-application discussions that have taken place with the Council on this site (as discussed later in this statement) also confirm no heritage constraints to development
- 2.20 With regards to the enhancement of the PROW which adjoins Site H198, LE71 recommends that an information board be installed at some point along the footpath in order to give more information about the history of Thornbush Farm. It also adds that it would enhance the setting if the footpath was more clearly defined.
- 2.21 This PROW runs through the centre of Site H596 and the enclosed masterplan at **Annex 1** shows how this route through the site could be retained. If Site H596 was developed for housing alongside Site H198, a suitable contribution for the upgrade of the footpath and provision of a sign in line with the findings of LE71 could be agreed.

Summary

- 2.22 In overall terms, whilst this is a suitable site for housing in general terms, it has a number of challenges which could be alleviated by also allocating the adjoining site. By doing so it would also ensure that a consistent approach is applied to the assessment and allocation of sites (as discussed further below) and would also ensure that in amending the Green Belt in this location, a new defensible boundary would be created which would endure beyond the plan period.

3.0 Site H596 – Windy Bank Lane, Hightown

3.1 In responding to the questions above on Site H198, we have highlighted where appropriate the linked issues which affect both that site and Site H596, and have also highlighted the benefits of allocating both sites together for residential development. In the paragraphs below, we give further justification as to why we consider Site H596 is a suitable and sustainable housing site which could be developed alongside H198 or indeed separately as an independent site to help address what we consider to be the need for additional housing sites to be allocated.

3.2 Notwithstanding its Green Belt status, KeyLand are in active pre-application discussions with the Council to address wider technical considerations and in particular those areas highlighted in the Rejected Site Report which led the Council to overall conclusion not to allocate the site.

Rejected Sites Report (LE4.1)

3.3 Despite being located directly adjacent to H198, the Rejected Sites Report scores the site differently on a number of topics, as set out in Table 2 below. We consider that such conclusions are fundamentally inconsistent and not justified when considered against the technical evidence.

Table 2 Comparison of Site Assessments

Topic	H198 (RAG)	H596 (RAG)
Transport	Green	Green
Public Health	Green	Green
Education	Green	Amber
Historic Environment	Green	Amber
Flood/drainage	Amber	Green
Env Protection	Green	Red
Biodiversity	Green	Green
Other constraints	Green	Green
Open space	Green	Green
Green Belt	Green	Red
Green Belt edge	Amber	Amber

3.4 The topics where the site scores differ are considered below.

Education

3.5 Site H596 is currently located within the priority admission areas of Hightown Junior Infant & Nursery School (a 10 minute walk north-east of the site) and Whitcliffe Mount Secondary School – the same as H198. The sites have a similar capacity and there is no justification for scoring the sites differently on this topic.

- 3.6 If these schools are deemed to be oversubscribed at the time the site is brought forward for development, it is likely that capacity issues can be addressed and a suitable contribution will be made via a planning obligation to overcome any shortfalls in capacity at local schools, or a payment made as part of the Community Infrastructure Levy (CIL) if it has been adopted at that time. Indeed the combination of both sites would create a larger financial contribution to make a potentially more meaningful enhancement to the capacity of the nearby schools.
- 3.7 Accordingly, the site should be scored in the same way as H198 and be given a 'Green' rating. Certainly school capacity issues should not be used a reason for rejecting this site.

Historic Environment

- 3.8 A detailed Heritage Assessment of the site and local area has been undertaken by specialist heritage planners at Lichfields. The report was submitted with our previous representations to the Publication Draft consultation and has also been used to inform the pre-application discussions. As referred to in our response to Question (ii) on Site H198 above, it concluded that the development of the site would have less than substantial harm to the significance of Thornbush Farm and St Peter's Church, and that residential development could take place at the site in accordance with paragraph 134 of the NPPF.
- 3.9 Importantly, as part of the pre-application discussions, the Council's Conservation and Design Officer has stated by way of an email dated 15th August 2017 that "*from a heritage point of view I offer no objection should an application be received and supported by the HIAs*". This further confirms that the submitted scheme "*appears to be quite successful in terms of layout and landscaping*." A copy of this email forms part of the pre-application correspondence included at **Annex 3**.
- 3.10 Accordingly the site should be afforded a 'Green' rating for Historic Environment in accordance with the rating given to the adjacent site.

Environmental Protection

- 3.11 The Rejected Sites Report notes the following for this part of the assessment:
'AQIA, noise and contaminated land phase 1 reports required. Objection raised: consider buffer adjacent to Park Works'
- 3.12 No reference to a requirement for an Air Quality Impact Assessment is made in relation to H198, and it is considered that this comment for H596 unjustifiably raises the potential for air quality concerns which are likely to be the same as H198 given their proximity.
- 3.13 Subsequent discussions with the Council as part of the pre-application engagement have revealed that the principal reason for the 'red' score on this category is due to the presence of the Howarth Timber merchants at Park Works to the south east of the site, which only forms a very small part of the eastern boundary of site H596.
- 3.14 Howarth Timber is a timber and building supplies merchant which operates from 07:30 – 17:00 Monday to Friday and is not open on weekends. It is not a heavy industrial use and any minimal noise which is generated by the operation of the business will be limited to 'social' hours. The Park Works site is owned by the same landowner who owns site H596, and we understand that Howarth Timber's lease is due to expire in 2020 and will not be renewed.
- 3.15 There are a number of properties along Hare Park Lane adjacent to the timber yard which pre-dates the business, and this demonstrates that any noise emanating from the business cannot be

considered excessive, as this would have been considered during the determination of the planning application for the business. KeyLand's masterplan does not propose dwellings in any closer proximity to Park Works than the existing residential dwellings which are adjacent to the Works on Hare Park Lane.

- 3.16 Given the nature of the current use at the works site, the fact that residential dwellings exist in much closer proximity to it and with no screening from it on Hare Park Lane, and the restricted hours of operation at the site, we do not consider that the presence of a builders' merchant is sufficient for the Council to conclude that there is a "Serious level of constraint or multiple constraints where effective mitigation may not be possible" (definition of a 'red' score in the Council's Site Assessment Methodology).
- 3.17 Indeed, as part of the pre-application discussions, the Council's Pollution and Noise Control Department provided a response dated 28th September 2017 considering the proposals in terms of land contamination, noise, air quality and dust. This raises no objections on any of these matters and instead recommends the inclusion of a number of standard planning conditions. This response is included at **Annex 3**.
- 3.18 In light of the above, the site should be afforded a Green rating Environmental Protection in accordance with the rating given to the adjacent site.

Green Belt

- 3.19 In considering impact of the Green Belt, it is firstly important to recognise this Green Belt edge (HT7) has already been deemed appropriate by the Council for being amended. In doing so, it has, however, ignored its own assessment of that edge by not redrawing the boundary to follow Windy Bank Lane and Hare Park Lane which it identifies as providing containment. These roads provide a much more defensible Green Belt boundary (as noted in the Council's assessment) which will endure well beyond the plan period.
- 3.20 The main reason for the red score in the Council's Green Belt assessment for this site appears to be that if Windy Bank Lane was used to form a new boundary additional large areas of open land would have to be removed from the Green Belt (north-east of H596). If this land was taken out of the Green Belt, it is considered that it could remain as open space, and could be formally designated as such in the Local Plan, or alternatively remain free of any designation or allocation. The PROW which runs through H596 continues into this land, and it would prove to be a valuable asset for future residents of the proposed development on sites H596 and H198.
- 3.21 It is considered that the site should therefore be afforded a 'Green' rating for Green Belt, given the conclusions of its own assessment and the potential for Windy Bank Lane and Hare Park Lane to provide a future durable Green Belt boundary.

Wider Technical Considerations

- 3.22 In addition to the technical issues discussed above, the pre-application discussions with the Council has further established that:
- A proposed access point into the site and visibility splays have been agreed with the Council's Highways officers and that the proposed development would not result in detrimental impact on the wider network;
 - The site is not at risk of flooding and modelling and drainage work for the watercourse which flows through the site has been agreed with the Council's Drainage officers.

3.23 Accordingly there is no technical justification for not allocating this site.

Summary

3.24 It has been established through our Hearing Statements responding to Matters 26, 30 and 34 that there is a clear need for additional housing sites to be allocated in the Plan in order to ensure that the full objectively assessed housing requirements of the District can be accommodated and in particular to make up for the shortfall in housing delivery which is expected to occur at the three largest sites (H1747/H351, H2089 and MX1905) in the plan period.

3.25 Site H596 is a suitable, sustainable and deliverable location for housing growth, and as highlighted above is free from technical constraints which would restrict or prevent housing development. The site can be removed from the Green Belt without prejudicing the Green Belt's purpose in this location. Indeed, it is considered that, in the light of Green Belt edge HT7 being amended to accommodate H198, it is in fact more appropriate to amend the Green Belt boundary to follow Windy Bank Lane and Hare Park Lane which are more defensible and enduring boundaries, as suggested in the Council's own Green Belt review.

3.26 The masterplan included at **Annex 1** shows how the site can be developed to accommodate approximately 160 units, or if brought forward in conjunction with H198 could deliver approximately 280 units over the two sites. KeyLand has also obtained evidence which shows that the joining of the two sites will improve the attractiveness of the development option to developers, and ultimately aid the delivery of H198. Conversely, site H596 is equally capable of being developed as a separate site.



Annex 1 – Indicative Masterplan

Windy Bank Lane, Liversedge Masterplan



KEY

-  - Dwellings
-  - Low level dwelling
-  - Key feature dwelling
-  - Dwelling aspect
-  - Boulevard Street
-  - Formal POS
-  - Pedestrian Links
-  - Land slope towards Clough Beck
-  - Oasis style Countryside space

ACCOMMODATION SCHEDULE		
SITE A-	SITE AREA	- 12.7 Acres / 5.14 Ha
	NETT DEVELOPABLE AREA	- 11.2 Acres / 4.53Ha
	APPROX YIELD	- 139,125 sq.ft GIA - 159 No Units (@35 units/Ha)
SITE B-	SITE AREA	- 10.2 Acres / 4.15 Ha
	NETT DEVELOPABLE AREA	- 8.4 Acres / 3.41Ha
	APPROX YIELD	- 104,125 sq.ft GIA - 119 No Units (@35 units/Ha)
TOTAL A+B	SITE AREA	- 22.9 Acres / 9.29 Ha
	NETT DEVELOPABLE AREA	- 19.6 Acres / 7.94Ha
	APPROX YIELD	- 243,250 sq.ft GIA - 278 No Units (@35 units/Ha)



Annex 2 – Letter from Strata Homes

Mr Ryan Unsworth
Development Manager
Keyland
2 The Embankment
Sovereign Street
Leeds
LS1 4BP



16th June 2017

RE: Windy Bank Lane, Liversedge

Dear Ryan

Further to our discussion and the supporting documentation you provided in connection with the land at Windy Bank Lane I write to confirm our interest in the site.

Our understanding is that the site is currently greenbelt, but that is under consideration as part of the emerging Kirklees Local Plan.

The land under your control is by way of a promotion agreement with the landowner and that it sits adjacent to land owned by Kirklees Council. The Council land was formerly a school but is now a cleared site with a draft allocation for residential use. It would seem that your land at Windy Bank Lane would form a logical connection to the Council's site and would provide an improved access to their site. The Council site would benefit in values terms through a new access, as it presents an opportunity to flip the outlook of the site away from Second Avenue.

Your proposal look like a rounding off the settlement and given the nature of the ownership and the site constraints it would appear viable for development.

A mix of private and affordable housing would deliver a mixed and sustainable development which would bring benefits to the local community and assist with contributions via S106 agreement and infrastructure improvements.

As you will be aware, Strata Homes is a regional house builder operating across Yorkshire, Humberside and East Midlands with a turnover in excess of £100m per annum. We build over 600 homes per year and have achieved and retained out 5* rating from the NHBC which is evidence of our attention to build quality and customer service.

Strata Homes works hard to bring forward sustainable developments of new homes working with local communities both prior to submitting a planning application and during the construction period.

We also have a recognised track record of working with multi-landowners on sites involving local authority ownership and in partnership with local RP's and the HCA.

This site sits in an area with a strong market demand, and solid values. We believe that greenfield land values in the locality are in the region of £1,050,000 per net developable acre. Clearly it is difficult to put a specific value on this site without the technical details relating to ground conditions and associated abnormal costs, S106 commitments etc. That said, we are very interested in this site

and would welcome the opportunity to discuss a formal offer with you and your client if this letter is of interest.

We very much hope we can assist in working with you, the landowner and the local authority in bringing this site forward. If you require anything further at this stage, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N. Terrett', with a long horizontal stroke extending to the right.

Neil Terrett
Strategic Land Director



Annex 3 – Pre-application correspondence in respect of site H596

**Town and Country Planning Act 1990
Application for Permission to Develop Land**

Response from Pollution & Noise Control

PNC Reference No:	WK/201716269
Name of Planning Officer dealing with the matter:	DC Admin
Application Number:	2017/20288
Proposed Development:	Pre- application for residential development for up to 140 dwellings
Location:	Windy Bank Lane, Hightown, Liversedge, Kirklees
Date Required By Planning:	15th August 2017

COMMENTS

I have reviewed the information submitted by the applicant and recommend the following conditions with any planning application:

CONTAMINATED LAND

I have reviewed the Phase I Contaminated Land Report by Wardell/ Armstrong dated July 2017 (RPT-001) and agree with its findings. Therefore I recommend the following conditions:

CLC2 *Submission of an Intrusive Site Investigation Report (Phase II Report)*

[Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1)] Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

CLC3 *Submission of Remediation Strategy*

[Where site remediation is recommended in the Phase II Intrusive Site Investigation Report

approved pursuant to condition (CLC2)]. Development 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.

CLC4 *Implementation of the Remediation Strategy*

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 works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, 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.

CLC5 *Submission of Validation Report*

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. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed 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.

CLC 7 Footnote to be applied to all applications

All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOISE

Before development commences a report specifying the measures to be taken to protect the development from noise from nearby commercial premises shall be submitted to and approved in writing by the Local Planning Authority.

The report shall

- (i) Determine the existing noise climate
- (ii) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development (this is for housing think whether there would be alternative wording for other uses)
- (iii) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In the interests of amenity of the occupiers of these properties and to accord with the requirements of policy EP4 of the Unitary Development Plan.

AIR QUALITY

This development has been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance. The size of the development is more than that of prescribed

values set out in this document and also meets additional set criteria, which is why it is regarded as a major development.

We therefore require the following condition:

- Install 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking)
- Produce a Travel Plan including mechanisms for discouraging high emission vehicle use and encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies.
- Provide a Full Air Quality Impact Assessment including calculating the monetary damages from the development. The monetary value of the damages should be reflected in money spent on low emission mitigation measures

DUST

Before development commences a scheme shall be submitted to and approved in writing by the Local Planning Authority specifying the measures to be taken for the suppression of dust arising from operations permitted by this consent. The approved scheme shall be implemented before development commences and shall be operated throughout the life of the planning permission.

I also recommend the following advice is given to the applicant,

To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Date:	28 September 2017	Officer:	Kevin Ellam 01484 221000
--------------	-------------------	-----------------	--------------------------

Bill Topping

From: DCAdmin
Sent: 15 August 2017 15:19
To: Bill Topping
Subject: FW: 2017/20288 at location Land to the North of, Windy Bank Lane/Hare Park Lane, Liversedge

APAS and Anited

From: Nigel Hunston
Sent: 15 August 2017 10:28
To: DCAdmin
Subject: 2017/20288 at location Land to the North of, Windy Bank Lane/Hare Park Lane, Liversedge

This site has been the subject of previous heritage assessments as part of the emerging local plan evidence base, and those submitted by the site promoter. Each of these documents concluded that there is less than substantial harm and this would be at a lower scale. From a heritage point of view I offer no objection should an application be received and supported by the HIA's..

In terms of urban design, a masterplan has been produced which appears to be quite successful in terms of layout and landscaping. However, it is at a fairly high level in terms of detail so any application would need to address best practice in terms of urban design and look towards a supporting Building for Life 12 Assessment. At this stage there is a scheme here, if the policy supports development, and I would look forward to further discussions.

Nigel Hunston
Group Leader (Conservation and Design)
Investment and Regeneration Services
PO Box B93
Civic Centre 3
Huddersfield
HD1 2JR

Tel: 01484 221000
Internal: 860 2924
Short Code 04254
Lync code: 74217