

# Public Document Pack



**Assistant Director, Governance and  
Monitoring**

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Friday 24 July 2015

## Notice of Meeting

Dear Member

### Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Thursday 30 July 2015**.

Please note that the Chair of the Planning Committee has agreed to undertake site visits on an earlier date to ensure that there will be sufficient time available at the meeting to consider in full all of the scheduled applications. A coach will leave the Town Hall, Huddersfield on Wednesday 29 July 2015 at 10.00am to undertake site visits referred to on the Agenda.

The consideration of planning applications will commence on Thursday 30 July 2015 at 10.00am.

This meeting will be webcast live.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

**Julie Muscroft**

**Assistant Director of Legal, Governance and Monitoring**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Strategic Planning Committee members are:-**

### **Member**

Councillor Steve Hall (Chair)  
Councillor Donna Bellamy  
Councillor Donald Firth  
Councillor Carole Pattison  
Councillor Andrew Pinnock  
Councillor Terry Lyons  
Councillor Graham Turner

When a Strategic Planning Committee member cannot be at the meeting another member can attend in their place from the list below:-

### **Substitutes Panel**

#### **Conservative**

B Armer  
D Hall  
N Patrick  
K Sims  
J Taylor  
G Wilson

#### **Green**

K Allison  
A Cooper

#### **Independent**

C Greaves

#### **Labour**

E Firth  
A U Pinnock  
K Rowling  
M Sokhal  
S Ullah

#### **Liberal Democrat**

C Burke  
J Lawson  
A Marchington  
P Scott

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

This is where Councillors who are attending as substitutes will say for whom they are attending.

**Wards  
Affected:**

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**2: Minutes of the Previous Meeting**

1 - 6

To approve the Minutes of the meeting of the Committee held on 2 July 2015.

**Wards  
Affected:**

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**3: Interests and Lobbying**

7 - 8

The Councillors will be asked to say if there are any items on the Agenda about which they might have been lobbied. The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

**Wards  
Affected:**

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#### **4: Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

**Wards  
Affected:**

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#### **5: Deputations/Petitions**

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

Any Member of the Public wishing to make a deputation is required to give notice in writing to the Assistant Director – Legal, Governance and Monitoring at least 24 hours prior to the start of the meeting.

**Wards  
Affected:**

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#### **6: Public Question Time**

The Committee will hear any questions from the general public.

**Wards  
Affected:**

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**7: Site Visit - Application 2014/91282**

Erection of 135 residential properties with associated access, parking and landscaping and the creation of a car park to serve Crossley Fields Junior and Infant School at land off, Woodward Court/Hepworth Lane, Mirfield

Estimated time of arrival at site: 10.25am

Contact: Steve Hopwood, Planning Services

**Wards**

**Affected:** Mirfield

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**8: Site Visit - Application 2015/90022**

Erection of 23 dwellings at Cleckheaton Bowling Club, Park View, Cleckheaton

Estimated time of arrival as site: 11.00am

Contact: Jonathan Ainley, Planning Services

**Wards**

**Affected:** Cleckheaton

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**9: Site Visit - Application 2014/93039**

Outline application for residential development at land at, Ainley Top, Yew Tree Road and Burn Road, Huddersfield

Estimated time of arrival at site: 11.25am

Contact: Steve Hopwood, Planning Services

**Wards**

**Affected:** Lindley

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**10: Site Visit - Application 2015/90580**

Outline application for erection of 7 dwellings and formation of 2 site access points at land to rear of 8, Miry Lane and between St Mary's Rise and St Mary's Way, Netherthong, Holmfirth

Estimated time of arrival at site: 12.05pm

Contact: Farzana Tabasum, Planning Services

**Wards**

**Affected:** Holme Valley South

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**11: Site Visit - Application 2014/92413**

Outline application for erection of 2 dwellings at land to rear of 191 Huddersfield Road, Thongsbridge, Holmfirth

Estimated time of arrival at site: 12.25pm

Contact: Farzana Tabasum, Planning Services

**Wards**

**Affected:** Holme Valley South

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## MATTERS FOR DECISION

### 12: Planning Applications (Part One)

9 - 308

The Strategic Planning Committee will consider the following application during part one of the meeting that will commence at 10.00am. Details of the application are included in the attached schedule.

(1) Application 2014/93039 - Ainley Top, Yew Tree Road and Burn Road, Huddersfield

Contact: Simon Taylor, Head of Development Management

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 27 July 2015. To pre-register, please contact [richard.dunne@kirklees.gov.uk](mailto:richard.dunne@kirklees.gov.uk) or phone Richard Dunne on 01484 221000 (ask for extension - 74995).

#### **Wards**

**Affected:** All Wards

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### 13: Planning Applications (Part Two)

The Strategic Planning Committee will consider the following applications during part two of the meeting that will commence at 1.00pm.

Details of the applications are included in the attached schedule.

(1) Application 2014/91282 - Land off, Woodward Court/Hepworth Lane, Mirfield

(2) Application 2015/90022 - Cleckheaton Bowling Club, Park View, Cleckheaton

(3) Application 2013/93721 - Wood Nook, Denby Dale, Huddersfield

(4) Application 2014/92737 - Miry Lane, Netherthong, Holmfirth

(5) Application 2015/90580 - Land to rear of 8, Miry Lane and between St Mary's Rise and St Mary's Way, Netherthong, Holmfirth

(6) Application 2014/92413 - Land to rear of 191 Huddersfield Road, Thongsbridge, Holmfirth

#### **Wards**

**Affected:** All Wards

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## **14: Exclusion of the Public**

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

**Wards  
Affected:**

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## **15: Application 2015/90022 - Cleckheaton Bowling Club, Park View, Cleckheaton**

309 -  
310

Private appendix in relation to Application 2015/90022 included in Agenda Item 13.

This information is to be taken in private because it contains commercially sensitive information, including information about a third party.

The public interest in maintaining the exemption which, would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

Contact: Steve Hopwood, Planning Services

**Wards  
Affected:** Cleckheaton

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**16: Application 2013/93721 - Wood Nook, Denby Dale, Huddersfield**

311 -  
312

Private appendix in relation to Application 2013/93721 included in Agenda Item 13.

This information is to be taken in private because it contains commercially sensitive information, including information about a third party.

The public interest in maintaining the exemption which, would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

Contact: Steve Hopwood, Planning Services

**Wards**

**Affected:** Denby Dale

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Contact Officer: Richard Dunne

## KIRKLEES COUNCIL

### STRATEGIC PLANNING COMMITTEE

**Thursday 2nd July 2015**

Present: Councillor Steve Hall (Chair)  
Councillor Donna Bellamy  
Councillor Donald Firth  
Councillor Carole Pattison  
Councillor Andrew Pinnock  
Councillor Terry Lyons  
Councillor Graham Turner

**1 Membership of the Committee**

Councillor Lyons was confirmed as a permanent Member of the Committee in place of Councillor Cooper.

**2 Minutes of the Previous Meeting**

That the Minutes of the meeting held on 4 June 2015 be approved as a correct record.

**3 Interests and Lobbying**

In connection with Item 10, Planning Applications, Members identified Planning Applications in which they had been lobbied as follows;

Councillors G Turner, A Pinnock and S Hall lobbied on Application 2014/91628.

Councillors G Turner, A Pinnock and S Hall lobbied on Application 2014/93073.

**4 Admission of the Public**

All items on the Agenda were taken in public session.

**5 Deputations/Petitions**

No deputations or petitions were received.

**6 Public Question Time**

No questions were asked.

**7 Site Visit - Application 2014/92998**

Site visit undertaken.

**8 Site Visit - Application 2013/93683**

Site visit not undertaken due to the application being withdrawn.

**9 Site Visit - Application 2015/90646**

Site visit undertaken.

**10 Planning Applications**

The Sub Committee considered the schedule of the Planning Applications. Under the provisions of Council Procedure Rule 37, the Sub Committee heard representations from the members of the public in respect of the following applications:-

- (a) Application 2014/91628 - Erection of 85 dwellings and associated infrastructure - Land north of Commercial Road, Skelmanthorpe, Huddersfield - Helen France and Philip Grosvenor (objectors), Robert Halstead (speaking on behalf of the applicant) and Mark Jones (applicant)
- (b) Application 2014/93073 - Erection of 39 dwellings with associated highways and landscaping works (amended layout) - Land Off, New Lane, Cleckheaton - Carolyn Shield, Derek Binns, Graeme Raisbeck and Peter Robson (objectors), Councillor John Lawson (Local Ward Councillor), Paul Bedwill (agent speaking on behalf of the applicant)
- (c) Application 2014/92998 - Proposed residential development - Cleckheaton Mills, Bradford Road, Cleckheaton - Michael Singh (speaking in support of the application)
- (d) Application 2015/90646 - Variation condition 2 (plans) on previous permission 2013/91452 for demolition of outbuildings and refurbishment/redevelopment of Globe Mills to - Globe 1- doctors surgery; retail unit; Artisan hall; cafe; offices and innovation office space - Globe 2- D1/D2 use; nursery; offices; gallery space, erection of new parking deck, formation of external parking area; pedestrian footbridge linking Globe 1 and Globe 2 and new pedestrian footbridge over the Huddersfield Canal (Amendment request to vary condition 27 removed) - Globe Mills, Bridge Street, Linthwaite, Huddersfield - Jane McGrath (objector)

**11 Planning Application for formation of pedestrian footway and widening of existing road at the National Coal Mining Museum, New Road, Overton, Wakefield**

That in accordance with Section 101(1) of the Local Government Act 1972 the Committee delegates its development management powers to Wakefield Metropolitan District Council in respect of Application 2015/62/91719/E for formation of pedestrian footway and widening of existing road, at the National Coal Mining Museum for England Caphouse Colliery, New Road, Overton, Wakefield.



**KIRKLEES COUNCIL**  
**LIST OF PLANNING APPLICATIONS DECIDED BY**  
**STRATEGIC PLANNING COMMITTEE**  
**2 JULY 2015**

<b>APPLICATION NO.</b>	<b>DESCRIPTION, LOCATION OF PROPOSAL AND DECISION</b>
2013/93683	<p>Steve Slator, Valley Wind Co-operative Ltd – Installation of three 2.3 MW wind turbines on 64m masts and related equipment including substation, cabling, transformer and control buildings, temporary construction compound and access tracks – Slaithwaite Moor, off New Hey Road, Scammonden, Huddersfield</p> <p>APPLICATION WITHDRAWN</p>
2014/91628	<p>D Wilson Homes, J &amp; C Hall and E Ward – Erection of 85 dwellings and associated infrastructure – Land north of Commercial Road, Skelmanthorpe, Huddersfield, HD8 9DX</p> <p>DELEGATE AUTHORITY TO OFFICERS TO GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO:</p> <p>(1) THE APPLICANT AND THE COUNCIL ENTERING INTO A S106 OBLIGATION TO SECURE:</p> <ul style="list-style-type: none"> <li>(i) THE PROVISION OF AFFORDABLE HOUSING</li> <li>(ii) THE PAYMENT OF AN EDUCATION CONTRIBUTION</li> <li>(iii) THE PROVISION OF A BUS SHELTER TO COMMERCIAL ROAD</li> <li>(iv) THE PROVISION OF A FOOTPATH LINK FROM THE DEVELOPMENT TO SKELMANTHORPE F&amp;N SCHOOL</li> </ul> <p>(2) THE IMPOSITION OF APPROPRIATE PLANNING CONDITIONS, WHICH MAY INCLUDE THOSE LISTED IN THE SUBMITTED REPORT; AND,</p> <p>(3) THERE BEING NO MATERIAL CHANGE IN CIRCUMSTANCES, TO ISSUE THE DECISION.</p> <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Pattison, A Pinnock, Lyons, Bellamy, D Firth and S Hall (6 Votes)</p> <p>AGAINST: Councillor G Turner (1 Vote)</p>
2014/93073	<p>Gemma Close, Strata Homes Ltd – Erection of 39 dwellings with associated highways and landscaping works (amended layout) - Land Off, New Lane, Cleckheaton, BD19 6LG</p> <p>DELEGATE TO OFFICERS TO REFUSE PLANNING PERMISSION AND TO RESOLVE THE OUTSTANDING VIABILITY ISSUE</p> <p>(1) The site is allocated as Urban Greenspace on the Council's Unitary Development Plan (UDP) Proposals Map and the proposed development is contrary to Policy D3 of the UDP which</p>

<b>APPLICATION NO.</b>	<b>DESCRIPTION, LOCATION OF PROPOSAL AND DECISION</b>
2014/93073 Cont'd	<p>relates to development on such sites. The site is considered to have value as open space and as such it is not deemed to be surplus to requirements and the development is also therefore contrary to paragraph 74 of the National Planning Policy Framework. The loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing.</p> <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Pattison, G Turner, A Pinnock, Lyons, Bellamy, D Firth and S Hall (7 Votes)</p> <p>AGAINST: (No Votes)</p>
2014/92998	<p>Swift Properties – Proposed residential development – Cleckheaton Mills, Bradford Road, Cleckheaton, BD19 5BD</p> <p>GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO THE SATISFACTORY RESOLUTION OF HISTORIC COAL MINING ISSUES, AND DELEGATION OF AUTHORITY TO OFFICERS TO:</p> <p>(1) SECURE THE SIGNING OF A SECTION 106 AGREEMENT TO ENSURE CONTRIBUTIONS TOWARDS</p> <p>(i) AFFORDABLE HOUSING;</p> <p>(ii) IMPROVEMENT OF OFF-SITE PUBLIC OPEN SPACE</p> <p>(2) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE IN THE SUBMITTED REPORT AND IN THE UPDATE LIST; AND</p> <p>(3) SUBJECT TO THERE BEING NO MATERIAL CHANGES THAT WOULD ALTER THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.</p> <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Pattison, G Turner, A Pinnock, Lyons, Bellamy, D Firth and S Hall (7 Votes)</p> <p>AGAINST: (No Votes)</p>
2015/90646	<p>Hartley Property Group – Variation condition 2 (plans) on previous permission 2013/91452 for demolition of outbuildings and refurbishment/redevelopment of Globe Mills to - Globe 1- doctors surgery; retail unit; Artisan hall; cafe; offices and innovation office space - Globe 2- D1/D2 use; nursery; offices; gallery space, erection of new parking deck, formation of</p>

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2015/90646 Cont'd	<p data-bbox="528 215 1449 365">external parking area; pedestrian footbridge linking Globe 1 and Globe 2 and new pedestrian footbridge over the Huddersfield Canal (Amendment request to vary condition 27 removed) – Globe Mills, Bridge Street, Linthwaite, Huddersfield, HD7 5JN</p> <p data-bbox="528 398 1422 510">APPROVE REMOVAL/VARIATION OF CONDITION(S) SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:</p> <p data-bbox="528 544 1406 689">(i) SECURE A VARIATION TO THE EXISTING S106 AGREEMENT TO PROVIDE A FINANCIAL CONTRIBUTION TO THE COUNCIL FOR THE MONITORING OF THE PROPOSED TRAVEL PLAN</p> <p data-bbox="528 723 1406 835">(ii) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE DETAILED IN THE REPORT; AND</p> <p data-bbox="528 869 1437 981">(iii) SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGES THAT WOULD ALTER THIS RECOMMENDATION, ISSUE THE DECISION.</p> <p data-bbox="528 1014 1406 1093">A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p data-bbox="528 1126 1321 1205">FOR: Councillors Pattison, G Turner, A Pinnock, Lyons, Bellamy, D Firth and S Hall (7 Votes)</p> <p data-bbox="528 1238 842 1279">AGAINST: (No Votes)</p>

<b>KIRKLEES COUNCIL</b>			
<b>DECLARATION OF INTERESTS AND LOBBYING</b>			
Strategic Planning Committee			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an “Other Interest”)	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest
LOBBYING			

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: .....

Dated: .....

## NOTES

### Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and  
(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  
if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

**KIRKLEES COUNCIL  
PLANNING SERVICE  
LIST OF PLANNING APPLICATIONS TO BE DECIDED BY  
STRATEGIC PLANNING COMMITTEE**

**30-Jul-2015**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985  
BACKGROUND PAPERS**

**There is a file for each planning application containing  
application forms, plans and background papers.**

**Simon Taylor - 01484 221000**





**In respect of the consideration of all the planning applications on this Agenda the following information applies;**

### **PLANNING POLICY**

The statutory development plan comprises:

The Unitary Development Plan (UDP). These reports will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The LDF core strategy approved by the Council in March 2012 was submitted to the Secretary of State on 2<sup>nd</sup> April 2013 for independent examination. However, following correspondence and meetings with the planning inspector, appointed by the Secretary of State, the council resolved to withdraw the core strategy on 23<sup>rd</sup> October 2013. Until such time as revised core strategy proposals have been submitted for examination they will have no significant weight in the determination of planning applications.

### **National Policy/Guidelines**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27<sup>th</sup> March 2012, the Planning Practice Guidance Suite (PPGS) launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

### **REPRESENTATIONS**

The Council adopted its Statement of Community Involvement (SCI) in relation to planning matters in September 2006. This sets out how people and organisations will be enabled and encouraged to be involved in the process relating to planning applications.

The applications have been publicised by way of press notice, site notices and neighbour letters (as appropriate) in accordance with the Statement of Community Involvement and in full accordance with the requirements of regulation, statute and national guidance.

## **EQUALITY ISSUES**

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

## **HUMAN RIGHTS**

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

## **PLANNING CONDITIONS AND OBLIGATIONS**

Paragraph 203 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations,

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests.

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The National Planning Policy Framework and further guidance in the PPGS launched on 6<sup>th</sup> March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

**Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.**



Application No: 2014/93039.....	9
Type of application: 60m - OUTLINE APPLICATION	
Proposal: Outline application for residential development	
Location: Land at, Ainley Top, Yew Tree Road and Burn Road, Huddersfield HD2 2EQ	
Ward: Lindley Ward	
Applicant: Thornhill Estates Limited &, Emma Jane Carter, George Robert Carter	
Agent: J Dunbavin, ID Planning	
Target Date: 02-Jan-2015	
Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL SUBJECT TO DELEGATION TO OFFICERS	
Application No: 2014/91282.....	52
Type of application: 62m - FULL APPLICATION	
Proposal: Erection of 135 residential properties with associated access, parking and landscaping and the creation of a car park to serve Crossley Fields Junior and Infant School	
Location: Land off, Woodward Court/Hepworth Lane, Mirfield	
Ward: Mirfield Ward	
Applicant: Bellway Homes (Yorkshire) Limited	
Agent: Emma Gomersal, DPP One Ltd	
Target Date: 22-Jul-2014	
Recommendation: RF1 - REFUSAL	
Application No: 2015/90022.....	86
Type of application: 62m - FULL APPLICATION	
Proposal: Erection of 23 dwellings	
Location: Cleckheaton Bowling Club, Park View, Cleckheaton, BD19 3AP	
Ward: Cleckheaton Ward	
Applicant: Jones Homes (Northern) & Cleckheaton BC	
Agent: Michael Townsend, Townsend Planning Consultants	
Target Date: 06-Aug-2015	
Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS	
Application No: 2013/93721 .....	111
Type of application: 62m - FULL APPLICATION	
Proposal: Erection of 29 dwellings (Amended Plans)	
Location: Wood Nook, Denby Dale, Huddersfield, HD8 8RR	
Ward: Denby Dale Ward	
Applicant: Conroy Brook (Developments) Ltd	
Agent: Farrar Bamforth Associates	
Target Date: 21-Feb-2014	
Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS	

Application No: 2014/92737 .....	132
Type of application: 60 - OUTLINE APPLICATION	
Proposal: Outline application for erection of 5 dwellings	
Location: adj, 8, Miry Lane, Netherthong, Holmfirth, HD9 3UQ	
Ward: Holme Valley South Ward	
Applicant: Steven Buttershaw & Kust Schramm	
Agent: Angus Ellis, WHpArchitecture	
Target Date: 27-Feb-2015	
Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL	
SUBJECT TO DELEGATION TO OFFICERS	
Application No: 2015/90580 .....	160
Type of application: 60 - OUTLINE APPLICATION	
Proposal: Outline application for erection of 7 dwellings and formation of 2 site access points	
Location: land to rear of 8, Miry Lane and between St Mary's Rise and St Mary's Way, Netherthong, Holmfirth, HD9 3UQ	
Ward: Holme Valley South Ward	
Applicant: S & K Buttershaw and Schramm	
Agent: Angus Ellis, WHpARCHITECTURE	
Target Date: 23-Apr-2015	
Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL	
SUBJECT TO DELEGATION TO OFFICERS	
Application No: 2014/92413 .....	183
Type of application: 60 - OUTLINE APPLICATION	
Proposal: Outline application for erection of 2 dwellings	
Location: Land to rear of 191 Huddersfield Road, Thongsbridge, Holmfirth, HD9 3TT	
Ward: Holme Valley South Ward	
Applicant: M Jebson	
Agent: Robert Halstead Chartered Surveyor	
Target Date: 06-Aug-2015	
Recommendation: OP - CONDITIONAL OUTLINE PERMISSION	

**Application No: 2014/93039**

**Type of application: 60m - OUTLINE APPLICATION**

**Proposal: Outline application for residential development**

**Location: Land at, Ainley Top, Yew Tree Road and Burn Road,  
Huddersfield HD2 2EQ**

**Grid Ref: 411950.0 418760.0**

**Ward: Lindley Ward**

**Applicant: Thornhill Estates Limited &, Emma Jane Carter, George  
Robert Carter**

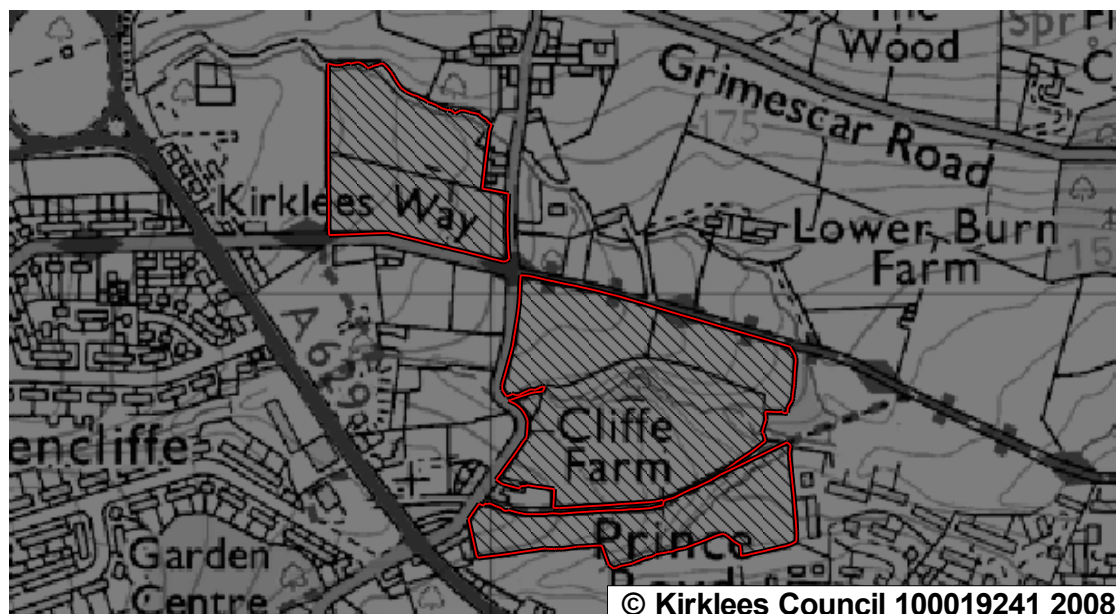
**Agent: J Dunbavin, ID Planning**

**Target Date: 02-Jan-2015**

**Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL  
SUBJECT TO DELEGATION TO OFFICERS**

Link to [guidance notes for public speaking at planning committee](#)  
including how to pre-register your intention to speak.

## **LOCATION PLAN**



**Map not to scale – for identification purposes only**

## 1. SUMMARY OF APPLICATION

<b>Application Details</b>		
Type of Development	Outline application for residential development (190 units with access)	
Scale of Development	Site area: 9.9ha	Units: 190
No. Jobs Created or Retained	N/A	
Policy		
UDP allocation	Provisional Open Land	
Independent Viability Required	No	
Consultation		
Individual Support (No.)	286	
Individual Objection (No.)	468	
Other Representations	Barry Sheerman MP Jason McCartney MP Save Grimescar Valley Huddersfield Civic Society Kirklees Community Action Network and Yorkshire Green Space Alliance	
Petition		
Ward Member Interest	Yes	Cllr Cahill Burke, Cllr Gemma Wilson
Statutory Consultee Objections	No	
Contributions:		
Affordable Housing	30% of floorspace	
Education	£469,503	
Public Open Space	Policy compliant provision on site	
A629/East Street Improvement Scheme Contribution	£150,000	
Resident Metro Cards	£27,118	
Travel Plan Monitoring	£15,000	
Riverside Walkway	Implementation of scheme by S106	
Any Council Interest?	No	
Pre-application advice	Yes	
Pre-App Consultation Undertaken?	Yes	
Comment on Application	Provisional open land (POL) in UDP and an undeveloped (greenfield) site. No current five year housing supply and moderate adverse impacts not considered to significantly and demonstrably outweigh the benefits. Significant local opposition however the principle of development is considered appropriate. Detailed issues capable of being addressed at reserved matters stage and through recommended conditions/ Section 106 agreement.	



## **RECOMMENDATION: GRANT OUTLINE PLANNING PERMISSION SUBJECT TO SECTION 106 OBLIGATION**

### **2. INFORMATION**

The application is brought forward to Strategic Planning Committee for determination in accordance with the Council's Scheme of Delegation.

### **3. SITE DESCRIPTION**

The application relates to a two-part 9.9 ha area of agricultural grazing land to the east of Birchencliffe:

- A 2.7 ha area to the north-west of the junction between Yew Tree Road and Burn Road; and
- A 7.2 ha area to the east of Burn Road and south of public byway HUD/296/40.

The total proposed net developable area amounts to 6.2 ha of land, with the remaining 3.7 ha of land remaining undeveloped.

The site is currently semi-rural in nature and slopes towards the watercourses that pass from east to west through what is known as the Grimescar Valley.

Listed former farmhouses lie to the north and east of the proposals site while more modern residential development lies to the east (Valley Heights, Valley Drive & Westward Croft). To the west and south-west are more residential properties at the southern end of Burn Road, on Yew Tree Road, and Halifax Road beyond.

A number of areas of trees (predominantly following the watercourses) form part of the application site and are protected under Tree Preservation Orders.

A UDP safeguarded Green Corridor lies immediately to the north of the smaller block and skirts the north-east corner of the larger block.

The Kirklees Way public footpath cuts west to east between the two sites and public footpath PROW no. HUD/399/10 also dissects the site.

### **4. PROPOSAL**

The application seeks outline planning permission for residential development (190 dwellings) with means of access to (but not within) the site to be considered. All other matters (layout, scale, appearance and landscaping) are reserved for subsequent consideration.

An indicative layout has been submitted, that shows the distribution of housing across three development areas, together with areas of public open space, landscaping, areas of woodland and tree belts and existing

watercourses. The indicative layout is presented in the context of a masterplan for the wider POL allocation.

Access is proposed from Yew Tree Road (serving the smaller area of land to the north); and two points of access from Burn Road (to the southern and northern segments of the larger block to the east).

The application is accompanied by an Environmental Statement as the proposals were deemed to fall within the ambit of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 because the proposals would be classed as a Schedule 2 'urban development project' and were judged to have the potential to have significant effects on the environment.

## **5. BACKGROUND AND HISTORY**

None

## **6. PLANNING POLICY**

### **Site allocation:**

The site is allocated as Provisional Open Land.

### **Relevant UDP policies:**

D5 – Provisional Open Land (POL)  
BE2 – Design of new development  
H10 – Affordable housing provision  
H12 – Ensuring affordable housing remains affordable  
H18 – Provision of public open space on sites over 0.4 hectares  
EP4 – Development and noise  
EP11 – Integral landscaping scheme to protect/enhance ecology  
T10 – Highway safety considerations  
T16 – provision of safe, convenient and pleasant pedestrian routes  
T19 – Off-street parking standards

### **National Planning Policy Framework:**

'Achieving Sustainable Development'  
'Core Planning Principles'  
Section 6 – Delivering a wide choice of high quality homes  
Section 7 – Requiring good design  
Section 10 – Meeting the challenge of climate change, flooding and coastal change  
Section 11 – Conserving and enhancing the natural environment  
Section 12 – Conserving and enhancing the historic environment  
'Decision taking'

## **Other Policy Considerations:**

Manual for Streets (2007)

K.C. Policy Guidance: 'Providing for Education Needs Generated by New Housing'

K.C. Supplementary Planning Document (SPD2) – 'Affordable Housing'

## **7. CONSULTATIONS**

The following is a summary of the consultation responses received. Where necessary, these consultations are reported in more detail in the assessment below:

**K.C. Highways** – Based on this analysis of the development proposal, its impact on transport networks and the proposed mitigation measures, the proposals are considered acceptable and the Highways Service has no wish to resist the granting of planning permission subject to conditions and a S106 agreement.

**K.C. Environmental Services** – In accordance with the West Yorkshire Low Emission Planning Guidance it is requested that the damage costs are calculated and the value of impact from this development be reflected in the money spent on mitigation measures specific to benefits to air quality. Contained within the damage cost report were mitigation measures and the specific costs to implement. We are satisfied that the low emission mitigation measures highlighted in the travel plan reflect the damage cost. In addition to the travel plan we request that a condition be applied in order to promote green sustainable transport.

**K.C. Trees** – No objections in principle following formation of a new TPO to safeguard four small woodland groups.

**K.C. Conservation & Design** – The application is supported by statements that indicate how the site could be developed. A heritage statement is provided and in broad terms Conservation & Design is comfortable with the findings. Further work will be required to consider potential impact on those designated assets that are further away. The design however can evolve to allow for the setting to be improved and this should be taken forward in the detailed submission. On the basis of the information provided, and in light of the above comments being a caveat, Conservation & Design is broadly comfortable with the proposal.

**K.C Strategic Housing** – Whilst access is the only matter sought in this outline proposal, the proposed development of 190 new homes, if approved, will provide housing market supply within the Huddersfield housing market area, and with it comes the opportunity to secure much needed affordable housing.

On an annual basis, the current Strategic Housing Market Assessment (SHMA) has identified that there is a requirement to provide 524 new affordable homes per year. This proposal thus provides an opportunity to secure affordable housing across a range of types and tenures as defined in the NPPF and SHMA.

It is understood that the applicant is confirming that the scheme will be meeting the current policy aspirations of securing 30% of the gross internal floorspace of the development on a greenfield site. Assuming that the applicant has tested this approach through a viability model, this proposal could represent a significant opportunity to provide affordable housing.

**K.C. Ecologist** – The ecological survey and reports are comprehensive and identify important biodiversity features within the site proposed for development and make a series of recommendations to mitigate and compensate the impacts of the development. It has also established that some areas within the site are of very limited ecological interest.

In addition, although it was stated initially that the ponds located within the immediate vicinity of the site may have potential as breeding great-crested newt ponds, this has now been discounted because of the lack of records in the area and the unlikelihood of the species being present following a Habitat Suitability Index (HSI) assessment of the ponds.

The Council's Ecologist advises that the conclusions and recommendations in the report are accepted and that, through the implementation of appropriate mitigation, compensation and enhancement measures of the type as laid out in the report, biodiversity impacts can be negated.

On this basis there is no objection to the proposed development providing, as recommended in the report, a full biodiversity management and enhancement plan, based upon the mitigation strategy outlined in the report, is produced and implemented as part of the development scheme.

**K.C. Strategic Drainage** – no objections subject to conditions

**K.C. Strategic Waste** – no objections

**Environment Agency** – no objections subject to conditions

**Yorkshire Water** – no objections subject to conditions

**WY Police Architectural Liaison Officer** – no objections in principle

**Coal Authority** – no objections subject to conditions

**K.C. School Organisation & Planning** – £469,503 contribution to infant and junior school places requested

**K.C. Landscape** – In consideration of all the information submitted by both the applicants and the objectors the KC Landscape view is that whilst the site is of 'good' landscape value, it could accommodate the housing development although there should be a full range of landscape conditions ensuring the highest standards of landscape design, enhancement and mitigation with sensitivity toward landscape value. The new public open spaces and green corridors are key to the success of assimilating the new housing into the landscape and minimising the effects on the setting. On this basis we have no objection to the proposed development providing that a full enhancement plan and mitigation strategy is produced and implemented as part of the development scheme.

**National Planning Casework Unit** – no objections

## **8. REPRESENTATIONS**

The application has been advertised by neighbour letter, newspaper advertisement and site notices. In total 468 letters of objection and 286 letters of support have been received.

The comments received may be summarised as follows:

### **In objection:**

- Grimescar Valley is one of the few remaining green spaces within the area.
- Loss of an area of high quality landscape and natural beauty that is used for recreation and public amenity
- Loss of valuable ecology and wildlife habitat
- Not a need for new housing within the area given the amount of new housing development and residential property on the market for sale
- Development would be contrary to Policy D5, (Provisional Open Land) of the Councils UDP. The land should be safeguarded as open land given its value
- Previously developed brownfield land should be developed before undeveloped greenfield sites
- Capacity of the area to accommodate and sustain further housing development
- Capacity of local schools, doctors and dentist surgeries to accommodate demand from the development
- Impact of development upon drainage and flood risk within the wider area

- Impact of development upon air quality
- Capacity of the local highway network to accommodate traffic generated by the development. In particular the cumulative impacts of development.
- Capacity of Burn Road to accommodate development and the junction of Burn Road with Halifax Road. Views expressed that Burn Road should be made one way only.

Knight Frank on behalf of Save Grimescar Valley, Kirklees Community Action Network and Yorkshire GreenSpace Alliance and Huddersfield Civic Society have also made representations.

For completeness these representations are appended to the report, however the main points of concern can be summarised as:

**Save Grimescar Valley:**

- A lack of 5 year housing supply does not automatically allow for POL to be developed
- There is a need to reassess the sites value. Whilst the site is allocated as POL its assessment was 15 years ago and it now holds greater value and if assessed today would no longer be considered as POL
- The detrimental landscape and visual impact of the proposal upon the surrounding area is not outweighed by the benefits of residential development
- The robustness of the Landscape and Visual Assessment which fails to address the concerns raised above
- The inaccuracy of the Landscape and Visual Appraisal and the contradictory conclusions it draws
- The proposed development is unsustainable. Retail stores are impractically located, community facilities are at capacity and local schools are over subscribed
- Uncertainty about the deliverability of the masterplan
- Impact on the wider highway network and the questionable conclusion of the Transport Assessment that the scheme will have limited impact upon the road network

- The questionable baseline assessment and conclusions of the Air Quality Assessment. The identified 'detrimental effect' during the operational phase of the proposal has not been mitigated

#### **Kirklees Community Action Network & Yorkshire Green Space Alliance:**

- Overloaded roads and services resulting from large scale developments in the Lindley, Birchecliffe, Ainley Top and Lindley Moor area without the corresponding investment in physical and service infrastructure
- Development would be isolated from local centres and community services being on the eastern side of Halifax Road with the closest local centre (Lindley) being some distance away on the western side of Halifax Road
- Erosion of a green buffer zone with merging of urban areas and harm to the Green Belt
- Departure from the Council's UDP
- The development is therefore not sustainable having regard to the matters above

#### **Huddersfield Civic Society:**

- Loss of an important green space that should have been protected as Green Belt rather than allocated as POL
- Council should be encouraged to look at housing on sustainable sites closer to the town centre rather than on valuable green spaces
- Development would place intolerable burden given existing congestion on Halifax Road. Neither Burn Road or Yew Tree Road is capable of handling the extra volume of traffic

Representations have also been received from MP's Barry Sheerman and Jason McCartney, Councillors Cahill Burke, Gemma Wilson and Charles Greaves that reiterate the objections raised.

#### **In support:**

- There is a general housing shortage in the area, the development will help ease this and bring new homes to the local area providing opportunity for young people to buy properties in the area
- The development is in an area with good transport links, near to the motorway and bus routes.
- There are good amenities within the area to support the development.

- The development will bring a number of benefits including improvements to the local highway network and investment in school places.
- The development will improve and enhance public access to the Grimescar Valley. The land is currently privately owned with no access.

In addition the applicant has provided a report of statistics and interactions from the Huddersfield Gateway Website. The report is also appended for completeness.

The application has been re advertised following receipt of additional and amended information and plans. 100 further letters of objection and 1 letter of support have been received. The matters raised reiterate those detailed above.

## **9. ASSESSMENT**

### **Principle:**

The application site covers two areas of land that form part of a wider area of land designated as Provisional Open Land (POL) in the Councils UDP.

Policy D5 states that “planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term.”

Paragraph 2.15 of the UDP advises that urban open land sites assessed as having less quality than those designated as Urban Greenspace but nevertheless having identifiable value as open land are designated as Provisional Open Land. These sites are judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. The aim of the designation is to maintain the character of the land at least during the period until the plan is reviewed when it will be considered for allocation for development.

Paragraph 2.16 of the UDP advises that reviews of the UDP should be undertaken at least every 5 years. It is noted that objectors refer to the fact that this particular POL (and the UDP in general) has not been reviewed on a five year basis and that the site may have changed in nature and quality. There is also a suggestion that this site should return to Green Belt. It is argued in representations that whilst the site may previously have been assessed as being of less quality than sites designated as Urban Greenspace, with the passage of time since the adoption of the UDP in 1999 the site is now considered to be of greater value than previously assessed.



In considering the allocation of the land as POL the UDP Inspector considered the site to be predominantly grazing land, sloping eastwards and extending from the urban edge to Grimescar Beck, the later forming the Green Belt boundary beyond which the valley rises northwards. Streams, undulations and groups of trees within the site, particularly towards the south and east create an interesting and attractive appearance. Whereas the southernmost land is closely related to the urban area, taken as a whole, development here would represent the outward projection of the settlement on to land of a rural character, some of it attractive, which is widely visible from the higher land to the north and north east.

The majority of the POL site was assessed in the Council's Open Land Study at the time to be of high visual quality. The POL was considered to form a significant area of attractive open countryside with a balance of open grazing land and wooded areas. These qualities are accentuated by the varied topography, creating in places steep wooded hillsides which dominate the view.

It was noted that the area was extensively used for outdoor recreation. Well used footpaths cross the POL linking to an extensive network of routes along the Grimescar Valley and to the north to Fixby Ridge where the area is defined as an Informal Outdoor Recreation Area in the Huddersfield Local Plan. The importance of the Grimescar Valley area as a valuable corridor for recreation and as habitat is also recognised by its Green Corridor status in the UDP.

It was this quality and value that justified the allocation as POL rather than for housing in the UDP.

Since the UDP allocation, the Council's Open Space Study (2007, revised 2010) considered the whole of the POL allocation and classified it as natural/semi natural greenspace, agricultural land being of medium quality and high value.

KC Landscape advise that aerial photographs from 2000 to 2012 show little change in landscape use, layout or vegetation pattern and that the majority of the site is still considered to be of high visual quality.

The Local Plan will provide the evidence base for all new and retained allocations including POL. The Local Plan process will also be the vehicle to assess whether there are exceptional circumstances to return POL sites back Green Belt or whether they may be suitable for allocation as Urban Greenspace. The local plan process is underway however it is still some way from being sufficiently advanced to carry any weight in decision making for individual planning applications. The LPA must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.

The weight that can be afforded to policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49.

In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the Council is currently unable to demonstrate a five year supply of deliverable housing sites.

The weight that can be given to policy D5 in these circumstances was assessed in October 2013 by a Planning Inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):

“The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework’s presumption in favour of sustainable development is engaged.”

NPPF paragraph 14 states that where relevant policies are out-of-date, planning permission should be granted “unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”.

Footnote 9 lists examples of restrictive policies but this does not include land allocated as Provisional Open Land.

The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. It states that these roles are mutually dependent and should not be undertaken in isolation; “*economic, social and environmental gains should be sought jointly and simultaneously through the planning system*” (paragraph 8). The ‘economic’ role includes providing support for growth and development requirements, while the ‘social’ role states the need to support communities by providing housing to meet the needs of present and future generations.

As such, in the absence of both a five year housing supply and any significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the benefits when assessed against the policies in the framework taken as a whole, the principle of developing this site is considered to be acceptable in this instance.

There have been strong views expressed about the adverse impacts of this development by a significant number of representations opposing the application. The following sections detail these issues and conclude that development, at this scale, does not give rise to significant material planning

harm which can be substantiated as a reason for refusal. In addition, although the NPPF encourages the effective use of previously developed (brownfield) land, the aforementioned policies make it clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.

### **Landscape & visual impact:**

A Landscape and Visual Impact Assessment is included as part of the Environmental Statement. The methodology for this is stated to be in accordance with the 'Guidelines for Landscape and Visual Effect Assessment 3rd Edition' published by the Landscape Institute and Institute of Environmental Management & Assessment.

In addition, Landscape and Visual Assessment Illustrations have also been submitted.

The Landscape and Visual Assessment, together with representations on behalf of Save Grimescar Valley and the applicant's response have been considered by the Council's Landscape Section.

The site is considered to be of high visual quality having regard to the UDP Inspectors consideration of the site, the Council's Open Land Study at that time, the Council's Open Space Study and KC Landscape's assessment.

The best practice guidance, Guidelines for Landscape and Visual Impact Assessment (GLVIA 3) should be used as a basis for assessment of the site. The methodology used has been agreed with the Council and is based on the guidelines given by GLVIA 3.

In assessing landscape value, the applicant has included criteria from very poor, poor, medium, high and exceptional. In doing so, in order for a site to score better than medium, it would need to be within a National Park, an Area of Outstanding Natural Beauty or an Area of Great Local Value (AGLV). It is considered that the applicant could have included a further value of 'good' in the criteria which would more realistically represent this site.

It is considered that the landscape value of the site could reasonably be assessed as being one level higher than applicant's appraisal indicates, i.e. good rather than medium.

Within the submitted EIA the report categorises the development area, Grimescar Valley as typical south Pennine fringe landscape. It is semi-rural urban fringe surrounded by suburban residential pattern. The boundary of the development sits within fragmented farmland broken up by small patches of residential buildings some converted from farm buildings. Grimescar is a sloping tributary valley wedged between the A629 and the M62 to the north. Pylons and transmission lines are visible within the skyline, patches of fragmented woodland (Grimescar Wood is semi ancient woodland) line the valley sides and the valley bottom along the lines of the tributary streams.

There are no landscape designations for this area. Within the EIA report the character assessment states that the landscape quality of approximately a mile radius ranges from poor to moderate condition; poor to medium value and low to medium sensitivity.

The outline proposal shows provision for approximately 190 dwellings over 9.9 hectares; this is well under the density of 30 dwellings per hectare. In the indicative layout there is provision for three linear green space/open spaces of some size. The open space can add/ retain character value and has potential for enhancing landscape character with a high quality landscape design.

All of the existing bands of mature trees are to be retained, so too the areas of woodland. The indicative layout uses these trees for screening and as bands of separation along with the open spaces. There is proposed planting within the layout. From various viewpoints around the site it has been assessed how the existing trees will have an impact on, and the extent to which they screen the proposed new dwellings particularly from existing dwellings in the surrounding area. The indicative layout appears to have taken the opportunities afforded by the existing vegetation for screening into consideration.

Some manipulation of the land form will occur to create plateaux for building this has been categorised as a substantial landscape effect. The impact on the valley during construction is categorised as high.

The EIA report summarises that the predicted landscape effects of this development on Grimescar Valley will range from medium to low or negligible with some slight adverse visual effect.

It is considered that there are too few criteria within the EIA assessment of landscape effects. It is suggested that rather than the criteria of high, medium, low and negligible, the criteria should include very high, high, medium, low and negligible.

KC landscape considers that the effect will be higher than as detailed in the EIA but disagree with the assessment of substantial adverse effect in representations on behalf of Save Grimescar Valley. KC Landscape considers a moderate adverse effect to be the most appropriate assessment.

The design and layout of the development at this stage (with limited landscape design detail) has a high degree of sensitivity toward the valley and its existing landscape. The proposals aim to make good use of the existing landscape features, particularly existing trees and woodland to screen the visual impact, which, along with the potential areas of open space proposed along the stream lines have the potential to provide for a more accessible and attractive environment with the possibility of retaining strong wildlife value and improved green corridors.

The effects of development can be mitigated, should the development proceed in line with the indicative layout with the following measures:

- The dwellings are proposed to be limited to two storeys in height and oriented along the existing land contours in small development cells, to minimise the need for extensive cut and fill.
- Dwellings are set back from undeveloped boundaries.
- Retention and augmentation of tree groups and hedgerows to break up and soften the outline of any new built form.
- Use of materials and architectural style that are locally harmonious and sympathetic to setting.

This visual assessment re-iterates the points of the landscape mitigation previously suggested. The impact on the landscape will be higher than the EIA suggests, but the design and layouts have a high level of sensitivity toward the topography and landscape and use existing trees and landscape features as screening and buffer zones. The photographic visuals show the potential of the new vegetation and screening which will help lessen visual impact on the valley.

The amount of proposed mitigation planting is high; there is good consideration of views into the future decade. The proposals show two distinct green infrastructure corridors that link with the water course and farm land to the east and north.

The quantity of POS proposed is good, although there are no specific designs for it at present. The site sits within the catchment area for the play space on Halifax Road. Use of the allocated spaces within the site for natural play will be much more beneficial. In accordance with policy H18, 3360m<sup>2</sup> of POS is required for the development, the amount of POS within the indicative layout exceeds this. An off-site contribution of £50,000 could be sought to improve the provision of POS off site in lieu of an equipped provision on site.

With reference to existing facilities, there is potentially good access to the existing recreation ground, on Halifax Road, and footpath links have been considered. There is also an existing play area within the recreation ground where off site contributions could help towards ensuring it is an appropriately equipped facility with broader requirements for through age provision, and its future sustainability.

The POL is currently used for outdoor recreation, the Kirklees Way footpath cuts west to east across the northern boundary of the site and the public footpath PROW no. HUD/399/10 dissects the site although this is currently less well used, possibly due to the difficulties in accessibility. Whilst the proposed development will not impact physically upon the use of the footpaths, the development proposed would lessen people's enjoyment of them. Mitigation and enhancement can play a part in the amelioration of this aspect, sensitive design to enhance the character of the PROW treatment is necessary to mitigate the adverse impacts of the development.

The applicant has considered the difficulties and sensitivities of the site; they acknowledge too the adverse effects on the landscape; they have used existing features to retain green corridors/green infrastructure; the enhancement of vegetation could mitigate effects by screening and blending/softening views while minimising external vistas of the development from adjacent properties and improving biodiversity and habitat.

In consideration of all the information submitted by both the applicant and the objectors the KC Landscape view is that whilst the site is of 'good' landscape value, it could accommodate the housing development although there should be a full range of landscape conditions ensuring the highest standards of landscape design, enhancement and mitigation with sensitivity toward landscape value. The new public open spaces and green corridors are key to the success of assimilating the new housing into the landscape and minimising the effects on the setting.

On this basis KC Landscape raises no objection to the proposed development provided that a full enhancement plan and mitigation strategy is produced and implemented as part of the development scheme.

#### **Highway safety:**

The application is in outline with all matters reserved except for the means of access. The proposed development comprises a site of 9.9 hectares with up to 190 residential dwellings located on three individual plots with one access off Yew Tree Road and two accesses off Burn Road.

Extensive discussions have taken place with Optima, the applicant's highway consultant, over a period of approximately 12 months. Pre-application discussions commenced at a scoping meeting held on 5<sup>th</sup> June 2014. Highway related documents submitted as part of the planning application were as follows:

- Transport Assessment dated September 2014;
- Travel Plan dated September 2014.

Following the submission of these documents, discussions continued resulting in the requirement for additional submissions as follows:

- Addendum Transport Assessment dated January 2015;
- Results of junction modelling at Ainley Top roundabout dated January 2015;
- Technical Note on Proposed Traffic Management on Burn Road dated April 2015;
- Stage 1 Road Safety Audit dated May 2015;
- Designers Response to Stage 1 Road Safety Audit dated May 2015;
- Results of junction modelling at Halifax Road / East Street dated May 2015.

Network traffic counts were undertaken by the applicant in June and July 2014 across the study area comprising seven fully classified automatic traffic

counts, seven fully classified manual turning counts and two speed surveys. This shows a two way peak hour flow of approx. 2,200 vehicles along the A629 Halifax Road.

Trip generation estimates for the proposed development have been agreed and are based on rates derived from adjacent housing site developments. A comparison to the TRICS database has been made and the rates used in the assessment are found to be robust and suitable for analysis. The following peak hour trip generation totals result:

#### **Weekday AM Peak Hour Vehicle Trips**

	Vehicles		
	In	Out	Two-Way
190 residential units	33	99	132

#### **Weekday PM Peak Hour Vehicle Trips**

	Vehicles		
	In	Out	Two-Way
190 residential units	86	51	137

The assignment of development trips to the network is based on an analysis of census travel to work data. This results in the following assignment of flows to surrounding approach routes to the site for the generated trips:

#### **Assignment of Residential Trips to the Network**

Approach Route	% Assignment	Weekday AM Peak (Two-Way)	Weekday PM Peak (Two-Way)
A629 Blackley New Road	27%	36	37
A643 Lindley Moor Road	2%	3	3
A629 Huddersfield Road	10%	13	14
A643 Brighouse Road	8%	10	10
Halifax Old Road	18%	24	25
A629 Halifax Road	35%	46	48

An access strategy has been formulated by the applicant which concentrates access to and from the development proposal mainly via Grimescar Road with approximate 60% of traffic assigned via this route. Access to development sites are proposed via three priority junctions, one off Yew Tree Road and two off Burn Road as indicated on the application drawings.

During the pre-application scoping discussions, two committed developments were identified for inclusion in the assessment. The flows associated with the Lindley Moor residential scheme comprising 300 dwellings and accessed from Weatherhill Road and Cowrakes Road and the 84 unit residential development at Blackley Brickworks are included. Following the submission of the application, the development proposals for Lindley Moor Road /

Crosland Road were lodged as a planning application and the applicant was asked to include flows associated with this development to ensure a robust assessment. The Transport Assessment Addendum dated January 2015 contains this additional analysis.

Four key issues have been of primary concern to Kirklees Highways and have been the subject of considerable discussion and analysis with the applicant:

- The impact of development on the A629 Halifax Road corridor;
- The management of development flows through the A629 / Burn Road junction;
- Junction capacity modelling at Ainley Top and at A629 / East Street;
- Mitigation Measures - off-site highway improvements needed to mitigate the impact of development.

### **The A629 Halifax Road Corridor**

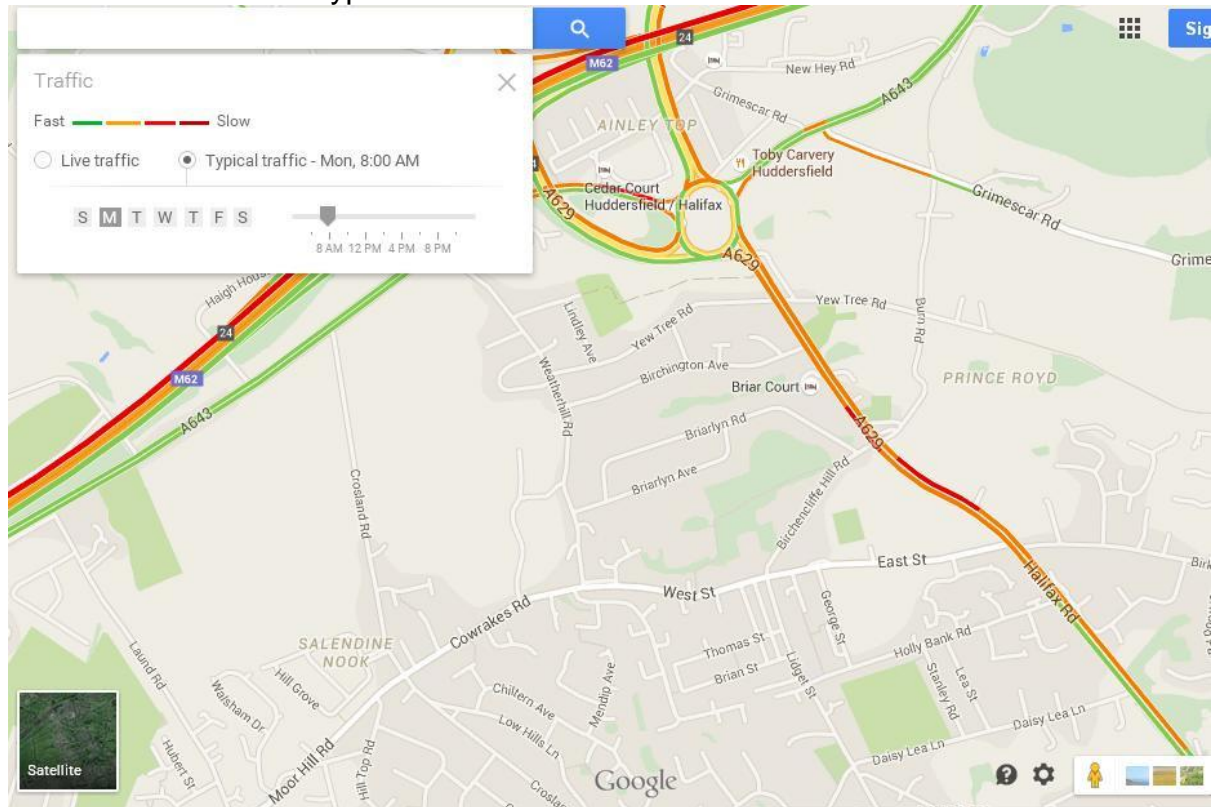
This corridor is one of the key radial routes linking Huddersfield town centre with the motorway network and carries a large volume of traffic. The corridor suffers from slow moving traffic, particularly at peak times. Although the situation has improved with the recent remodeling and signalisation of the Ainley Top roundabout, problems still exist and the corridor is the subject of a current study commissioned by Kirklees Council to better understand the reasons for and solutions to slow moving traffic.

Extensive observations on site and through cctv monitoring show that conditions are not uniform and that there are periods of delay followed by periods of relatively free flow. The reasons for this are varied including blockages caused by slow moving vehicles on the approach to junctions, restrictions due to on-street parking, buses stopped at bus stops and movements into and out of side roads. The operation of the corridor is also to some extent self-limiting with a proportion of drivers having the ability to vary their route or time of journey.

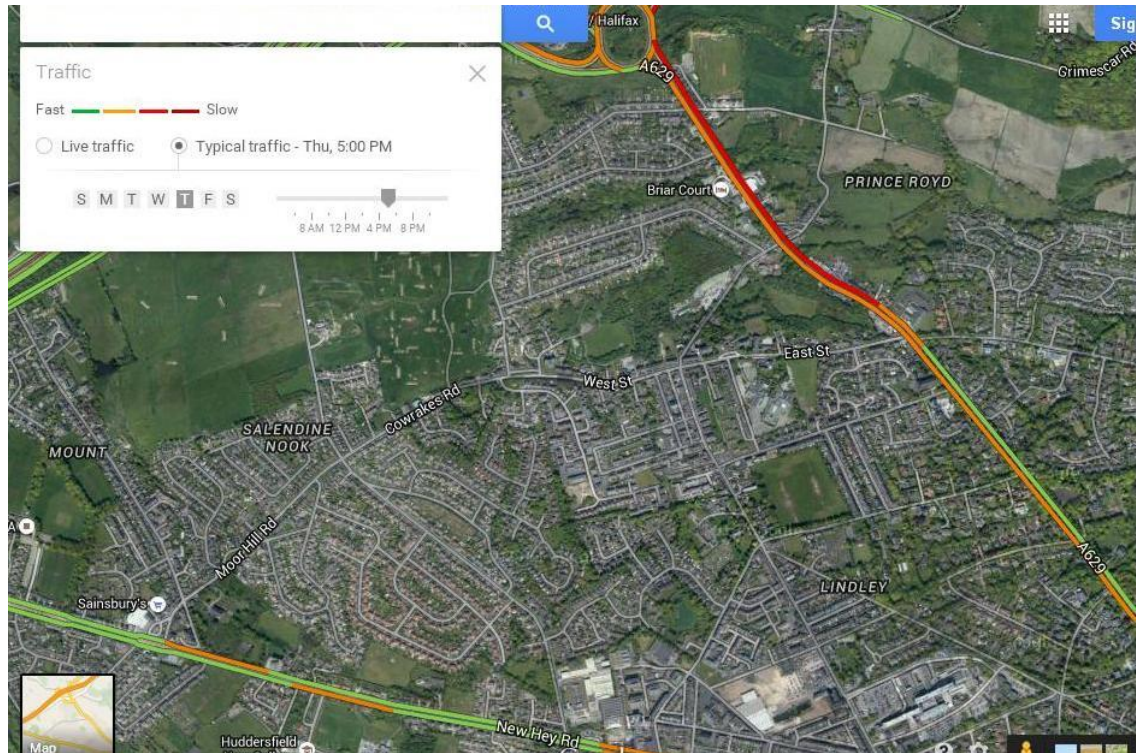
An independent third party representation of traffic conditions in the corridor is provided by Google Traffic which corresponds closely to Highways Development Management's observations and shows the following conditions in the AM and PM peak hours:



### A629 Halifax Road – Typical AM Peak Traffic Conditions:



### A629 Halifax Road – Typical PM Peak Traffic Conditions:



Journey speeds determined from detailed monitoring shows the following section by section journey speeds for selected hours throughout the weekday:

A629 Halifax Road Corridor Route Speeds – Southbound

Route Section	Average Speed in mph										
	0700 to 0800	0800 to 0900	0900 to 1000		1100 to 1200	1200 to 1300	1300 to 1400		1600 to 1700	1700 to 1800	1800 to 1900
Ainley Top to Birchington Av	24	11	20		27	28	27		22	20	21
Birchington Av to Birchencliffe Hill	19	10	18		24	25	24		19	19	21
Birchencliffe Hill to Cavelry Arms	13	7	12		16	17	15		10	11	13
South of Cavelry Arms	29	27	29		29	29	30		28	28	30

A629 Halifax Road Corridor Route Speeds – Northbound

Route Section	Average Speed in mph										
	0700 to 0800	0800 to 0900	0900 to 1000		1100 to 1200	1200 to 1300	1300 to 1400		1600 to 1700	1700 to 1800	1800 to 1900
Approach to Cavelry Arms	11	9	15		16	16	17		7	9	16
Cavelry Arms to Birchencliffe Hill	10	21	24		23	25	24		9	11	26
Birchencliffe Hill to Birchington Av	11	20	23		24	24	21		10	10	22
Birchington Av to Ainley Top	11	18	21		24	23	23		9	10	23

The access strategy adopted for the proposed Yew Tree Road / Burn Road development minimises as far as possible the assignment of traffic onto the A629 corridor to a point where the following link flows are added:  
Development Trips on A629 Halifax Road Corridor

Link	AM Peak Two-Way Flow	PM Peak Two-Way Flow
Ainley Top to Yew Tree Road	10	13
Yew Tree Road to Birchenclyffe Hill Road	41	33
Birchenclyffe Hill Road to East Street	33	34
South East of East Street	28	28

This level of generation spread over the peak hours is considered to have a minor impact on existing corridor conditions with the peak impact occurring on the section between Yew Tree Road and Birchenclyffe Hill Road in the AM Peak when 41 vehicles (35 southbound / 6 northbound) are added to the corridor.

It is appropriate to seek a contribution from the applicant which is proportional to this level of impact and contributes along with other developments to the solutions which are currently being assessed by Kirklees Highways. The contribution secured from the applicant is described below in the section titled 'Mitigation Measures'.

## **Burn Road**

Burn Road meets the A629 Halifax Road at a severely restrained junction with below standard sight lines. The applicant has recognised this and has put forward measures to prevent any development traffic exiting onto the A629 via this junction.

The preferred design solution proposed by the applicant is to make Burn Road northbound only for a short stretch thus preventing any traffic travelling south on Burn Road and exiting onto the A629. The collection of approximately 34 residential properties at Burn Road/Rock Road will be able to enter and exit the A629 as they do now but they will not be able to approach their property from the north along Burn Road from Yew Tree Road/Grimescar Road. Through traffic from north of the restriction will not be able to exit onto the A629 via Burn Road. Northbound movements on Burn Road will be unaffected.

A survey was undertaken by the applicant in February 2015 to determine the level of use of Burn Road. The survey shows that, over a 24 hour weekday (based on Tuesday 24<sup>th</sup> and Wednesday 25<sup>th</sup> February), 140 vehicles exited Burn Road to the A629. Of this total, 82 were classed as 'through' movements that would be affected by the point closure and would therefore need to find an alternative route and 58 as local movements that would be unaffected. The existing 34 residential properties generate 107 inbound movements over the 24 hour period with 62 accessing from the A629 and 45

from Yew Tree Road/Grimescar Road. The 45 trips from Yew Tree Road/Grimescar Road would need to re-route.

A stage 1 safety audit has been prepared to review the proposed design which recommends a number of design modifications which are addressed by the designer in the designer's response. The proposed scheme incorporating the stage 1 safety audit modifications is shown on the applicants drawing 10274/GA/005 rev D.

### **Junction Capacity Modelling**

Based on the anticipated generation and assignment of development traffic, the following junctions have been assessed by the applicant over the course of this application:

- Burn Road / Grimescar Road;
- Grimescar Road / Brighthouse Road;
- Ainley Top Roundabout;
- A629 Halifax Road / Yew Tree Road;
- A629 Halifax Road / Burn Road / Birchenclyffe Hill Road;
- A629 Halifax Road / East Street / Birkby Road.

A number of assessment scenarios have been tested for each junction incorporating the:

- 2019 base year,
- 2019 with committed development,
- 2019 with committed development plus the Yew Tree Road/Burn Road development traffic,
- 2019 with committed development, Yew Tree Road/Burn Road development traffic plus the Lindley Moor/Crosland Road consent traffic.

Burn Road/Grimescar Road: A number of minor improvements to the junction are proposed to address existing geometry issues and all modelling is undertaken assuming that these improvements are implemented. All assessment scenarios work well within capacity.

Grimescar Road/Brighthouse Road: A number of minor improvements to the junction are proposed to address existing geometry issues and all modelling is undertaken assuming that these improvements are implemented. All assessment scenarios work well within capacity.

Ainley Top Roundabout: The current signal controlled layout has been tested with slightly revised signal timings. In 2019 with base plus committed plus development plus Lindley Moor, the approaches from Halifax, Brighthouse, Huddersfield and Blackley are shown to be operating close to or above capacity.

A629/Yew Tree Road: A minor improvement to the junction is proposed to address existing geometry issues and all modelling is undertaken assuming that this improvement is implemented. All assessment scenarios work well within capacity.

A629/Burn Road/Birchenclyffe Hill Road: The current layout has been modelled and the junction continues to operate within capacity.

A629 Halifax Road/East Street/Birkby Road: The current layout has been modelled for all scenarios and is operating above theoretical design capacity but just under absolute capacity on three out of four arms in the AM peak and on all arms in the PM peak. A corridor study is currently underway for the A629 Halifax Road to determine what factors are contributing to the delays within the corridor. It is also noted that MOVA has recently been applied to the junction which monitors vehicle and pedestrian demand and adjusts the provision of green signal time to suite.

### **Mitigation Measures**

- Financial contribution to the A629 Halifax Road improvement scheme;
- Capacity and safety improvement of the Burn Road / Grimescar Road junction;
- Capacity and safety improvement of the Grimescar Road / Brighouse Road junction;
- Capacity and safety improvement of the A629 Halifax Road / Yew Tree Road junction;
- Funding of a scheme to widen Yew Tree Road to a minimum width of 5.5m and the provision of a 2.0m footway;
- Commitment to a residential travel plan including participation in the Residential Metro Card Scheme (bus only);
- Access junctions for the three development sites.

Plans showing the proposed highways works are included in the Transport Assessment and the Addendum Transport Assessment supplied by the applicant as part of the planning application.

The proposed highways works will be implemented through Section 278 Agreements.

The accessibility of the site by non-car modes has been assessed by the applicant in the Transport Assessment. It demonstrates that the vast majority of the red line boundary is within 400 metres walking distance of a bus stop as recommended by the Combined Authority. There are two bus corridors adjacent to the sites namely the A629 corridor and the Yew Tree Road / Burn Road / Grimescar Road corridor. The A629 corridor accommodates the high frequency Service 503 running between Halifax and Huddersfield on a mainly 10 minute frequency during the day Monday to Saturday and a mainly 20 minute frequency during the day on a Sunday. The Yew Tree Road corridor accommodates Service 343 which runs on an hourly frequency between

Halifax and Huddersfield during the day Monday to Saturday. Service 343 does not operate on Sunday.

The accessibility of the site to key facilities and services such as healthcare, education, retail outlets and leisure facilities has also been assessed by the applicant in the Transport Assessment. This shows the location of all these facilities within 2km / 25 minute walk distance of the site. The catchment area used in an assessment of accessibility can range from 2km to as little as 400m based on site specific conditions and the destination land use. One of the key destinations in this assessment due to the range of facilities provided is Lindley centre. This is measured at approximately 800 metres from the centre of the application site but it should be noted that a steep hill up Birchenclyffe Hill Road will extend the walk time. It is the considered opinion of Highways Development Management that there are a range of facilities within a walkable distance of the application site and therefore the accessibility of the site is acceptable.

A Framework Travel Plan has been submitted which sets out measures to achieve a reduction in single occupancy car trips during the peak hours including the provision of information packs to all residents and the promotion of a car share database. If planning permission were to be granted it would be conditional upon a Full Travel Plan being submitted for approval.

It is proposed that this travel plan forms the basis for further negotiation with the applicant if this application progresses.

An analysis of personal injury accidents over a five year period has been undertaken by the applicant. No specific hot spots have been identified.

Both Highways England and the West Yorkshire Combined Authority have commented on this application and both have raised no objections to the development proposal.

Based on this analysis of the development proposal, its impact on transport networks and the proposed mitigation measures, the proposals are considered acceptable and the Highways Service has no wish to resist the granting of planning permission subject to conditions and a S106 agreement.

### **Heritage:**

The NPPF paragraph 128 states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."

Paragraph 132 goes on to state: "Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

Although indicative at this stage, the proposed development is shown to be built within the setting of a number of Grade II listed properties, including Lower Burn Farm (C18th), Middle Burn Farm (C18th), 108/110 Burn Road (C18th). Other listed buildings beyond these are also considered to fall within the sphere of influence of the development when considering their setting.

The application is supported by statements that indicate how the site could be developed. Equally, supporting information in the form of a Heritage Statement is provided and in broad terms Officers are comfortable with its findings and agree that the design can evolve to allow for the setting to be improved in the detailed submission.

### **Residential amenity:**

The indicative layout plan shows a development of 190 dwellings. There are approximately 17 dwellings surrounding the application site that are within sufficiently close proximity to be potentially affected by the development in terms of either close overlooking, loss of light or privacy. However it is considered that there are no insurmountable reasons why a suitably designed housing layout cannot successfully achieve adequate separation distances and privacy/light safeguards, in accordance with the provisions of UDP Policies BE2 and BE12.

### **Ecology:**

UDP Policy EP11 requires applications for planning permission to incorporate landscaping which protects/enhances the ecology of the site, while NPPF Paragraph 118 states that Local Planning Authorities should aim to conserve and enhance biodiversity when determining planning applications.

An ecological survey and report accompanies the planning application, which Officers consider to be comprehensive.

The report identifies important biodiversity features within the area proposed for development and makes a series of recommendations to mitigate, compensate and enhance the site. It also establishes that some areas of the site are of very limited ecological interest.

Important features identified within the report are:

1. Woodlands and tree belts across the site.
2. Trees with some bat roost potential within the woodland blocks.
3. Bat foraging corridors around and along woodland networks and the east-west running byway.
4. A particular glade within one area of woodland, identified as an autumn lekking site for bats.
5. Neutral, wet and acid grassland - some with areas of more significant botanical interest. Some grassland is currently subject to inappropriate grazing management, reducing the potential for species' richness.
6. Cloughs with stream corridors and associated habitats, which include both grassland and woodland.



7. Ponds located within the immediate vicinity of the site, which may have potential as breeding great-crested newt ponds.
8. Some breeding bird interest, although not especially notable.
9. Invertebrate interest - likely to be limited to those grassland and woodland habitats identified of higher value, but not significant beyond local interest.
10. Invasive species are present within the site (Himalayan balsam).

Fig 12 of the report shows the most valuable habitats where development should be avoided. It also shows areas where there is a mix of more significant botanical interest within areas of lesser value and advises that care is required if these areas are to be developed. Other areas are of limited ecological interests and there are no constraints to their development.

The indicative layout avoids the areas of more significant interest, although most of those areas of moderate interest are included for development. Given this, greater clarity is required about the value of these areas and to do this, Officers have suggested that all of those habitats identified with some higher level of botanical interest should be assessed against the criteria for Local Wildlife Site selection in West Yorkshire. This should be in the context of grassland, woodland and habitat mosaic criteria.

In addition, although it was stated initially that the ponds located within the immediate vicinity of the site may have potential as breeding great-crested newt ponds, this has now been discounted because of the lack of records in the area and the unlikelihood of the species being present following an HSI assessment of the ponds.

The conclusions and recommendations in the report are accepted and, through the implementation of appropriate mitigation, compensation and enhancement measures of the type as laid out in the report, biodiversity impacts can be negated. On this basis there is no objection to the proposed development providing, as recommended in the report, a full biodiversity management and enhancement plan, based upon the mitigation strategy outlined in the report, is produced and implemented as part of the development scheme.

### **Habitat Regulations Assessment:**

In exercising its duties the LPA needs to be mindful of any potential adverse impacts on the South Pennine Moors Special Protection Area/Special Area of Conservation, especially in combination with other developments, through increased recreational pressures and dog walking in particular. Although the European designated site is approximately 9km away from this site, it is only around 10-15 minutes travel time from the development site by car to the nearest access point to the SPA/SAC at Cupwith Reservoir. However, having considered the distance involved and the proposal for good, local on-site recreational open space provision within the new development, it is concluded that it is unlikely there would be any adverse impacts on the SPA/SAC. This



issue will not therefore be considered further unless the aspirations for good on-site provision of recreational open space fails to materialise at this site.

### **Trees:**

Officers raise no objections to the scheme in principle, however a Tree Preservation Order has been served to protect four woodland groups on or adjacent to the proposal site. With this in mind any finalised layout will need to take account of these protected woodlands, to ensure the proposal integrates with them, avoiding initial damage by the construction activities and also avoiding long term pressures to fell or prune.

### **Flood risk & drainage:**

The proposal site is not within an area of flood risk in respect of main rivers, however because the site is over 1ha in size, flooding from surface water is a material consideration in the determination of this application.

A Flood Risk Assessment has been submitted as part of the application and this makes a number of recommendations to be implemented prior to the occupation of the development. These recommendations are endorsed by the Environment Agency: (1) Finished flood levels to be set no lower than 150mm above current ground levels; and (2) Surface water run-off rates are to be agreed with the Kirklees Council Strategic Drainage Department.

Strategic Drainage Officers agree that a drainage solution can be achieved but not as recommended by the Environment Agency, because simply raising floor levels is no longer considered to be good practice.

In terms of surface water flood routing through the proposed development, an addendum to the FRA highlights the need to consider mitigation techniques for flood routing for blockage scenarios and exceedance events, which should be taken up at the detailed design stage. Flows need to avoid property and curtilage, making use of the road network and public open space to move flows off site to areas where water would naturally go if the site remained undeveloped.

Again, these issues can be covered by suitably worded conditions.

### **Crime prevention:**

UDP Policy BE23 states that new developments should incorporate crime prevention measures to achieve pedestrian safety on footpaths; natural surveillance of public spaces; and secure locations for parking areas.

The submitted Design and Access Statement makes reference to several issues to be addressed to reduce the opportunity for crime. These include:

- Prevention of casual access to rear of dwellings.
- Rear garden boundaries which adjoin publicly accessible space to be minimum 1.8m in height and additionally topped with 300mm trellis.

- Having clear demarcation of front gardens. Open plan gardens often contribute to complaints of nuisance and anti-social behaviour.
- Clear surveillance of publicly accessible areas including POS.
- Specification of external doors and ground floor / accessible windows to meet with up to date *Secured by Design* guidance.

Given the proposed layout is indicative only at this stage, Officers would welcome detail in a future reserved matters application that shows adherence to the 'Designing Out Crime' recommendations as referred to in the Design and Access Statement.

Finally, it is recommended that the layout should ensure that the orientation of dwellings does not result in public rights of way running along the rear of, and/or provide easy access to, buildings or gardens.

### **Noise:**

UDP Policy EP4 states that: "proposals for noise sensitive developments in proximity to existing sources of noise, or for noise generating uses of land close to existing noise sensitive development, will be considered taking into account the effects of existing or projected noise levels on the occupiers of the existing or proposed noise sensitive development."

A noise report has been undertaken as part of the planning application in order to establish if there are any constraints to development.

The report establishes that the ambient noise climate across the application site is associated with local and distant road traffic. Noise levels are considered to be low throughout the application site during both the daytime and at night.

An indicative scheme of sound insulation works has been developed to protect the proposed development from the ambient noise climate in accordance with the requirements of the National Planning Policy Framework. On this basis, the applicants assert that the ambient noise climate is not considered to represent a constraint to the proposed development of the application site.

Officers agree with these conclusions and concur with the recommendation to agree any necessary sound insulation works through a suitably worded condition.

### **Air quality:**

NPPF Paragraph 109 states that " the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability....."

This development is in close proximity to Halifax Road and the Ainley Top roundabout, where monitored air quality levels have exceeded the health related annual objective for NO<sub>2</sub>. Therefore, in accordance with the West Yorkshire Low Emission Strategy Planning Guidance Document an Air Quality Impact Assessment was requested, including the calculations of damage costs as a result of the damage from emissions specific to this development.

In accordance with national guidance the developer has furnished the local authority with a screening assessment for the site, which was followed by the submission of a full impact assessment using detailed dispersion modelling at the request of local authority officers. Officers are satisfied with the methodology adopted and satisfied that the results in accordance with national guidance are regarded as imperceptible.

In order to address problems identified with issues of trigger levels in the national guidance and a focus on problem areas, West Yorkshire Low Emission Strategy Planning Guidance has been drafted to take a holistic approach to Air Quality and Planning, with a move towards a district wide culpability and mitigation requirement.

Therefore, in accordance with the West Yorkshire Low Emission Planning Guidance it is requested that the damage costs are calculated and the value of impact from this development be reflected in the money spent on mitigation measures specific to benefits to air quality. Contained within the damage cost report were mitigation measures and the specific costs to implement. Officers are satisfied that the low emission mitigation measures highlighted in the travel plan reflect the damage cost.

In addition to the travel plan Officers request that the following condition is applied in order to promote green sustainable transport:

- Installation of 1 vehicle charging point per unit (dwelling with dedicated parking) or 1 vehicle charging point per 10 spaces (unallocated parking).

### **Health Impact Assessment:**

The applicant has submitted a Health Impact Assessment at the request of the LPA which considers a range of themes and issues and the potential effects/impacts of the development proposed. This is material to the consideration of the application and provide a framework for the consideration of potential health Impacts.

The Council's Public Health team has considered the Health Impact Assessment:

- Welcome the fact that the proposed development incorporates a number of open spaces in close proximity to proposed dwellings
- Positive that the development will provide new footpath links to these open spaces, would like to see these links include cycle paths.

- Pleased to see the provision of new and improved footpaths and cycle routes as part of the proposed development that will build activity into everyday lives as well as providing a healthy alternative to the private car when accessing recreation spaces, play areas and local services at Lindley. Would like to see specific reference made to walking and cycling routes to all of the local schools from the proposed development.
- The consideration being given to the provision of community allotments which will provide opportunities for physical activity and provision of fresh food with associated diet benefits is welcomed. Hope that this goes beyond consideration and actually comes to fruition.
- It is pleasing to see that the developer is proposing to discuss the option of incorporating electric charging points for each dwelling with the Council, would also like to see this discussion widen to include solar panels, and again hope that these considerations are then implemented.
- The proposal to discuss the option of introducing travel plans advocating use of public transport together with promotion of walking and cycling is welcomed.
- The proposed discussions about a new footway along Yew Tree Road and a cycle only link on Burn Road South are welcomed. Would like to see consultation takes place with potential users to ensure that other interventions are not missed.
- Where reference is made to new footpath links to children's play equipment, would like to see specific reference made to ensuring that these play equipment areas apply the Kirklees Play Equipment Standards.

The Health Impact Assessment considers the health implications of the development proposed in an holistic way and identifies the wider health benefits arising from the development in terms of provision of new housing (both affordable and open market) at a time of general housing need, increased opportunities for exercise and activity with provision of open space for exercise and interaction between future residents. The wider health benefits arising from the proposed development are material in the consideration of the application.

### **Affordable housing:**

Affordable housing is to be provided in accordance with the objectives of UDP Policy H10 and the Council's Supplementary Planning Document (SPD2).

In this case, because the site is previously undeveloped (i.e. greenfield), an affordable provision of 30% of floorspace will be required. The applicant has confirmed that they will provide this amount, with the mix and type of affordable housing to be agreed through a Grampian condition, with a Section 106 agreement to discharge the requirements of the condition prior to development commencing.

## **Local Infrastructure Provision:**

There have been numerous objections relating to the capacity of social infrastructure, notably school places and local doctor and dentist practices. The emerging local plan will be accompanied by an infrastructure delivery plan. However, until this is at a point where it can be considered to be a material consideration the main considerations will need to be current policy and guidance.

The following sections deal with each area. Overall there is policy compliance and as such it is not possible to raise objection on these grounds.

## **School places:**

Kirklees Council Policy Guidance: 'Providing for Education Needs Generated by New Housing' states that "the need for the provision of additional school places will be a material consideration when planning applications for new housing developments are considered. The Council will negotiate with developers for a financial contribution to cover the cost of additional school places where the local school has insufficient assessed capacity within available accommodation for the places likely to be generated.

In terms of school places, a deficit of places in respect of the expected likely demand created by this development is forecast to occur at Lindley CE infant school and Lindley junior school. The additional places required would generate a contribution from the developer of £469,503 in this instance. The developer has agreed to this contribution and the policy requirements are met.

The Council has a statutory duty to ensure that there is sufficient high quality school places to meet the needs of Kirklees families and communities (this is referred to as Basic Need).

An increasing need for learning places within Huddersfield North and North West is recognised by the Council, an overall strategy is being developed in collaboration with school leaders and providers to establish additional places. This is attributable to both demographic growth and the impact of new housing therefore any additional housing developments will further impact upon the requirement to create additional places. This will need to be monitored and reviewed as new housing provision, patterns of parental preference and cross boundary movements change. (Report to Cabinet 24/03/2015 – Outlining the current position across Kirklees in relation to securing sufficient learning places for primary, secondary and specialist school age children).

Whilst the development of strategy to meet this need is a matter for the Council's Children & Young People Directorate, the LPA has consistently secured financial contributions from new housing development through planning obligations in accordance with the Council's Policy Guidance 'Providing for Education Needs Generated by New Developments' that is used to meet such needs.

The development proposed meets the full education contribution required by this policy guidance and as such contributes to the wider strategy for the delivery of school places within Huddersfield North and North West and, as proposals to address the Basic Need requirements are brought forward, would partially fund any new or additional school buildings.

#### **Doctor and dental practices:**

The provision of facilities such as doctors and dentists are a matter for the Local Health Authority and not an issue over which the Local Planning Authority has any control nor does it have any control over whether the facilities are NHS or private. This is not a material planning consideration.

#### **Public open space:**

UDP Policy H18 requires a provision of 30 sq.m of public open space (POS) per dwelling on sites more than 0.4 hectares in area. The indicative layout shows areas set aside for POS, together with areas of established woodland and mature tree coverage, largely focused along the valley sides of Grimescar Beck and its adjoining tributaries and areas of incidental open space. The applicant proposes that equipped play provision be accommodated within the POS. A S106 obligation will make provision for the implementation, management and maintenance of the public open space together with management of maintenance of the woodland, trees and incidental open space.

With reference to existing POS facilities, there is potentially good access to the existing recreation ground off Halifax Road, with footpath links considered. There is an existing play area within the recreation ground which would benefit from an off-site contribution to help ensure it is an appropriately equipped for the addition of new residents, with broader requirements for through age provision, and its future sustainability.

The location, extent and design of the public open space together with arrangements for subsequent maintenance is to be dealt with by way of a S106 obligation.

#### **Other issues:**

Although no land contamination is recorded or suspected in this location, Environmental Services recommend conditions requiring appropriate surveys and remediation in the unlikely event any contamination is identified.

Part of the development is located within a groundwater Source Protection Zone 2 (SPZ2) for a potable groundwater abstraction. The Environment Agency therefore considers it very important (in accordance with NPPF para 109) that groundwater is protected from possible pollution associated with the surface water drainage system.

Conditions are therefore recommended to ensure that: (i) any unexpected contamination, encountered during the development, is appropriately investigated and remediated in order to reduce risks to controlled waters to an acceptable level; and (ii) no infiltration of surface water into the ground is permitted without a scheme to control potential pollution being first agreed through the Local Planning Authority.

In terms of historic coal workings, the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is likely to have been subject to unrecorded underground coal mining at shallow depth and that 5 mine entries (shafts) are within or within influencing distance of the planning boundary.

The Coal Authority consider that the applicant has obtained appropriate and up-to-date coal mining information for the proposed development site, including a Coal Mining Report, Historical OS Plans and BGS geological mapping. This information has been used to inform the Preliminary Geo-environmental Investigation Report (April 2014, prepared by Lithos Consulting Limited), which accompanies the planning application.

This report proposes to establish their precise locations and once the mine entries have been located and investigated, the shafts might require treatment, such as filling and capping, to enable the safe operation of the site. The Coal Authority would expect the finalised site layout to be informed by their presence and an appropriate 'no build zone' should be defined around each of the mine entries, to ensure that development does not occur above or too close to these mining hazards. In addition, suitable remediation methods may be required. These matters can be conditioned.

### **S106 Obligation:**

Draft Heads of Terms for the S106 obligation have been submitted. The S106 obligation will secure:

Affordable Housing	30% of floorspace
Education	£469,503
Public Open Space	Policy compliant provision on site
A629/East Street Improvement Scheme Contribution	£150,000
Resident Metro Cards	£27,118
Travel Plan Monitoring	£15,000
Riverside Walkway	Implementation of scheme by S106

## **Conclusion:**

The site is allocated as Provisional Open Land in the Council's Unitary Development Plan. The National Planning Policy Framework places emphasis on the ability of Local Authorities to demonstrate a five year supply of housing. It is well documented that the Council cannot currently demonstrate this.

NPPF paragraph 14 states that where relevant policies are out-of-date, planning permission should be granted "unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted".

Footnote 9 lists examples of restrictive policies but this does not include land allocated for housing, or greenfield land.

A development of this scale and in this position within this landscape reveals a residual 'moderate adverse impact' in terms of landscape and visual effects in some areas.

Having regard to the information submitted by both the applicants and the objectors it is considered that whilst the site is of good landscape value, it could accommodate the housing development proposed, although there should be a full range of landscape conditions ensuring the highest standards of landscape design, enhancement and mitigation with sensitivity toward landscape value. The new public open spaces and green corridors are key to the success of assimilating the new housing into the landscape and minimising the effects on the setting.

In officer's view the residual adverse landscape and visual impacts are not on their own considered to "significantly and demonstrably" outweigh the material and sustainable benefits of new housing for the borough.

The Local Plan will provide the evidence base for all new and retained allocations including POL. The Local Plan process will also be the vehicle to assess whether there are exceptional circumstances to return POL sites back to Green Belt or whether they may be suitable for allocation as Urban Greenspace. The local plan process is underway however it is still some way from being sufficiently advanced to carry any weight in decision making for individual planning applications. The LPA must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.

Officers have considered whether other material considerations would significantly and demonstrably outweigh the benefits of delivering new housing. The following conclusions have been drawn.

Based on this analysis of the development proposal, its impact on transport networks and the proposed mitigation measures, the proposals are



considered acceptable to the Highways Service subject to conditions and a S106 agreement.

Likewise other impacts relating to air quality, noise, ecology and flooding have all been assessed by technical consultees from either within the Council or external bodies. In the absence of objection and as conditions can be imposed, the development, as proposed, can be delivered.

It is considered that, on balance, there are no other material considerations that would significantly and demonstrably outweigh the benefits of delivering new housing.

## **10. RECOMMENDATION**

### **GRANT CONDITIONAL OUTLINE PLANNING PERMISSION – SUBJECT TO SECTION 106 TO SECURE:**

- **Provision of affordable housing**
- **Education contribution**
- **Provision of Public Open Space**
- **Arrangements for the management and maintenance of the balance of woodland and incidental open space within the site**
- **Contribution towards the A629/East Street Improvement Scheme**
- **Resident Metro Card scheme contribution**
- **Travel plan monitoring contribution**
- **Provision of riverside walkway**

#### **Conditions:**

1) Approval of the details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance, landscaping, layout and scale shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

3) Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4) The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or in the case of approval of different dates, the final approval of the last such matter to be approved.

5) No development shall take place until a scheme of intrusive site investigation works to establish the coal mining legacy issues on the proposal site has been submitted to and approved in writing by the Local Planning Authority. In the event that the site investigations confirm the need for remedial works, a further scheme to treat the mine entries/areas of shallow mine workings to ensure the safety and stability of the development, shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the remedial works have been completed in full accordance with the approved scheme.

6) No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, the arrangements shall cover the following matters:-

- a) the number and type of affordable housing units to be provided.
- b) the layout and disposition of the units affordable housing to be provided.
- c) the timescale for the implementation and completion of the affordable housing units;
- d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

7) No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the layout and disposition of the public open space.
- b) the timescale for the implementation and completion of the works to provide the public open space;
- c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
- d) maintenance of the public open space in perpetuity.

8) The development hereby permitted by shall be carried out in accordance with the approved Flood Risk Assessment (FRA), produced by Egorum, 0187/3/FRA, July 2014 and specifically, with the following mitigation measures detailed within the FRA:

- i) Finished flood levels are set no lower than 150mm above current ground levels
- ii) Surface water run-off rates are to be agreed with the Kirklees Drainage Department.

The mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- 9) Prior to the commencement of any development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall provide for:
- i. An assessment of the risks posed to groundwater quality during the construction phase, including foundation works
  - ii. The implementation of mitigation measures designed to protect groundwater
  - iii. Details of the size, location and design of any site compounds, including how any potentially polluting materials will be stored to minimise the risk of pollution
  - iv. Pollution incident management plan
- 10) No infiltration of surface water drainage into the ground shall take place unless it can be demonstrated, through a scheme to be submitted to and approved in writing by the Local Planning Authority, that there would be no resultant unacceptable pollution risk to controlled waters. Any subsequent surface water infiltration shall be managed in accordance with the approved scheme.
- 11) 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.
- 12) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11 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.
- 13) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. 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.
- 14) 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.

15) Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Report dated 29 August 2014 produced by ENS – Environmental Noise Solutions (Ref NIA/5166/14/4849) shall be completed; and written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the local planning authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

16) Development shall not commence until a scheme detailing separate systems of foul, surface water and land drainage, (including off site works, outfalls, balancing works including greenfield run-off analysis, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained throughout the lifetime of the development.

17) Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a greenfield run-off rates (as agreed with Kirklees Flood Management & Drainage) has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Volumes in excess of the critical 1 in 30 or critical event, upto and including the critical 1 in 100 year storm event, with an appropriate allowance for climate change shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development

18) There shall be no pumped discharge of surface water from this development.

19) Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- i. The phasing of the development and phasing of temporary drainage provision.
- ii. Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

20) The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, exceedance events and blockage scenarios, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development.

21) Development shall not commence until a survey of existing watercourse has been submitted to the Local Planning Authority and scheme detailing watercourse improvements, stand-off distances and other risk mitigation proposals including the piping of the watercourse at the point(s) of access within the site and, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the piped watercourse and works for the lifetime of the development. No part of the development shall be brought into use until the watercourse piping works and improvement works comprising the approved scheme have been completed. The maintenance and management regimes shall be implemented for the lifetime of the development.

22) Development shall not commence until a scheme (or schemes) detailing the following off-site works, including the relevant Stage Road Safety Audits (ref: CIHT guidelines on Road Safety Audit (2008)) has been submitted to and approved in writing by the Local Planning Authority:

- i. An improvement of A629 Halifax Road / Yew Tree Road junction to provide sight line improvements (drawing ref: 12074/GA/01 rev C);
- ii. An improvement of Burn Road / Grimscar Road junction to provide sight line improvements (drawing ref: 12074/GA/02 rev A);
- iii. An improvement of A643 Brighouse Road / Grimscar Road junction to provide geometry improvements (drawing ref: 12074/GA/03 rev A);

- iv. An improvement of Yew Tree Road between the proposed site access and A629 to provide a 5.5m carriageway and a 2.0m footway (drawing ref: 12074/GA/06 rev B);
- v. A traffic management scheme for Burn Road to minimise the use of the A629 Halifax Road / Burn Road junction (drawing ref: 12074/GA/05 rev D);
- vi. Site access arrangements at one point off Yew Tree Road and two points off Burn Road in accordance with submitted plans (drawing ref: 12074/GA/04 rev A).

The development shall not commence until these schemes have been approved and shall not be occupied until all the works are complete in accordance with the approved scheme. The works shall thereafter be retained for the lifetime of the development.

23) Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, including what arrangements will be made for restricting such vehicles to approved points of access and egress, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be operated throughout the period of construction work.

24) No part of the residential development shall be brought into use until a Full Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

25) Development shall not commence until a biodiversity enhancement and management plan (based upon the mitigation strategy set out in the Ecological survey and reports) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved.

26) Prior to occupation of the dwelling(s), in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. In residential units that have unallocated parking spaces then before occupation of these units at least one electric vehicle recharging point per ten properties with the above specification shall be installed.

**NOTE:** 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 13.00 hours, 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.

This recommendation is based on the following plans and reports:-

<b>Plan / Report Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Environmental Statement Volume 1			Sept 2014
Environmental Statement Volume 2			Sept 2014
Environmental Statement Non Technical Summary			Sept 2014
Planning Policy Statement			Sept 2014
Transport Assessment			Sept 2014
Travel Plan			Sept 2014
Optima technical note on Proposed Traffic Management on Burn Road	Project no 12074		7th April 2015
Design & Access Statement			Sept 2014
Heritage Assessment	THE01-01		June 2014
Health Impacts Assessment			April 2015
Air Quality Modelling Report	47070230/A008/01		May 2015
Air Quality Mitigation			19 Jan 2015
Ecological Appraisal	BE-1316-01.1		Oct 2012
Ecology Report	BE/P/1316/004.1		5th Feb 2015
Invertebrate Interest Assessment			31 Oct 2012
White Clawed Crayfish Survey	R-1316-02		Jan 2014
Bat Survey	R-1316-03		Dec 2013
Riparian Mammal Survey	R-1316-04		Jan 2014
Reptile Survey	R-1316-05		Jan 2014
Breeding Bird Survey	R-1316-06		Jan 2014
Vegetation Survey Update	R-1316-07		May 2015
Tree Survey			July 2014
Landscape & Visual Assessment Illustrations			June 2014

<b>Plan / Report Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Flood Risk Assessment	0187/3/FRA		July 2014
Addendum to Flood Risk Assessment	0187/3/FRA Addendum 1	Rev 1	16 Dec 2014
Geo environmental Investigation	1841/1		April 2014
Noise Impact Assessment	NIA/5166/14/4849		Aug 2014
Affordable Housing Statement			Sept 2014
Statement of Community Involvement			Sept 2014
Masterplan Strategy	DWG No 003	Rev C	22 Dec2014
Masterplan Strategy	DWG No 004	Rev C	22 Dec 2014
Development Parameters Land Use & Development Heights			
Development Parameters Greenspace & Retained Features			
Proposed Halifax Road Yew Tree Road Junction Improvements	DRG No 12074/GA/01	Rev C	Feb 2015
Proposed Grimescar Road Burn Road Junction Improvements	DRG No 12074/GA/02	Rev A	Aug 2014
Proposed Brighthouse Road Grimescar Road Junction Improvements	DRG No 12074/GA/03	Rev A	Aug 2014
Proposed Site Access Arrangements	DRG No 12074/GA/04	Rev A	11th Sept 2014
Burn Road Access Arrangement	DRG No 12074/GA/05	Rev C	Feb 2014
Yew Tree Road Proposed Improvement	DRG No 12074/GA/06	Rev B	Nov 2014
Application Boundary	DWG No 002	Rev A	22 Dec 2014



**Application No: 2014/91282**

**Type of application: 62m - FULL APPLICATION**

**Proposal: *Erection of 135 residential properties with associated access, parking and landscaping and the creation of a car park to serve Crossley Fields Junior and Infant School***

**Location: *Land off, Woodward Court/Hepworth Lane, Mirfield***

**Grid Ref: 420950.0 421073.0**

**Ward: *Mirfield Ward***

**Applicant: *Bellway Homes (Yorkshire) Limited***

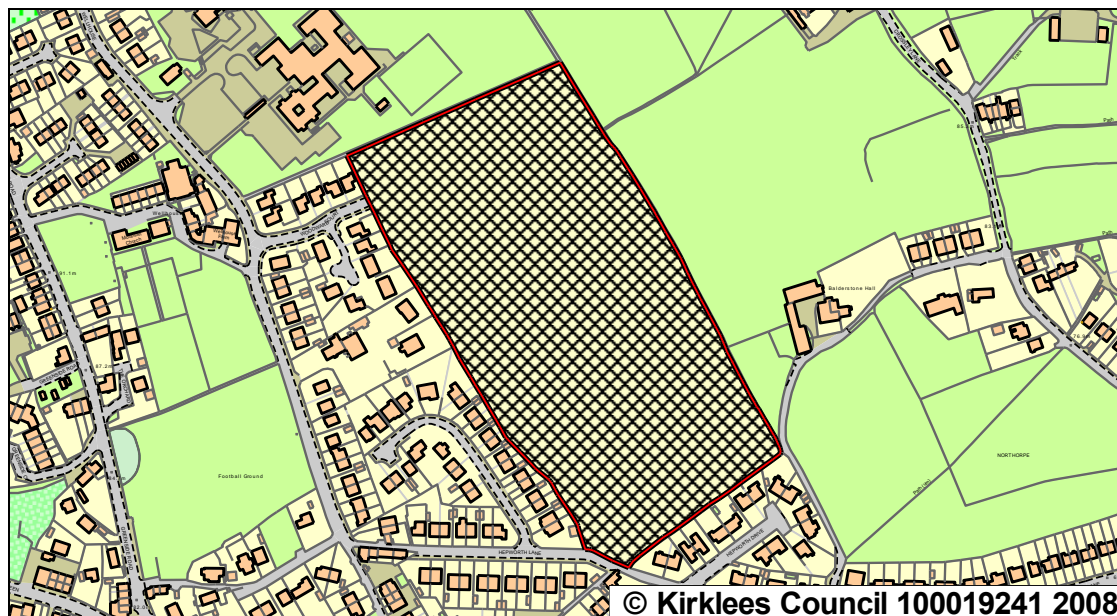
**Agent: *Emma Gomersal, DPP One Ltd***

**Target Date: *22-Jul-2014***

**Recommendation: *RF1 - REFUSAL***

**Link to [guidance notes for public speaking at planning committee](#) including how to pre-register your intention to speak.**

## **LOCATION PLAN**



**Map not scale – for identification purposes only**

## 1. SUMMARY OF APPLICATION

<b>Application Details</b>		
Type of Development	Residential	
Scale of Development	135 dwellings	
No. Jobs Created or Retained		
<b>Policy</b>		
UDP allocation	POL	
Independent Viability Required	N/A	
<b>Consultation/Representation</b>		
Individual Support (No.)	0	
Individual Objection (No.)	383	
Other Objections	Mirfield Town Council Save Mirfield Project Mirfield Simon Reeve (former MP)	
Ward Member Interest	Yes	
Statutory Consultee Objections	No	
<b>Contributions</b>		
• Affordable Housing	50 dwellings	30% floor space
• Education	£619,709	
• Public Open Space	£20,700	
• KSEZ Contribution	£244,156	
• Resident Metro Cards	£64,125	
• Travel Plan Monitoring	£15,000	
<b>Other Issues</b>		
Any Council Interest?	N/A	
Pre-application planning advice?	YES	
Pre-App Consultation Undertaken?		
<b>Comment on Application</b>		

## 2. RECOMMENDATION

### REFUSE PLANNING PERMISSION

## 3. INFORMATION

The application is brought forward to Strategic Committee as the development proposed would be a departure from the Council's Unitary Development Plan (UDP).

### Site Description:

The site extends to an area of 4.77 hectares and comprises an open field that is currently divided into paddocks and grazed by horses. The southern and western boundaries are adjoined by the rear curtilages of detached and semi-detached properties along Woodward Court, Hepworth Court and Hepworth Drive. A public footpath runs to the southern boundary of the site. The northern boundary is formed by Crossley Fields Junior and Infant School. A public footpath runs to the northern boundary which leads from Wellhouse Lane to the public footpath to the eastern boundary of the site. Beyond this footpath the southern part of this boundary is formed by the access serving the Grade II listed Balderstone Hall. The eastern boundary, in part, adjoins a road to a group of residential properties and in the other part it adjoins a field boundary beyond which there are open fields.

The site is generally open in character and slopes gently down towards Hepworth Lane.

### Proposal:

The application seeks full planning permission for the development of 135, 2 to 4 bedroom dwellings, providing a mix of detached, semi-detached and terraced houses with associated access and landscaping and the formation of a car park to serve Crossley Field Junior & Infant School.

Access is proposed off Woodward Court. An emergency vehicular access and pedestrian link into the Site is to be provided from Hepworth Lane.

The car park which is to serve the neighbouring school is located within the north-western corner of the Site and incorporates a one way loop system, off which 24 car parking spaces are provided.

## **4. BACKGROUND & HISTORY**

98/92026 – Outline application for residential development with associated access works and laying out of public open space.

Appeal against non-determination dismissed (see assessment)

## **5. PLANNING POLICY**

### Kirklees Unitary Development Plan

D5 – Provisional Open Land (POL)

BE1 – Design principles

BE2 – Quality of design

BE11 – Use of natural stone

BE12 – Space about buildings

T10 – Highway safety

T16 – Pedestrian routes

T19 – Car parking standards  
G6 – Contaminated land  
H1 – Meeting housing needs in the district  
H10 – Affordable housing  
H12 – Affordable housing  
H18 – Public open space  
EP4 – Noise sensitive development  
EP10 – Energy efficiency  
EP11 – Integral landscaping scheme to protect / enhance ecology  
BE23 – Crime prevention  
R13 – Rights of way

#### National Planning Policy Framework

NPPF Promoting sustainable transport (chapter 4)  
NPPF Delivering a wide choice of high quality homes (chapter 6)  
NPPF Requiring good design (chapter 7)  
NPPF Promoting healthy communities (chapter 8)  
NPPF Meeting the challenge of climate change, flooding (chapter 10)  
NPPF Conserving and enhancing the natural environment (chapter 11)

#### Planning Practice Guidance March 2014

Air Quality

#### Other Guidance

KMC SPD 2 (2008) – Affordable Housing  
KMC Policy Guidance: 'Providing for Education Needs Generated by New Housing'

### **6. CONSULTATIONS**

**KC Highways** – Highways Development Management considers that the cumulative impacts associated with the proposed scale of development and associated traffic cannot be efficiently and safely accommodated on the local highway network within the vicinity of the site. As such, the proposal in its current form is considered unacceptable from a highways point of view.

**KC Environmental Services** – Recommend conditions in respect of contaminated land, air quality mitigation measures, suppression of dust during construction and lighting of the car park.

**KC Strategic Drainage** – Test results have been supplied that show encouraging soakaway results for significant, but not all, parts of the site. Further tests and analysis is envisaged. The location of soakaways is potentially problematic and no reference has been made with regard to long term maintenance plans which are required in detail at this stage. Given the size of the site and location of adjacent property at lower levels, it is of paramount importance that the LPA is satisfied that all risk can be

adequately mitigated and managed and the drainage solution accommodated. KC Strategic Drainage therefore strongly recommend independent specialist geotechnical advice is sought concerning underground water movement, potential re-emergence issues in the first instance and further discussion thereafter and cannot recommend approval and conditions at this time unless a workable alternative solution is agreed as a back up to the soakaway option pending further investigation.

**KC Strategic Housing** – The proposal for 135 homes provides a range of house types on a greenfield site and accordingly the affordable housing policy as set out Supplementary Planning Document 2 aspires to secure 30% of the gross internal floorspace for affordable housing. On this basis it is understood that the applicant proposes to meet this policy aspiration and it is assumed that the developer has tested this through their own viability model to arrive at this offer.

On this basis, the site could provide a significant contribution to affordable housing and the range of house types proposed should be sufficient to be able to meet the headline need for 2 and 3 bed affordable homes of social rented and intermediate tenure as identified in the Strategic Housing Market Assessment.

The developer has provided an indicative affordable housing offer based on 2 distinct phases which is acceptable in principle. Further work, notwithstanding the proposed offer, would be needed to verify that the mix of the type and tenure of the units meets housing needs.

**KC Landscape** – The development should incorporate a high quality, well designed landscape scheme. The provision on site falls short of the policy requirement which can be compensated for by an off-site contribution. Open spaces within the layout are not considered appropriate for equipped play provision; such provision would be better located off site as part of an existing facilities at Crossley Lane.

**KC Ecologist** – The site is of limited ecological value consisting mainly of semi-improved agricultural grassland and species poor hedges. The ecological survey proposes a range of mitigation measures. In principle the conclusions of the report and the recommendations made are accepted, conditions are recommended.

**KC Education** – A contribution of £619,709 is required towards meeting demand at Crossley Fields J&I and Mirfield Free Grammar Schools

**Coal Authority** – The Coal Authority concurs with the recommendations of the Geo environmental Appraisal that coal mining legacy potentially poses a risk on some parts of the site and that further intrusive site investigation works should be undertaken. Subject to imposition of conditions the Coal Authority considers that the content and conclusions of the appraisal meets the requirements of the NPPF in demonstrating that the site is or can be made safe and stable for the development proposed.

**Environment Agency** – No objection subject to conditions in respect of finished floor levels

**Yorkshire Water** – Recommend conditions requiring separate systems of drainage for foul and surface water and arrangements for the discharge of surface water

**West Yorkshire Police Architectural Liaison Officer** – Expresses concern about a number of instances where shared rear access footpaths would compromise security. Where the rear of dwellings border open, publically accessible land a uniform height of fencing of a minimum of 2.1m should be required

**Mirfield Town Council** – Make representations in respect of:

- Departure from the development plan (Policy D5 Provisional Open Land)
- Sustainability
- Impact upon highway network and highway safety
- Space about dwellings (Policy BE12)
- Impact upon public footpaths
- Provision of public open space (Policy H18)
- Insufficient information in respect of materials
- Retention of mature hedgerow which crosses the site

The Town Council concludes that there are doubts about whether the development complies with the development plan in respect of policies H18 and BE12. There are also concerns about compliance of the development with policy T10.

The lack of information about proposed materials means that the Council should not entertain the application.

## **7. REPRESENTATIONS**

The application has been advertised by means of neighbour notification letters, site notices and press notice. Amended plans and further supporting information have been re advertised in the same way.

In total 383 representations have been received objecting to the application

Concerns raised relate to:

- Loss of open fields and amenity space that is valued by the community
- Loss of local habitat and the subsequent impact on wildlife
- Impact of additional traffic and congestion on pollution levels and air quality

- Access from Woodward Court is unsuitable being an existing cul de sac
- Local highway network around Woodward Court, Wellhouse Lane, Jenny Lane and Hepworth Lane is unsuitable to serve the development and to safely accommodate additional traffic generated
- Development would add to existing congestion within the immediate area around Woodward Court and Hepworth Lane and would exacerbate existing problems of parking, picking up and dropping off of children at Crossley Fields School
- Development will add to existing congestion within the wider network, in particular Greenside Road, Sunnybank Road, Dunbottle Lane, Church Lane
- Local infrastructure (schools, doctors, dentists) is already at capacity and cannot accommodate further demand from the development
- The site has been previously quarried and there are mine workings within the site. This will impact upon drainage and the suitability of SUDS
- The use of soakaways/SUDS is not appropriate for this site and could give rise to flooding of existing properties that are at a lower level than the site
- Scale and appearance of development is out of keeping with established character of the area

Save Mirfield objects to the application. There are a number of appendices to the objection, including a planning policy report and highway report. The objection is supported by the 524 members of Save Mirfield.

For completeness the objection is appended, the objections can be summarised as:

- The application does not constitute sustainable development as defined in the NPPF
- The traffic and road safety impacts arising from the proposed development will be severe and will have an adverse impact on highway safety
- Mirfield's infrastructure, namely roads, schools, health services and public services are saturated
- The application does not conform to UDP policy H18 in respect of Public Open Space

- There are material breaches of policy BE12 Space about buildings
- Balderstone Hall fields have become a valued amenity. The NPPF recognises that open land can perform many functions for wildlife, recreation, flood risk, insufficient attention has been paid to the effects on the local community
- The application does not take into consideration the increased pollution that it will generate because of increased traffic and its potential impact on the health of the community
- The application does not provide a solution for on-site drainage. The development would result in an increased risk of flooding of properties around Hepworth Lane and further south.
- There are a large number of homes for sale across all price ranges in Mirfield. The mean time for sale is quite long which shows that demand is not high.

Project Mirfield objects to the application. The concerns raised can be summarised as:

- The south west part of the site adjacent to Hepworth Close has been worked for stone some years ago, probably to provide the stone to build Balderstone Hall. The remedial works necessary (grouting) to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development will affect the infiltration of water and further soakaway tests will have to be carried out once the remedial work is complete.
- The use of SUDS on higher ground with cross fall to the boundary with properties downstream is a serious design error. SUDS discharge of surface water would follow the top of the existing rock head and would affect existing properties. In the event of prolonged rainfall and /or extreme weather conditions SUDS would be overwhelmed creating below ground flooding and the possibility of over ground flooding to adjacent properties.
- The proposed SUDS design has potential to impact upon lower lying properties which bound the proposed development on Hepworth Close. This needs further investigation to assess the risk of re-emergence which will affect existing properties.
- Combined sewer infrastructure in the area is working at or near full capacity. In terms of foul drainage 'clay stanking' should be used to eliminate surface water leaching, to prevent water infiltration entering the new foul system effecting the existing foul drainage infrastructure downstream.



- Existing traffic problems associated with Crossley Fields School and the school run are unresolvable because of the nature and design of the existing highway infrastructure and the location of the school. The development will exacerbate the existing problems

The Governing Body of Crossley Fields School objects to the proposed development for the following reasons:

- The developer has not consulted with the school on any aspect of the proposals
- Despite the efforts of the school traffic issues outside school continue to be a concern. From surveys approx. 180 extra vehicles enter the area during school opening and closing times. Local residents voice concerns about safe access to their properties especially at times of emergency. Coaches that the school use for events are frequently unable to access the drop and go zone. Governors are concerned about maintaining positive relationships with the local community; the proposals will compromise this intent.
- Traffic calming along Hepworth Lane and Wellhouse Lane. Speed is already controlled by the volume of traffic. It is the volume rather than speed that is creating a hazardous situation with cars attempting to pass mounting the pavement. The proposed measures will do nothing to address these dangers.
- The development will add to traffic numbers and to congestion at peak times.
- The school is over-subscribed and has no capacity to take any more children on roll. Residents of the new development would have to find alternative options at other schools which would add to traffic problems at peak times.
- Increased congestion on Wellhouse Lane will increase response times for emergency services
- Concern about the proposed car park. The school will take no responsibility for the car park; children and parents could be put at risk when using the area. The developer offers no proposals for to monitor its safe use. Concerned about future maintenance and use at other times. The car park will have little impact in resolving parking problems around the school. Seriously concerned about children having to cross Woodward Court at junction with Wellhouse Lane if traffic increases and concerned about the safety of children using the footpath from the car park.
- Plans propose an alternative drop off point on Hepworth Lane using a footpath through the development. This will lead to increased traffic in this area where there is only a single footpath.

- Wellhouse Lane narrows to one car width as it meets Flash Lane  
Concerned about use of the single narrow pavement at this part of Wellhouse Lane by children walking to school.

The School Governing Body comments further in respect of the amended highway report and layout:

- The take up of the schools 'Park & Walk' schemes as well as other attempts to reduce congestion outside school has been poor. The arrangement with the Dusty PH was informal using private land, the Dusty has since closed and the car park is not in use.
- The report states that it would be beneficial to create formal pedestrian links through the development to enable parents and children to walk to school. These links already exist with footpaths across the fields.
- The school in consultation with Kirklees has undertaken initiatives to reduce congestion and parking outside school. The Governing Body and the school have worked hard to try and alleviate the situation and are aware that it causes inconvenience and anxiety for local residents, however the problems still persist.
- It is suggested that the aim of the TRO is to push drivers towards the Park & Walk sites by limiting availability of on street parking during morning and afternoon periods. These sites are no longer available.

Simon Reeve (former MP) opposes the development, stating that the development proposed is unwanted and inappropriate. Mirfield's infrastructure, particularly its highways would be unable to cope with the added capacity. Woodward Court is a narrow residential street unsuitable for use as access to such a large estate. Wellhouse Lane already suffers congestion due to the nearby Crossley Fields School whilst its junctions with Hepworth Lane and Flash Lane are unsuitable for the road even its present form. The high level of additional traffic would cause major problems for existing and new residents alike.

## **8. ASSESSMENT**

### **General principle:**

Application 98/92026 sought outline planning permission for residential development with associated highway works and laying out of public open space. The applicant, Bellway PLC appealed against the failure of the Council to determine the application within the required period. The appeal was determined by way of public inquiry and was dismissed, with outline planning permission for residential development being refused.

The appeal related to 3 separate sites. Site A between Greenside Road and Wellhouse Lane proposed to accommodate 26 dwellings, site B to the east of

Wellhouse Lane with access from Woodward Court proposed to accommodate 98 dwellings and site C to the south of Balderstone Hall was intended to remain open and accommodate public open space.

The Inspector concluded that *“the additional use of the existing junction between Wellhouse Lane and Woodward Court would create a danger for highway users, contrary to the adopted UDP policy T10. This inadequacy alone is... sufficient to prevent the proposed development on site B from taking place”*

The Inspector went on to say that *“furthermore the loss of openness of site B would prejudice the contribution it makes to the character of its surroundings and this would not accord with adopted UDP policy D5.”*

The application site forms part of a wider allocation of Provisional Open Land (POL) in the Councils UDP, subject to UDP policy D5. Policy D5 states that:

*“Planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term”*

Paragraph 2.15 of the UDP advises that urban open land sites assessed as having less quality than those designated as urban greenspace but nevertheless having identifiable value as open land are designated as provisional open land. These sites are judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. The aim of the designation is to maintain the character of the land at least during the period until the plan is reviewed when it will be considered for allocation for development.

In considering the Bellway appeal the Inspector commented that *“whilst sites subject to policy D5 may be considered as suitable for development in the longer term... there would need to be compelling reasons to indicate that the policy should be overridden in advance of any review of the UDP”*.

The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49.

In the context of paragraph 215, the wording of Policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49, the Council is currently unable to demonstrate a five year supply of deliverable housing sites.

The weight that can be given to Policy D5 in these circumstances was assessed in October 2013 by a Planning Inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):

*“The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework’s presumption in favour of sustainable development is engaged.”*

The presumption referred to by the Inspector is set out in NPPF paragraph 14 which states that where relevant policies are out-of-date, planning permission should be granted *“unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”*. Footnote 9 lists examples of restrictive policies but this does not include policies concerning safeguarded land.

It is therefore considered that the lack of a five year housing supply, in this instance outweighs the harm caused to the character of the area by the development proposed.

### **Sustainability:**

The National Planning Policy Framework (NPPF) states that the purpose of the planning system “is to contribute to the achievement of sustainable development.” (para 6). It further notes that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples’ quality of life (para 9).

The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. “Economic, social and environmental gains should be sought jointly and simultaneously through the planning system.” (para 8). The NPPF goes on to stress the presumption in favour of sustainable development. The proposals have been assessed in relation to the three strands of sustainable development as follows:

#### **Economic:**

The proposal will bring economic gains by providing business opportunities for contractors and local suppliers, creating additional demand for local services.

#### **Social:**

There will be a social gain through the provision of new housing at a time of general shortage, which includes affordable housing and also through the provision of public open space, contributions to improve existing public open space and education provision within the settlement.

#### Environmental:

Whilst the development of a greenfield site represents an environmental loss, compensating environmental gains may be possible through the imposition of conditions. Although national policy encourages the use of brownfield land for development, it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.

Assessing the policies in the national planning policy framework as a whole in accordance with the paragraph 14 test, it is considered that the limited environmental harm arising from the development of this greenfield site is outweighed by the benefits to be gained from the provision of housing.

#### Viability:

The NPPF sets out how viability should be considered and paragraph 173 states,

*“To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”*

The development proposes to meet in full the requirements for affordable housing, an education contribution to meet demand from the development for places at Crossley Fields J&I and Mirfield Free Grammar Schools, provision of public open space within the layout together with a contribution to improve existing open space off site at Crossley Lane in lieu of the balance of open space and an equipped provision on site.

Whilst KC Highways advise that the proposal in its current form is considered unacceptable, if planning permission were to be granted, the applicant would fund the provision of resident metro cards

The offer(s) before Committee are summarised in the table below:

Affordable Housing	50 dwellings (30% of floorspace)
Education Contribution	£619,709
Off Site POS	£20,700
KSEZ Contribution	£244,156
Resident Metro Cards	£64,125
Travel Plan Monitoring	£15,000

### **Impact on visual and residential amenity:**

Policies BE1, BE2, BE11 and BE12 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area.

#### **Layout:**

The layout proposes 135 no 2, 3 and 4 bed properties with a mix of terraced, semi-detached and detached properties, accessed from Woodward Court via a continuation of the existing access with a primary central access loop road.

A car parking area accommodating 24 spaces with an 'in-out' access loop is proposed to serve the neighbouring Crossley Fields Primary School, with pedestrian access proposed from within the layout to the school.

The layout proposed in the main satisfies the Councils policy in relation to space about buildings, maintaining distances of 21m between habitable room windows and 12m between habitable room windows and non-habitable room windows/blank elevations.

There are however a number of instances internally within the layout where distances proposed fall short of those set out in policy BE12 for example:

- Plots 1 to 8, 20 to 25 where distances between rear facing habitable room windows are 19/20m
- Plots 84 to 91, where distances between front facing habitable room windows are 19m
- Plots 104 to 114, where distances between rear facing habitable rooms are 17/19m

For those instances where distances fall short between rear facing ground floor habitable room windows, the provision of screen fencing to the boundary between plots would satisfy the requirements of policy BE12. However it is acknowledged that in the instances detailed above, distances between rear facing first floor habitable room windows and front facing habitable room windows internal to the site do fall short of the minimum acceptable distances set out in policy BE12. This needs to be balanced against the desirability of making efficient use of land in order to meet housing need, the fact that applying the separation distances in a rigid way would not be conducive to securing variation in form and street scene within the layout and that future occupiers of the proposed development would be aware of the separation distances when purchasing properties.

It is therefore considered that whilst in some instances the separation distances between properties internal to the site fall short of the minimum

distances set out in policy BE12, this in itself would not be sufficient grounds to refuse planning permission when balanced against other material considerations.

Open space is distributed throughout the layout, wrapping around the southern and eastern boundaries of the site, accommodating footpath links from within the layout to the existing local footpath network that adjoins the site.

The quantum of public open space (POS) required having regard to UDP Policy H18 would be 4,050sq m. The quantum proposed is 3,136sq m. The provision of POS on-site therefore falls short of the policy requirement.

Open spaces within the layout are not considered appropriate for equipped play provision either traditional or natural and the location of the small area of POS whilst being overlooked and accessible is not ideal as an informal or natural play area being situated where it is opposite the proposed car park at the entrance on the main access road into the new estate. This area of POS would be better more centrally located, linking more closely with the other areas of amenity space.

The amenity space to the southern and eastern boundaries is more linear and will require careful design to enable it to be functional as an open space. The open spaces within the layout are not considered appropriate for equipped play provision; such provision would be better located off site as part of existing facilities at Crossley Lane. A financial contribution could be secured to offset the short fall in the quantum of POS provided and in lieu of an equipped provision on site.

#### Scale:

The scale of development proposed is two storeys which are broadly consistent with that of existing development within the area.

#### Appearance:

Existing residential development within the area does not demonstrate a particular architectural style but is more an accumulation of styles with a mix of materials including natural stone, artificial stone, render and brick.

The house types proposed are of a fairly simple design, with symmetry and balance to the fenestrations and the use of gables, heads and cills.

Materials proposed would be facing brick with grey concrete roof tile which would not be out of keeping with the general pallet of materials found within the locality.

### Landscaping:

The proposed development should incorporate a high quality, well designed landscape scheme incorporating both hard and soft landscape proposals which complement and are characteristic of the setting, making the most of the immediate environs and more native natural landscape design. The existing field boundary has been retained and should be enhanced to mitigate against the visual impact of the new development.

### Highways:

The proposed development of 135 dwellings would be served off Woodward Court.

- Pre-application discussions were undertaken with the applicant's highways consultant Sanderson Associates and agreement reached on the scope of the Transport Assessment on the 5<sup>th</sup> March 2013 and 11<sup>th</sup> March 2013 respectively.
- Further pre-application discussion meetings were carried out on the 18<sup>th</sup> December 2013, and 24<sup>th</sup> January 2014.
- Application submission received by Highways Development Management on the 9<sup>th</sup> May 2014.
- Highways Development Management requested amendments to the proposed layout (P12:4606:01 Rev A) designed by John R Paley Associates, and clarification/further information relating to the Sanderson Associates Transport Assessment on the 10<sup>th</sup> June 2014; and further comments were given on the 24<sup>th</sup> September 2014 relating to highway works to facilitate the development.
- Highways Development Management received an amended layout and Technical Note on the 20<sup>th</sup> January 2015

The following Highways Development Management (HDM) comments are based on the information provided by John R Paley Associates and Sanderson Associates:

### Context – Local Highway Network:

Woodward Court is a traditional estate road in character serving approximately 14 properties. From its junction with Wellhouse Lane there are 3 vehicular routes connecting with the wider highway network. Wellhouse Lane (two-way northbound) to Greenside Road via Jenny Lane; Wellhouse Lane (two-way southbound) to Flash Lane; and Hepworth Lane (one-way Flash Lane/Shillbank Lane to Wellhouse Lane).



Including side roads bounded by Crossley Lane and Greenside Road, these roads which are subject to a 30mph speed limit serve approximately 350 properties and Crossley Fields Junior School.

#### Internal Residential Layout:

With reference to the amended layout plan P12:4606:01 Rev B, although the centre road alignment is acceptable in principle further amendments are required in terms of user hierarchy relative to Manual for Streets, and operational requirements. HDM consider this can be addressed by condition.

#### Base Line Traffic Counts:

Sanderson Associates undertook 'base line' manual traffic counts on the 26<sup>th</sup> March 2013 on the local highway network in the 'AM' (0800-0900hrs) and 'PM' (1700-1800hrs). Traffic growth factors were then applied to reach the forecast 2014 base line traffic flows as set out below in Table 1:

Table 1.

	2014 Traffic Flows						
	AM (toward s site)	AM (away from site)	Total		PM towards site	PM away from site	Total
Links							
Woodward Court	25	21	46		6	3	9
Wellhouse Lane (northern link)	62	101	163		28	30	58
Wellhouse Lane (southern link: Woodward Court - Hepworth Lane)	111	68	179		32	27	59
Wellhouse Lane (southern link: Hepworth Lane - Flash Lane)	85	71	156		38	25	63
Hepworth Lane (one-way section)	26	N/A	26		6	N/A	6
Hepworth Lane (two-way section)	32	14	46		38	13	51
Jenny Lane	168	134	302		92	99	191

Predicted Traffic Generation and assignment:

Sanderson Associates have used trip rates taken from the industry standard TRICS database and predicted assignment of the trips onto the local road network as set out in Table 2;

Table 2.

<b>Development Trips</b> 135 residential units x Trip Rate	AM Arr Trip Rate = 0.235	AM Dep Trip Rate = 0.588	Total		PM Arr Trip Rate = 0.545	PM Dep Trip Rate = 0.273	Total
Site access & Woodward Court	<b>32</b>	<b>79</b>	<b>111</b>		<b>74</b>	<b>37</b>	<b>111</b>
<b>Traffic Assignment</b>							
Wellhouse Lane (northern link) & Jenny Lane	15	38	<b>53</b>		36	18	<b>54</b>
Wellhouse Lane (southern link: Woodward Court - Hepworth Lane)	17	41	<b>58</b>		38	19	<b>57</b>
Wellhouse Lane (southern link: Hepworth Lane - Flash Lane)	12	41	<b>53</b>		27	19	<b>46</b>
Hepworth Lane (one- way section)	5	N/A	<b>5</b>		11	N/A	<b>11</b>
Hepworth Lane (two- way) section)	5	N/A	<b>5</b>		11	N/A	<b>11</b>
Jenny Lane	15	38	<b>53</b>		36	18	<b>54</b>

The 2014 base line traffic counts added to the forecast development traffic is set out below in Table 3:

Table 3. 2014 2014 Base Line Traffic Counts + Development Traffic

2014 Base Line Traffic Counts + Development Traffic	Two-way AM movements (0800 – 0900hrs)	Total	Two-way PM Movements (1700 – 1800hrs)	Total
Woodward Court	46 + 111	<b>157</b>	9 + 111	<b>120</b>
Wellhouse Lane (northern)	163 + 53	<b>216</b>	58 + 54	<b>112</b>
Wellhouse Lane (southern link: Woodward Court - Hepworth Lane)	179 + 58	<b>237</b>	59 + 57	<b>116</b>
Wellhouse Lane (southern link: Hepworth Lane - Flash Lane)	156 + 53	<b>209</b>	63 + 46	<b>109</b>
Hepworth Lane (one-way section)	32 + 5	<b>37</b>	6 + 5	<b>11</b>
Hepworth Lane (two-way section)	46 + 5	<b>51</b>	51 + 11	<b>62</b>
Jenny Lane	302 + 53	<b>355</b>	191 + 54	<b>245</b>

In addition to the 'am' and 'pm' peak hour data, HDM requested the forecast from the proposed development within the school finishing time period 1500hrs to 1600hrs. The subsequent Sanderson Associates Technical Note estimates that 77 two way vehicle development trips are expected to occur within this period.

#### Site Access – Woodward Court:

During the period running up and after the school start (0855hrs) and finish (1520hrs and 1530hrs) times Woodward Court is heavily parked up by parents taking their children to and from school. Conflicting vehicle movements together with adult and children pedestrian movements are not uncommon within these periods.

Woodward Court residents find it extremely difficult to leave their homes by car, or arrive with any confidence of being able to access their driveways.

#### Visibility – Woodward Court along Wellhouse Lane:

With regard to visibility requirements along Wellhouse Lane from the junction of Woodward Court, several speed readings with analysis have been provided

within the Transport Assessment and Technical Note. The analysis has been presented with differing output 85%ile speeds with Sanderson Associates coming to their recommended visibility requirements of 2.4m x 35.9 south and 2.4m x tangent north to meet 85%ile adjusted wet weather speeds of 27.4mph and 23.3mph respectively.

However, based on the locations where the speed reading data was captured i.e. southbound traffic on the Woodward Court junction, and northbound approximately 70m south of Woodward Court, and methodology for using selected periods of data; HDM consider that it would not be appropriate for these readings and the proposed visibility to be used.

In light of the above, the 30mph speed limit should be used, together with 2.4m x 43.0m visibility requirements in both directions as recommended within Manual for Streets.

As such from Woodward Court's junction to the north along Wellhouse Lane visibility is considered acceptable in relation to the 30 mph speed limit, but substandard to the south relative to the available 29.3m 'Y' distance and the required 43.0m.

Proposed Highways Mitigation works:

The initial submitted Transport Assessment proposed a package of highway mitigation measures to provide a 20mph zone, increase junction capacity, junction visibility, and off-street parking provision.

a) Wellhouse Lane / Hepworth Lane – Proposed 20mph zone:

The proposed '20mph zone' in the Transport Assessment would be along essentially two roads, Wellhouse Lane (Jenny Lane to Flash Lane) and Hepworth Lane (Flash Lane to Wellhouse Lane) plan ref: 7240 – 002 rev B.

To assist in managing vehicular speeds Sanderson Associates propose a series of vertical deflection measures (speed humps and junction plateaus), signage, road markings, and coloured surfacing.

The vertical deflection features proposed may have some merit in their own right, however, HDM question the necessity of a 20mph scheme given 'estimated observed' driven speeds on Wellhouse Lane along the frontage of the school at school start and finish times are low. That said, as no formal consultation on the scheme has been undertaken by the applicants with residents fronting on to the proposed scheme or Crossley Fields Infant School, HDM cannot confidentially state that the scheme is acceptable/deliverable in principle in its current form.

b) Greenside Road / Sunny Bank Road / Old Bank Road / North Place - Proposed Puffin Crossing:

As part of the proposals Sanderson Associates propose to change the existing zebra crossing on Greenside located between the junctions of Jenny Lane and Old Bank Road to a puffin crossing. This would be linked by detector loops in the right turn lane into Old Bank Road to improve capacity.

HDM agree that some works to improve the efficiency of this junction would be beneficial, but consider that a mini-roundabout may be an option. For planning consent is granted a suitable condition is recommended a study and scheme to provide either an upgraded zebra crossing to a puffin crossing, or a mini-roundabout.

c) Wellhouse Lane j/w Flash Lane – Build Outs:

Together the substandard narrow width of this junction that neither allows two way vehicular flows nor an appropriate footway width with a standard kerb upstand; the available visibility from Wellhouse Lane along Flash Lane is noted which is also substandard in both directions.

The proposed build outs and kerb realignment to achieve acceptable visibility in both directions are considered inappropriate at this location given the nature of this section of Flash Lane. Which generally has resident on-street parking to either side of the junction, and is highly trafficked at peak times and only just allows steady two way flows. As such, any reduction in carriageway width at this location would not be in the interests of highway efficiency along Flash Lane.

d) Car park:

As part of the mitigation measures it is proposed to provide a 24 space car park within the development on the northern boundary adjacent to the school playing fields some 150m from Woodward Courts junction with Wellhouse Lane as detailed on plan ref:P12:4606:01 Rev B; with, as stated within the Transport Assessment a potential footpath link to the school.

This footpath link is to be agreed between the developer and the school. To date HDM understand that there has been no dialogue between Crossley Field Infants School and the developer. It is also unclear who would be responsible for the maintenance and ownership of the proposed car park.

The purpose of the car park is to alleviate the current on-street parking issue on Woodward Court, however, HDM consider that this measure would only encourage additional traffic and associated pedestrian movements onto Woodward Court, within the proposed residential development, and onto the already congested lengths of Wellhouse Lane.

In response to HDM's concerns, the subsequent Technical Note now proposes an extensive TRO (Traffic Regulation Order plan ref: 7240/005) restricting parking Monday to Friday 0800 – 0900hrs and 1500 – 1600hrs. The TRO would cover:

- the whole of Woodward Court

- some 230m of the proposed developments access road

In addition to restricting on-street parking on the above roads, Sanderson Associates also propose to extend the restrictions further to the:

- southern side of Lockwood Avenue;
- northern side of Wellhouse Avenue;
- southern side Jenny Lane and at its junction with Greenside Road; and
- western side of Crossley Lane between Lockwood Avenue and Wellhouse Lane

As with the proposed 20mph scheme, no formal consultation on the Traffic Regulation Order has been undertaken by the applicants with residents fronting on to the proposed scheme or Crossley Fields Infant School, HDM cannot confidentially state that the scheme is acceptable/deliverable in principle in its current form.

HDM also question the 'positive' effectiveness of the proposed scheme, in that speeds along the above routes are likely to increase, the increased burden on enforcement, and resident inconvenience in terms of creating further demand for on-street parking within the vicinity, and street clutter.

In terms of proven displacement and promotion of the existing school park and stride scheme, the applicant has not engaged with Crossley Fields Junior and Infants School or the parents to gauge the effectiveness of the scheme and to where parents would likely park their cars when taking their children to and from the school.

e) Pedestrian route through the proposed residential layout from Hepworth Lane to Wellhouse Lane:

The proposed layout would provide a pedestrian link from Hepworth Lane to Wellhouse Lane which and be an alternative to using the one way section of Hepworth Lane which is narrow and without the benefit of segregated footways.

Given that the route through the proposed site is some 50m longer and would give a feeling of being less direct to using Hepworth Lane, HDM consider that the pedestrian link through the is unlikely to be the most popular route.

To make the pedestrian route attractive to parents and children the link indicated from the proposed car park to the school (but not agreed with the school) would have to be provided.

Junction Modelling:

As part of the analysis the following junctions where assessed by Sanderson Associates using PICADY (priority junction), ARCADY (roundabout), or LINSIG (signals):

- a. Wellhouse Lane / Woodward Crescent (priority junction)
- b. Wellhouse Lane / Flash Lane (priority junction)

- c. Hepworth Lane / Flash Lane / Shill Bank Lane (priority junction)
- d. Dunbottle Lane / Flash Lane (mini-roundabout)
- e. Greenside Road / Jenny Lane / Green Side Estate (staggered crossroads)
- f. Greenside Road / Sunny Bank Road / Old Bank Road / North Place (staggered crossroads)
- g. Leeds Road / Sunny Bank Road (signalised junction)

It is noted that the modelling outputs (which include the cumulative highway impact from the approved Mirfield Moor development) indicate that the junctions operate within capacity (with the exception of the junction Dunbottle Lane / Flash Lane (mini-roundabout). However, HDM would argue that computer software should be used as point of reference only and viewed alongside site observations, not just at the junctions but also the road links between them.

The following junctions are considered by HDM to have existing material issues in their operation, efficiency, and perception of user safety which would be exacerbated by adding the forecast development traffic:

- a) Wellhouse Lane / Woodward Crescent (priority junction):

Although the 2014 junction modelling with 157 two way 'AM' peak vehicle trips (including the 111 development trips) shows that the Woodward Court junction with Wellhouse Lane will operate well within capacity with virtually no queuing; HDM's on-site observations do not reflect this theoretical scenario.

Site observations indicated that from around 0815hrs parents arrive and park up on Woodward Court leading up to the school starting time at 0855hrs, and leave between 0900hrs and 0915hrs where measurable queuing occurs. Conflicting vehicle turning movements, inconsiderate parking on footways, blocking of resident driveways on Woodward Court, and 'U' turns within its junction with Wellhouse Lane has also been observed.

HDM's view is that the junction modelling on this part of the highway network does not give a realistic scenario, especially when considering other variables at this location which the development would influence i.e. proposed extension of the TRO (if implemented); associated traffic movements (number not forecast/known) gravitating to the proposed car park.

In terms of pedestrian movements within this area, Sanderson Associates has presented no data or analysis.

In considering the school finish time of 1520hrs (Key stage 1 pupils), and 1530hrs (Key stage 2 pupils) an additional 77 two development vehicle trips are forecast between 1500hrs and 1600hrs. Site observations indicated that parents once again arrive early circa 1430hrs with 24 observed cars on Woodward Court at 1530hrs departing up until around 1550hrs.

b) Wellhouse Lane / Flash Lane (priority junction):

The 2014 junction modelling with 209 two way 'AM' peak vehicle trips (including the 53 development trips) shows that the Wellhouse Lane junction with Flash Lane will operate well within capacity with virtually no queuing; HDM's on site observations do not reflect this theoretical scenario.

The 'AM' peak hour traffic build up at this junction was observed to begin just before 0800 to 0900hrs, and the 'PM' peak, when the school traffic begins to build up as early as 1415hrs dispersing up to 1550hrs. Throughout the school traffic peak hour's on-site observations recorded conflicting vehicle turning movements that caused opposing flows within the Wellhouse Lane junction with Flash Lane to stop and drivers having to realign their vehicles to pass each other.

Throughout these periods adults and school children were walking within traffic along the semi-shared surface of Wellhouse Lane, and across its junction with Flash Lane.

HDM's view is that the junction modelling on this part of the highway network does not give a realistic scenario when viewed together with on-site observations.

c) Hepworth Lane / Wellhouse Lane / Pumphouse Lane:

This one-way section of Hepworth Lane, which is narrow with no footways, is well used within the school peak hours by adult pedestrians, school children, and vehicles. Pumphouse Lane is opposite Hepworth Lane forming a crossroads arrangement over Wellhouse Lane and links to a pedestrian route to Greenside Road.

At its junction with Wellhouse Lane looking left and right from Hepworth Lane visibility is severely restricted in both directions. With high pedestrian and vehicle flows using all 4 routes and the limited available road space the vulnerability and safety of pedestrians is heightened at this location.

d) Wellhouse Lane / Jenny Lane / Wellhouse Avenue:

Within the 'AM' peak hour, the lead up to and dispersement of school start and finish time traffic implies that this junction gets extremely well used with parent drop off and residents traffic, with on street parking at a premium, and parents exiting Jenny Lane into Wellhouse Lane often 'U' turn back into Jenny Lane.

HDM consider that by adding further traffic from the development, highway efficiency, safety, and resident access can only be further compromised.



#### Road Links (between junctions):

In terms of road links between the assessed junctions set out above, HDM have concerns in how the development traffic would be accommodated along:

##### a) Wellhouse Lane (north of Woodward Court):

At school start and finish times Wellhouse Lane between Jenny Lane and Woodward Court becomes extremely busy with pedestrian flows, on street parking, and heavy vehicular flows often resulting in restricted two way flows with on-site observations often witnessing tangible frustration between pedestrians, residents, and drivers.

HDM consider that any measurable increase in vehicular activity along this section of highway can only make the current situation worse.

##### b) Wellhouse Lane (south of Woodward Court) Hepworth Lane:

At school start and finish times Wellhouse Lane between Woodward Court and Hepworth Lane becomes extremely busy with pedestrian flows, on street parking, and heavy vehicular flows. From Hepworth Lane to Flash Lane where the road is narrow with a low kerbed narrow footway and two way vehicular flows cannot be achieved. Vehicle queuing and overrunning of the footway is frequent.

As a result, pedestrians feel unsafe and intimidated with vehicular dominance along this section of Wellhouse Lane. HDM consider that any measurable increase in vehicular activity along this section of highway can only make the current situation worse.

##### c) Hepworth Lane – One way section:

At school start and finish times this section of Hepworth Lane becomes busy with both pedestrian and vehicular flows. Due to the narrow nature of this section of Hepworth Lane and the lack of footways, any interaction between pedestrians and vehicles has to be very conscious and careful. Pedestrians are often observed as being subservient in that it is the vehicle that passes the pedestrians and not the car stopping and letting the pedestrians pass. There is also a history of drivers deliberately travelling against the one-way flow as a short cut, and to avoid the narrow stretch of Wellhouse Lane between Hepworth Lane and Flash Lane.

HDM consider that any measurable increase in vehicular activity along this section of highway can only make the current situation worse. In addition, HDM also considers that the proposed speed hump along the narrow one way section of Hepworth Lane would not be interests of pedestrian movements from a highways safety point of view.

#### Accessibility:

In terms of site accessibility by walking, cycling, and public transport to local facilities:

a) Bus stops are located on Greenside Road and Flash Lane within circa 450m and 300m respectively from the centre of the site. The available daytime Mon to Sat services no's 202 (15 min freq) and 205 (60 min freq) give access to Huddersfield, Mirfield, Dewsbury, Shaw Cross, Tingley, White Rose, and Leeds.

b) A number of local services and facilities are within walking distance to the development site which includes a local centre situated within 650m to the west, which provides takeaways, a restaurant, local shops, post office, pharmacy and an ATM.

c) With respect to cycling distances and estimated time travelling to/from local centres within a 5km radius of the site. These range from Dewsbury (4.6km; 23 minutes), Heckmondwike (3.0km; 15 minutes), to Mirfield (1.9km; 9.5 minutes).

d) Mirfield Railway Station is situated approximately 2.8 km south-west of the site and provides access to a number of local and mainline destinations including Leeds, Huddersfield, Brighouse and Manchester Victoria

In brief, HDM consider that the site is within a reasonable walking and cycling distance to public transport and local facilities.

#### Kirklees Strategic Enterprise Zone (KSEZ) - Cooper Bridge Contribution:

HDM generally agree with Sanderson Associates assignment and distribution of traffic on the highway network and suggested KSEZ contribution of £244,156.

#### Construction Traffic:

HDM note that the requested construction traffic plan has not been provided. If planning consent is approved a suitable planning condition needs to be applied.

#### Travel Plan:

The submitted framework Travel Plan is acceptable in principle. If planning consent is recommended a suitable condition to secure a full Travel Plan should be provided.

#### Conclusion:

In light of the above, Highways Development Management considers that the cumulative impacts associated with the proposed scale of development and

associated traffic cannot be efficiently and safely accommodated on the local highway network within the vicinity of the site. As such, the proposal in its current form is considered unacceptable from a highways point of view.

### **Contamination, Noise & Air Quality:**

The findings of the site investigation report are accepted. Conditions are recommended in relation to contaminated land, air quality mitigation measures, suppression of dust during construction and lighting of the car park.

### **Ecology:**

The site is considered to be of limited ecological value consisting mainly of semi-improved agricultural grassland and species poor hedges. The ecological survey proposes a range of mitigation measures. In principle the conclusions of the report and the recommendations made are accepted, conditions are recommended.

The ecological survey makes a series of general recommendations to compensate and provide enhancement measures for the development. Conditions are recommended requiring a landscape scheme and management plan that incorporates replacement planting of native trees and hedgerows, installation of bird boxes and bat roost features and an appropriate lighting scheme designed to minimise light spillage. These measures will be conditioned with details to be approved by the LPA.

### **Drainage/Flood Risk:**

Kirklees Flood Management & Drainage provides advice as a statutory consultee to the Local Planning Authority in respect of surface water flood risk as the Lead Local Flood Authority for Kirklees.

Test results have been supplied that show encouraging soakaway results for significant, but not all, parts of the site. Further tests and analysis is envisaged. The location of soakaways is potentially problematic and no reference has been made with regard to long term maintenance plans which are required in detail at this stage.

Given the size of the site and location of adjacent property at lower levels, it is of paramount importance that the LPA is satisfied that all risk can be adequately mitigated and managed and the drainage solution accommodated. KC Flood Management & Drainage therefore strongly recommend that independent specialist Geotechnical advice is sought concerning underground water movement, potential re-emergence issues in the first instance and further discussion thereafter and cannot recommend approval and conditions at this time unless a workable alternative solution is agreed as a back up to the soakaway option pending further investigation, i.e. attenuated flows, to available public sewers/watercourses, should it be required.

### Soakaways – Infiltration:

Trial pit and borehole analysis shows that beneath topsoil and mudstone/clay layers there is weathered sandstone within which trials have taken place. The rock head which naturally is difficult to excavate has been encountered between 200mm and 400mm below the top of the weathered sandstone layer. Permeability of bedrock would be dependent on joints and bedding and can vary significantly across the site. Trial pit SAW14 produced poor results. It is not known how far this area of 'poor results' extend and further tests will be required especially around where domestic soakaways are proposed.

We have concerns that soakaways need to be significantly deeper than the incoming pipes and that effective depth may be limited especially with siltation over time around the base area of the chamber. Various guides require up to 3 metres of competent strata and that soakaways should extend a minimum of 1 metre into competent strata.

Test results, although on the whole encouraging, did not strictly follow BRE Digest 365 in having 3 consecutive testing with over half just having a single test

Calculations for soakaway size need to take account the poorest of three consecutive tests. Factors of safety due to siltation over time need to be taken into account also.

### Soakaways Re-emergence Analysis:

Dye (as part of re-emergence risk analysis) was placed in only five of the 16 pits and none in trial pits closest to existing properties. This is considered inadequate.

Borehole logs and cross sectional plans have been provided for the site. No analysis has been provided in terms of the adjacent existing properties. Independent specialist geotechnical advice is recommended focusing on infiltration and re-emergence and the information provided.

### Soakaways and Coal Workings:

The presence of shallow coal workings does not seem to raise an objection from the Coal Authority given the information submitted although a condition for further investigation has been suggested. The use of soakaways and any remedial work envisaged around coal working, localised grouting, would benefit from comment from independent Geotechnical specialists.

The Coal Authority has been re consulted in light of comments from KC Flood Management & Drainage and representations particularly from Project Mirfield.

The Coal Authority maintains that the issues raised by KC Flood Management & Drainage are a matter for the LPA as decision maker and should it be

considered that additional information be required in order to be satisfied that the site can be adequately drained, that it is safe and stable for the new development and that no conflict arises from these issues then the LPA will seek further information from the applicant.

The Coal Authority would be happy to comment on any further geotechnical assessment submitted by the applicant if the LPA considers that this is necessary in order to inform the decision making process.

#### Highway Drainage Soakaways:

The positioning of interlinked highway drainage soakaways close to the carriageway (within 5 metres) contradicts national advice. The layout may therefore not afford suitable locations for highway drainage. The submitted Flood Risk Assessment discusses whether potential alternatives outfalls could be found for highway drainage. However there is no right for highway drainage to connect to the public sewer network. The Statutory Undertaker (Yorkshire Water) cannot be 'unreasonable' in refusing a connection. In this instance if soakaways 'work' on site and all associated risks are mitigated, we believe it would be unreasonable to refuse a connection on these grounds. These aspects need to be considered now prior to agreeing layouts and number of properties.

Sediment and pollution control should be considered for highway drainage to soakaways.

Discussions with Section 38 Officers is advised as the layout could well preclude the adoption of estate roads and compromise future management of the soakaways in question.

#### Alternative Drainage Outfalls:

Any capacity issues on local watercourse and sewers must be evidence to the planning officer as part of an assessment. Kirklees Flood Management & Drainage are not aware of any watercourse located in the immediate vicinity of the site. Yorkshire Water will declare to Ofwat where property and area flooding has occurred as a result of lack of sewer capacity.

#### Layout Design and Flood Routing:

Drainage layouts show soakaway locations close to/over the position of trial pit SAW 14 where results precluded their use. Statements have been made however declaring that surface water be moved to other locations to accommodate this issue.

A narrative text on drainage strategy associated with submitted plans is required as part of the thinking being/justification of the strategy/strategies. This could include a plan B.

The sizing of soakaways should conform to NPPF flood risk guidance. This demands that the 1 in 30 critical storm is attenuated and that the 1 in 100+ climate change (30%) critical event is kept on site. It is noted that drawings have been submitted showing highway soakaways within or close to carriage way that have overflow pipes, and a swale has been positioned at the southern end of the site. An analysis of the 1 in 100 + cc event is required both for highway and domestic soakaways and if there is movement around the site, including on the surface, it should be clearly demonstrated that property is not at risk (finished floor levels, boundary treatment). Having property floor levels 200mm above surrounding ground may not be adequate in terms of an assessment/mitigation.

#### **Maintenance & Management Agreements:**

Maintenance and management of soakaways is the key factor in minimising flood risk in the medium to long term. This should include a timetable for inspection, periodic infiltration testing as a monitoring tool, silt removal and a commitment to soakaway renewal plans for the site where simple maintenance can no longer provide improvements to infiltration test results. Experience points to lack of maintenance from householders being a significant risk in flooding from soakaways and therefore an agreement ensuring that this risk is managed for the lifetime of the development is required (management company). A full maintenance plan including details of inspections and periodic testing to be supplied to the Lead Local Flood Authority/Planning Authority as part of an agreement to ensure that maintenance/renewal can be enforced.

#### **Temporary Construction Phase Drainage:**

Temporary drainage and protection to adjacent existing properties will be required post soil strip as run off can dramatically increase during the construction phase. A condition can be included to this effect.

However if the use of soakaways is agreed going forward, the risk of materials from construction activity clogging soakaways (especially linked soakaways) is significant. A plan of prevention, inspection and silt removal at key stages is required.

It should be noted that the applicant has been made aware of the concerns expressed by KC Flood Management & Drainage and invited to submit further information. The applicant has advised that they will not be making any further amendments to the current scheme.

#### **Crime Prevention:**

Concern has been expressed that shared access footpaths to the rear of properties would compromise security. It is recommended that shared rear accesses be designed out of the layout.

There are areas of the site where the rear of dwellings border open, publically accessible land. To reduce the opportunity for criminal intrusion it is recommended that a uniform fence height of 2.1m be required.

## **Conclusion:**

Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years and in accordance with the NPPF relevant policies for the supply of housing are considered out of date. In such circumstances no significant weight can be given to its content and, in accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted *“unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”*.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice. On balance, it is considered that the proposed development is in accordance with the principles of sustainable development.

Highways Development Management considers that the cumulative impacts associated with the proposed scale of development and associated traffic cannot be efficiently and safely accommodated on the local highway network within the vicinity of the site. As such, the proposal in its current form is considered unacceptable from a highways point of view.

With regard to drainage, test results have been supplied that show encouraging soakaway results for significant, but not all, parts of the site. Further tests and analysis is envisaged. The location of soakaways is potentially problematic and no reference has been made with regard to long term maintenance plans which are required in detail at this stage. Given the size of the site and location of adjacent property at lower levels, it is of paramount importance that the LPA is satisfied that all risk can be adequately mitigated and managed and the drainage solution accommodated. The application fails to demonstrate that the site can be properly drained having regard to the use of soakaways and the extent of remedial works necessary in respect of coal workings together with the potential impact on existing residents of underground water movements and re-emergence.

The amount of public open space within the layout falls short of that required by policy H18 of the Councils UDP. Whilst a contribution to improve existing open space off site could be negotiated to offset the shortfall, the distribution and location of open space within the layout is not considered to be appropriate to serve the development proposed.

The Police Architectural Liaison Officer also raises concerns about the layout having regard to secured by design considerations. The layout as currently

proposed is therefore considered to be unsatisfactory having regard to policy BE23 Crime Prevention.

## **9. RECOMMENDATION**

### **REFUSE PLANNING PERMISSION:**

1. The cumulative impacts associated with the proposed scale of development and associated traffic cannot be efficiently and safely accommodated on the local highway network within the vicinity of the site. The development is therefore considered to be contrary to policy T10 of the Councils Unitary Development Plan.

2. The application fails to demonstrate that the site can be properly drained having regard to the use of soakaways and the extent of remedial works necessary in respect of coal workings, together with the potential impact of underground water movements and re-emergence. This could significantly affect a proposed development site and the submitted layout. Information submitted with the application fails to address these issues. The proposal is therefore contrary to advice in Chapter 10 of the National Planning Policy Framework and policy BE1 of the Councils Unitary Development Plan.

3. The proposed layout is considered to be unsatisfactory having regard to the distribution and location of public open space and crime prevention considerations. The proposal is therefore contrary to advice in Chapters 7 and 8 of the National Planning Policy Framework and policies BE1, BE2, H18 and BE23 of the Councils Unitary Development Plan.

This recommendation is based on the following plan(s):-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Layout	P12:4606:01	Rev B	Jan 2014
Location Plan	P12:4606:02	Rev O	Feb 2014
Beswick (AS & OP)	P12:4606:16	Rev O	Feb 2014
Swinton (AS) Plans & Elevations	P12:4606:21	Rev O	Feb 2014
Swinton (OP) Plans & Elevations	P12:4606:22	Rev O	Feb 2014
Addingham (AS)	P12:4606:23	Rev O	Feb 2014
Addingham (OP)	P12:4606:24	Rev O	Feb 2014
Shipley (AS)	P12:4606:25	Rev O	Feb 2014
Shipley (OP)	P12:4606:26	Rev O	Feb 2014
Shipley (AS) Plans & Elevations Plot 59	P12:4606:40	Rev O	Sept 2014
Shipley (AS) Plans & Elevations Plot 125	P12:4606:42	Rev O	Sept 2014
Saltaire (AS)	P12:4606:17	Rev O	Feb 2014
Saltaire (OP)	P12:4606:18	Rev O	Feb 2014
Saltaire (OP) Plot 47	P12:4606:39	Rev O	Sept 2014



<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Saltaire (OP) Plot 101	P12:4606:41	Rev O	Sept 2014
Purley (AS & OP)	P12:4606:36	Rev O	April 2014
Greenwich (AS & OP)	P12:4606:35	Rev O	April 2014
Greenwich (AS) Plots 20-22	P12:4606:37	Rev O	April 2014
Greenwich (OP) Plots 23-35, 36-38, 81-83	P12:4606:38	Rev O	April 2014
Settle (OP)	P12:4606:30	Rev O	Feb 2014
Settle (OP)	P12:4606:29	Rev O	Feb 2014
Ilkley (OP)	P12:4606:28	Rev O	Feb 2014
Ilkley (OP)	P12:4606:27	Rev O	Feb 2014
Proposed Street scenes	P12:4606:09	Rev O	April 2014
Garage Details	P12:4606:08	Rev O	Feb 2014
Screen Wall Details	P12:4606:04	Rev O	Feb 2014
Steel Fence Details	P12:4606:10	Rev O	Sept 2014
Timber fence with Trellis Details	P12:4606:12	Rev O	Sept 2014
Bin Store Details	P12:4606:13	Rev O	Sept 2014
Transport Assessment	7240/KS/001/05		April 2014
Travel Plan	7240/KS/002/01		April 2014
Geo environmental Appraisal	1668/1B		April 2014
Soakaway testing	E13/5841/MD/003		20 Jan 2015
Soakaway test location plan	E14/5841/004		Dec 2014
Sections through site strata	E14/5841/005		Jan 2015
Flood Risk Assessment	E13/5841/FRA001C		Oct 2013 Revised Sept 2014
Arboricultural Report	11251/AJB		
Extended Phase 1 Habitat Survey			May 2013
Design & Access Statement			April 2014
Planning Statement	ML/EG/12609/R001eg		April 2014

**Application No: 2015/90022**

**Type of application: 62m - FULL APPLICATION**

**Proposal: *Erection of 23 dwellings***

**Location: *Cleckheaton Bowling Club, Park View, Cleckheaton, BD19 3AP***

**Grid Ref: 418102.0 425346.0**

**Ward: *Cleckheaton Ward***

**Applicant: *Jones Homes (Northern) & Cleckheaton BC***

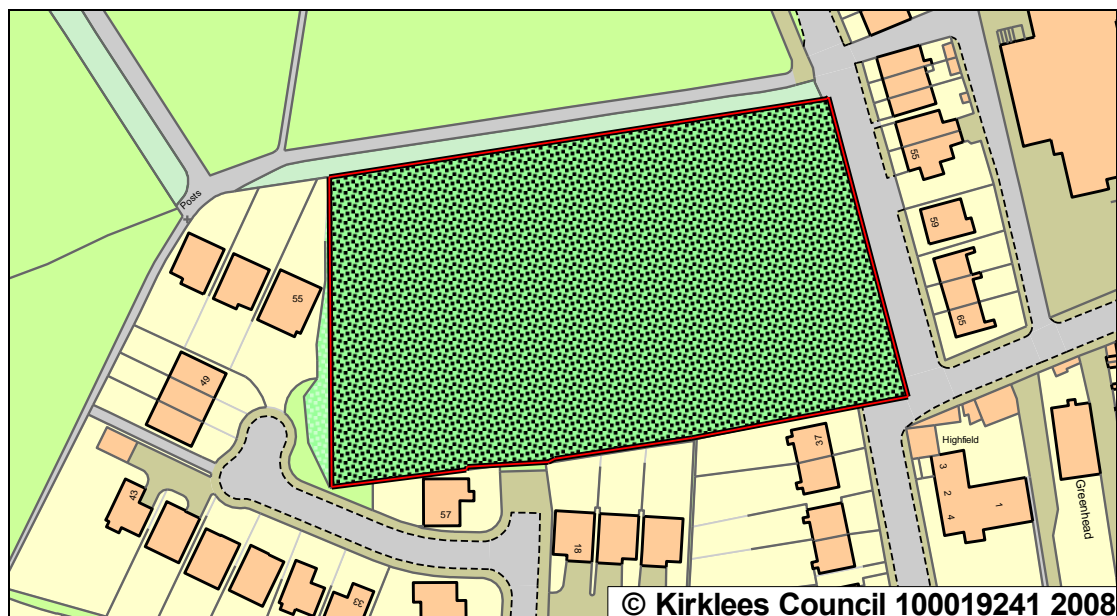
**Agent: *Michael Townsend, Townsend Planning Consultants***

**Target Date: *06-Aug-2015***

**Recommendation: *ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS***

Link to [guidance notes for public speaking at planning committee](#) including how to pre-register your intention to speak.

## **LOCATION PLAN**



**Map not to scale – for identification purposes only**

## 1. SUMMARY OF APPLICATION

<b>Application Details</b>		
Type of Development	Full application for erection of 23 dwellings	
Scale of Development	Site area: 0.67 hectares	Units: 23
No. Jobs Created or Retained	N/A	
<b>Policy</b>		
UDP allocation	Urban Greenspace – Policy D3	
Independent Viability Required	Yes	See report below
<b>Consultation/Representation</b>		
Individual Support (No.)	N/A	
Individual Objection (No.)	31	
Petition	N/A	N/A
Ward Member Interest	Yes	Ward Cllr Kath Pinnock
Statutory Consultee Objections	No	
<b>Contributions</b>		
• Affordable Housing	See report	
• Education	N/A	
• Public Open Space	See report	
• Other	N/A	
<b>Other Issues</b>		
Any Council Interest?	No	
Pre-application planning advice?	Yes	Paid pre-application advice given, including from Highways
Pre-App Consultation Undertaken?	No	
<b>Comment on Application</b>	Having regard to the limited value of the Urban Greenspace, on balance Officers consider that the provision of new housing in a sustainable location outweighs the loss of the open space.	

### RECOMMENDATION:

**GRANT CONDITIONAL FULL PLANNING PERMISISON SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:**

- i) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE SET OUT BELOW,**
- ii) SUBJECT TO THE COUNCIL AND THE APPLICANT ENTERING INTO A SECTION 106 AGREEMENT TO SECURE AFFORDABLE HOUSING AND A COMMUTED SUM IN RESPECT OF PUBLIC OPEN SPACE**
- iii) AND TO ISSUE THE DECISION**

## 2. INFORMATION

The application is brought to the Strategic Planning Committee for determination in accordance with the Council's Scheme of Delegation as:

- The proposal represents a departure from the Council's development plan
- A committee request has been received from Ward Councillor Kath Pinnock

### Site Description

The application relates to a site of approximately 0.67 hectares. To the north of the site is West End Park. Bordering the site and providing vehicle access, to the east is Park View Road which joins Highfield Road and Waltroyd Road. To the south are dwellings on Waltroyd Road and Bream Avenue which is a recently constructed residential estate. This also extends to dwellings which border the western boundary of the site.

The site currently contains the pavilion building which relates to the sites former use as Cleckheaton Bowling Club. This building is in a poor state of repair and has recently suffered fire damage. The remains of the two bowling greens on the site are also present. The site is fenced off and there is currently no public access to it.

The site itself is relatively flat, however there are significant drops in level to the dwellings to the south and west. A Public footpath (SPE81/40) runs beyond the northern boundary of the site. There are no Protected Trees within the site.

### Proposal

The application is for full planning permission for the erection of 23 units. This consists of 17 dwellings and a block of 6 apartments.

The proposed dwellings are all detached properties and are two storeys. The apartment block is three storey. Access into the site is to be taken from Park View, although the entry point will be further northwards than the existing point.

## **4. BACKGROUND AND HISTORY**

2008/93071 – Change of use of land for siting of static caravan for use by club steward. Refused.

2009/91383 – Change of use of land for siting of static caravan. Refused

## **5. PLANNING POLICY**

### Kirklees Unitary Development Plan

D3 – Urban Greenspace

BE1 – Design principles

BE2 – Quality of design

BE11 – Use of natural stone

BE12 – Space about buildings  
T10 – Highway safety  
T16 – Pedestrian routes  
T19 – Car parking standards  
G6 – Contaminated land  
EP10 – Energy Efficiency  
EP11 – Integral landscaping scheme to protect / enhance ecology  
BE23 – Crime Prevention  
NE9 – Mature trees  
H1 – Meeting the housing needs of the district  
H6 – Housing sites

#### National Planning Policy Framework

NPPF Promoting sustainable transport (chapter 4)  
NPPF Delivering a wide choice of high quality homes (chapter 6)  
NPPF Requiring good design (chapter 7)  
NPPF Promoting healthy communities (chapter 8)  
NPPF Meeting the challenge of climate change, flooding (chapter 10)  
NPPF Conserving and enhancing the natural environment (chapter 11)

#### Other policy considerations

Providing for Education Needs Generated by New Housing' (KMC Policy Guidance)

SPD2 – Affordable Housing

National Planning Practice Guidance on affordable housing.

### **6. CONSULTATIONS**

The following is a brief summary of the consultation responses received. Where necessary, these consultations are reported in more detail in the assessment below:

**K.C. Highways Development Management** – No objections, on balance, and subject to conditions.

**Public Rights of Way** – “No objection.”

**K.C. Environmental Services** – No objections subject to conditions.

**K.C. Trees** – No trees worthy of protection and therefore no objections.

**K.C. Environment Unit** – No objections subject to conditions.

**K.C. Strategic Drainage** – No objection subject to conditions.

**K.C. Landscaping** – As no on-site POS is proposed a commuted sum of £57,500 should be sought towards improving facilities at the adjacent park.

**Coal Authority** – No objections.

**Yorkshire Water** – No objections.

**West Yorkshire Police Architectural Liaison Officer (PALO)** – No objections to the proposals in principle.

## **7. REPRESENTATIONS**

The application has been advertised by neighbour letter, newspaper advertisement and site notice. Following receipt of amended plans, the application has been re-advertised for a second time by neighbour letter and site notices. This amended period of publicity expired on the 3<sup>rd</sup> June 2015.

A total of 30 letters of representation have been received in objection to the scheme at the time of writing. One letter of support (on balance) has been received. The points raised may be summarised as follows:

### Highways:

- Lack of parking provision
- Concerns over internal turning
- Proposal will create traffic issues particularly around school times
- Access will be dangerous
- Additional car parking is required in the area
- Current access point to the site is difficult/dangerous
- HGV's have caused considerable damage in the area

### Visual amenity:

- Dwellings out of keeping with traditional properties around the site at present
- 3 storey apartments are out of keeping with surrounding development

### Landscape / ecology:

- Area is well populated with bats/wildlife

### Planning policy:

- Site is Urban Greenspace and therefore shouldn't be developed.

### Amenity:

- Development will lead to loss of light and overshadowing
- Houses will cause overlooking and overbearing impact

- Likely noise and disturbance created
- Concern over layout and density of dwellings

Infrastructure capacity:

- Schools do not have spare capacity

Other matters raised:

- More affordable housing isn't needed
- Site should be used for recreational use
- Loss of amenity space is unwelcome in this area
- Other brownfield sites should be used instead
- What 'type' of people will be in the affordable housing near a school
- Do Jones Homes have permission to apply for development?
- Some local residents didn't receive letters
- Legal action will be undertaken and media informed if structural damage is caused to dwellings
- What structural damage may the position of new dwellings cause to existing properties at a lower level?
- Affordable housing would de-value existing properties

Points of support:

- Bowling club has been derelict for many years
- Housing layout fits in local context

Ward Councillor Kath Pinnock has emailed in respect of this application:

"I have the following concerns re this application:

- The land is allocated as Urban Green Space in the Council's planning policy. This means it should not be built on except in very special circumstances.
- The land is also set aside for recreation. As you know the Council are demolishing the Sports Centre at Whitcliffe Mount and not replacing the community facility on the site. If the Bowling Club is developed for houses this is one further loss of a site for recreation.
- The road network round the site is already very congested at school start and finish times.
- The road junction with Highfield Terrace and Waltroyd Road is already very dangerous. The application does very little to sort this out.
- The application includes a 3 storey apartment block on the corner of the site next to the Park and Park View. This will dominate the scene and is not, in my view, acceptable.

Given the application is contrary to policy, I would request that there is a site visit and a committee decision.”

## **8. ASSESSMENT**

The application is for full planning permission for the erection of 23 dwellings and formation of access point.

### **General principle:**

The entire application site is allocated as Urban Greenspace on the Council's Unitary Development Plan Proposals Map. This forms part of a wider allocation which extends onto land to the north (West End Park). The starting point for consideration is therefore Policy D3 of the Unitary Development Plan.

Policy D3 sets out at part (i) that on Urban Greenspace sites planning permission will not be granted unless the development is necessary for the continuation or enhancement of the established use (s) or is a change of use to alternative open land uses, or would result in a specific community benefit, and, in all cases, will protect visual amenity, wildlife value and opportunities for sport and recreation.

Or as in part (ii), it includes an alternative provision of Urban Greenspace equivalent in both quantitative and qualitative terms to that which would be developed and reasonably accessible to existing users.

The community benefit element of the policy within part (i) is not consistent with the considerations of paragraph 74 of the National Planning Policy Framework (NPPF). The majority of the policy is however in accordance with the NPPF and as such Policy D3 should be accorded significant weight.

The proposal is for residential development and therefore the proposal is not necessary for the continuation or enhancement of the use of the site and does not involve change of use to alternative open land uses. No alternative provision of Urban Greenspace is included within the scheme. The proposal is therefore contrary to Policy D3 and represents a departure from the Council's development plan. The application is referred to Strategic Committee on this basis.

Planning permission should only be granted if this departure is outweighed by other material considerations.

Paragraph 212 of the NPPF states that the policies in the framework are a material consideration to be taken into account.

NPPF paragraph 74 advises that existing open space, sports and recreational buildings should not be built on unless:

- *“an assessment has been undertaken which has clearly shown that the open space 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 outweigh the loss.”*

The development proposed does not make replacement provision for the loss of the open space and it is not for alternative sport and recreational provision. It is therefore necessary to consider whether the Urban Greenspace is clearly surplus to requirements as open space.

Paragraph 14 of the NPPF outlines a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):

- *“approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.”*

Footnote 9 lists examples where specific policies within the Framework indicate that development should be restricted. The examples include land designated as Green Belt and Local Green Space. The application site does not fall into either of these categories.

The NPPF sets out at paragraph 49, *“housing applications should be considered in the context of the presumption in favour of sustainable development.”*

#### Sustainability:

The National Planning Policy Framework (NPPF) states that the purpose of the planning system “is to contribute to the achievement of sustainable development.” (para 6). It further notes that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples’ quality of life (para 9).

The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. “Economic, social and environmental gains should be sought jointly and simultaneously through the

planning system.” (para 8). The NPPF goes on to stress the presumption in favour of sustainable development. The proposals have been assessed in relation to the three strands of sustainable development as follows:

#### Economic:

The proposal will bring economic gains by providing business opportunities for contractors and local suppliers, creating additional demand for local services and potentially increasing the use and viability of local bus services.

#### Social:

There will be a social gain through the provision of new housing at a time of general shortage, which includes affordable housing.

#### Environmental:

The application site is considered to be a combination of brownfield (the pavilion building) and greenfield land (the bowling greens). In respect of development of the greenfield areas, whilst the NPPF encourages the use of brownfield land for development, it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.

Furthermore, development of the greenfield areas is necessary to bring forward the development on the rest of the site (brownfield).

In this case, assessing the policies in the National Planning Policy Framework as a whole in accordance with the paragraph 14 test, the environmental harm arising from the development of the greenfield parts of the site are considered to be outweighed by the benefits to be gained from the provision of housing.

The NPPF also recognises the need to locate significant development in sustainable locations as a core planning principle. As noted in the highways section of this report below, the site provides a reasonable level of access to public transport.

#### Value assessment:

The value of this piece of open space was assessed in the Council’s Open Space Study which was first published in 2007 and subsequently revised in 2010.

The study identifies that at the time the site was considered to be of good quality, reflecting the fact that at that point, the site was in use for outdoor recreation as a private bowling club.

The Council, through external consultants, is currently undertaking the preparation of a Playing Pitch Strategy. This has involved consultation with and input from Sport England and a number of other sporting governing bodies.

This Strategy has researched all existing playing pitches in Kirklees, including considering the quality and demand for them. Whilst the strategy has not yet been formally agreed by the Council, it is considered that some weight may be given to it given that it provides the most up to date information.

In the case of Cleckheaton Bowling Club, it concluded that the site was *“Unlikely to be required to service Bowls demand.”*

In addition, the Strategy also identified bowling greens at Spen Victoria Cricket, Bowling & Athletic Club and Spenborough United Ex Servicemen’s Club. In respect of the former, the Strategy notes the site has one green *“with likely spare capacity for additional use.”* With regard to the latter, the Strategy found that this is, *“Unlikely to be required to service Bowls demand.”*

The Strategy has therefore considered that the application site is not required for bowling and provides evidence that other bowling clubs in the area are not oversubscribed.

Therefore, in respect of paragraph 74 of the NPPF, it is considered that an assessment has taken place which clearly shows that the open space is surplus to requirements.

Notwithstanding this, in considering the quality of this piece of urban greenspace, there are a number of other site specific factors which need to be taken into account:

- Time since last used as bowling club & programme of marketing with no interest for continued use as bowling greens
- Visual amenity (clubhouse in a poor state of repair and subject to fire damage)
- Lack of public access to the site i.e. not offering any recreational value
- Delivery of commuted sum of £57,500 towards existing park adjacent to the site, which is a specific community benefit
- Site does not contain any significant habitats or trees worthy of TPO’s
- No reasonable likelihood of the landowner bringing it back into use for bowling at this time

Taking the above site specific factors into account, this piece of Urban Greenspace is considered to be of relatively low value. Having made this judgement, the weight to be given to protection of the Urban Greenspace is therefore more limited than may be the case with other Urban Greenspace allocations.

In considering paragraph 74 of the NPPF, this indicates that the open space should not be built on unless it is clearly surplus to requirements. As noted above with regard to the emerging Playing Pitch Strategy, it is considered that this has been demonstrated. The clear limitations of the site in terms of its overall value as open space also give weight in favour of the development proposed, particularly in the context of paragraph 49 of the Framework.

In such circumstances, on balance, it is considered that the loss of this Urban Greenspace site is outweighed by the provision of housing, including affordable housing as would be required through this development, and taking into account the shortfall in the District's supply of housing land that currently exists.

### **Impact on residential amenity (including Noise):**

In assessing the impact of the development on surrounding dwellings, Policy BE12 of the UDP is considered relevant. This requires 12 metres between existing habitable rooms and proposed non-habitable room windows and 21 metres between existing habitable rooms and proposed habitable room windows.

To the north of the site is a public right of way and beyond this is West End Park. As there are no dwellings, the requirements of Policy BE12 are met. To the east and across Park View are existing properties. Separation distances in excess of 21 metres are achieved between these existing properties and the closest proposed dwellings/apartment.

To the south of the site are dwellings on Waltroyd Road and Bream Avenue. The rear elevations of proposed Plots 1 & 2 are approximately 13 metres from the side elevation of No. 37 Waltroyd. This side elevation contains what appear to be non-habitable windows and therefore Policy BE12 is complied with in this respect.

Proposed plots 4, 5 & 6 achieve approximately 21 metres separation to habitable room windows on the rear elevations of No.s 14, 16 & 18 Bream Avenue. Plot 8 is located approximately 3 metres from No. 57 Bream Avenue at its closest point. However, there are no habitable room windows to the side (north facing) elevation of No. 57 and no habitable rooms above ground floor level to the south facing elevation of Plot 8. The ground floor kitchen window will be screened by way of boundary treatment.

Plots 10 and 11 are adjacent to No. 55 however there is no direct overlooking by virtue of the position and orientation of the dwellings. It is therefore considered that the development accords with Policy BE12.

With respect to overbearing impact and overshadowing, it is noted that there are significant changes in levels between the application site and the existing dwellings to the south and west. In addition, proposed plots 8 and 11 are in relatively close proximity to existing dwellings.

With respect to Plot 8, as this is directly to the north of No. 57 Bream Avenue, there will be no significant overshadowing of this property. Plot 11 is located to the north east of No. 55 Bream Avenue and therefore a limited degree of overshadowing will take place in the morning. It is considered that this will not cause a level of harm which would substantiate a reason for refusal.

With respect to noise, as the site is mainly surrounded by residential development, and Pollution & Noise have raised no concerns, it is considered that the proposal is acceptable in this regard.

Paragraph 58 of the NPPF requires developments to,

*“create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.”*

The development has been assessed by the Council's Police Architectural Officer. The PALO has confirmed that there are no concerns with the proposed design or layout (subject to conditions in respect of height of boundary treatments).

It is considered that residential development in this area (which is predominantly residential in nature) is appropriate and the development accords with Policies D2 and BE12 of the Unitary Development Plan.

#### **Impact on visual amenity:**

The nature of surrounding residential development (which is to the east, south and south west of the site) is mixed in character with some detached, semi-detached and terraced dwellings present.

Paragraph 58 of the NPPF states that planning policies and decisions should ensure developments, *“respond to local character and history, and reflect the identity of local surroundings and materials”*

The proposed residential development provides a mix of house types of a design and appearance that reflects the general character of the wider area.

This two storey scale of the houses proposed is considered acceptable in the context of surrounding development, which is largely two storey. The proposed 3 storey apartment block is considered acceptable as this ensures a relatively high density of development (approx. 34 dwellings per hectare). This will result in a development which results in efficient use of land.

Slight variations in the building line are provided within the layout, along with some dwellings at the western corner of the site being orientated at 90 degrees to the majority of the houses. This ensures that the proposal is not too linear as this can often lack visual interest. The site layout also ensures a good degree of natural surveillance throughout the site.

With respect to design, the proposed house types are all considered acceptable in respect of fenestration and proportions. The proposed materials for the dwellings are a mix of brick and render with concrete roof tiles.

Given that there are a variety of materials of construction for dwellings in this part of Cleckheaton, it is considered that this mix of materials would be appropriate. Notwithstanding this, it is suggested that a condition be imposed which requires samples of materials to be submitted before development commences.

It is considered that the proposed development is acceptable in relation to visual amenity and the proposals accord with Policy D2 of the Kirklees UDP in this regard.

### **Highways:**

The site is in close proximity to the East End Middle School and Heaton Avenue Primary School and School drop off/pick up can be problematic at times for existing residents in the locality.

A public footpath (Spen81) runs to the north of the site and outside of its limits and connects Park View with public footpaths Spen 82 to the west.

The access to the former Bowling Club/Bar lies directly on its south-eastern corner and appears to be in its original form from when the club house was first constructed. As such it is of single vehicle width, badly located on the frontage with respect to the adjacent highways, and with particularly poor vision in a southerly direction.

Given the height of existing boundary walls and the lack of footway on the nearside of the Waltroyd Road/Park View/ Highfield Road junction intervisibility between drivers leaving the bowling club access and pedestrians is challenging especially in the ability of drivers to see small children.

Park View is a publicly maintained residential estate road which opposite the site frontage has a carriageway width of 6.2m with a near ( western) verge of approximately 1.9m and a far (eastern) footway of 1.85m. Park View is subject to a 30 mph speed limit and is street lit, and in the immediate vicinity of the site there are no Traffic Regulation Orders that prohibit on-street parking or loading.

An on-street parking survey has been carried out of on-street parking with respect to the existing nearby school uses which indicates on street parking on Park View between 08.30 and 09.10 in 10 minute intervals.

At the start of the survey on-street parking (assumed to be generated by existing residents) occurs opposite the site frontage extending to Waltroyd Road. At 8.40 there was a heavy concentration of parking. However at 8.50 the on-street parking reduces significantly and in the vicinity of the site is less

than 8.30 levels. Levels again drop at 09.00 and at 9.10 are the same suggesting longer term resident related parking.

It should be noted that despite there being no restrictions on parking on Park View drivers' park on the built up eastern frontage leaving a free lane northbound. Although at 8.40 there was a heavy concentration of parking at all other times the space between the parked vehicles and the light flows did not inhibit observed through traffic movements.

There have been no recorded injury accidents in the vicinity of the development site or along any of the roads leading to the site from Whitcliffe Road or Westgate in the last 5 years.

#### The Development Proposals:

The proposed dwellings will be served from a new adoptable estate road, which is laid out partly as a traditional road with a constant width carriageway and footways to either flank leading to a relatively short shared surface courtyard.

The proposed dwellings are primarily 4 bedroom detached houses set out in frontage form with their own individual access and off street parking (drive and garage) within its curtilage. In addition there is a single block of 6 apartments located adjacent to the proposed junction with Park View on the northern side of the new estate road. These apartments have two bedrooms and are provided as "affordable housing". Off street parking to the apartments is provided in the form of 8 open spaces accessed direct from the new estate road.

The new estate road junction with Park View is to be located almost centrally on the site frontage to Park View and will include a carriageway of 5.5m, two 2m wide footways and junction kerb radii of 6m.

The present nearside highway verge is to be converted to a footway and will have a minimum width of 2m. Visibility at the new junction will be in accordance with the guidance set out within Manual for Streets and provides sight lines at the acknowledged urban setback of 2.4m of approximately 43m to the north and to the full distance to the junction of Waltroyd Road to the south.

As part of the development proposals the existing substandard access to the site is to be physically closed and the footway reinstated. The lack of a connecting nearside footway to Waltroyd Road is also acknowledged and to remedy this and provide an easier route for vehicles the Waltroyd Road connection into Park View is to be improved with both an increased carriageway width and footway provision. The estate road serving the development will include a turning facility for a refuse/emergency service vehicle at its head.

### Traffic generation:

Information from the nationally accepted TRICs database has been used to calculate expected trip numbers generated by the development. The estimated peak hour morning and evening trip generation is as follows:

AM Peak 6 vehicles in and 10 vehicles out  
PM Peak 9 vehicles in and 5 vehicles out

The proposed development is anticipated to generate approximately 16 two way movements during the morning peak and 14 trips during the evening peak hours.

### Public transport:

The closest bus stops to the site are located along South Parade located approximately 170m away from the site, other stops are located on Westgate approximately 340m away from the proposed application site.

There is a frequent level of service with an average of 7/8 buses per hour in each direction during peak daytime periods, 2 buses per hour during the evenings and 3 buses per hour on Sundays.

### Highway Development Management Conclusions:

Highways would generally concur with the findings of the Transport Assessment and consider that the level of traffic generated by the proposals can be accommodated and will have no material impact on the safe operation of the local highway. However there are concerns that the proposed development may add to the congestion that occurs at the peak times associated with the nearby schools.

Conditions are considered necessary to allow a post completion investigation of the on street parking and a review of the existing transport regulation orders and the implementation of appropriate measures to manage parking if concluded necessary.

The proposed footway to the site frontage, closure of the existing access, and the realignment and proposed improve pedestrian provisions along Park View leading into Waltroyd Road are considered to be in the interests of highway safety.

The proposed priority junction and visibility splays onto Park View meet recommended standards and are considered acceptable.

The proposed turning head is designed to accommodate an 11.6m long waste collection vehicle, the access road is 5.5m wide and the access and visibility splays are considered acceptable.



An appropriate amount of parking needs to be provided. In general parking should be provided in accordance with Appendix 2 of the UDP, including visitor (1 space per 4 dwellings) and cycle parking.

Integral garages should be provided with internal dimensions of 3m x 6m if they are to be considered as contributing towards parking provision.

In this case the garage sizes for the Branbury, Bramhall and Davenham house types are all substandard - 14 out of 17 detached houses proposed for this development (Branbury 4.7 x 2.6, Bramhall 4.8 x 2.7, Davenham 4.8 x 2.6). All of these house type are substantial 4 bedroom detached houses and the proposed parking provision needs to be fit for purpose. Highways recommendation is that 3 off-street parking spaces should be provided per dwelling.

To compensate for the lack of garage space the applicants have agreed to a condition requiring the provision of storage sheds which should allow the garages to be used for parking and not storage as is often the case where no other outside storage is available.

Taking the above into account, and subject to the imposition of conditions, it is considered that it would be difficult to substantiate a reason for refusal on highway grounds and the proposals are therefore acceptable on balance.

#### **Drainage/Flood Risk:**

The Council's Strategic Drainage Officer and Yorkshire Water have been consulted on the application and raised no objections subject to the imposition of conditions.

Subject to the imposition of condition, it is considered that the proposed development is acceptable in relation to flood risk and drainage.

#### **Ecology:**

The applicant has submitted an ecological survey and undertaken bat surveys. This detailed that no bats are using the pavilion building for roosting, although roost features are present and bats are foraging at the site.

The findings of the surveys have been considered and agreed by the Council's Environment Unit. No objections have been raised subject to the imposition of conditions relating to the following:

- A landscaping scheme which retains existing trees and includes new planting based upon the use of native tree and shrub species.
- Provision of bat and bird boxes
- A landscape management plan to manage the important biodiversity features incorporated into the site.
- A lighting scheme designed to avoid light spillage into sensitive areas

- A method statement for controlling and invasive species including Himalayan balsam and Japanese knotweed (although the latter is only present beyond the periphery of the site).

Subject to these conditions, the development is considered acceptable in respect of ecology and accords with the guidance contained within the National Planning Policy Framework.

### **Trees:**

The proposals have been assessed by the Council's Arboricultural Officer who has confirmed that there are no trees worthy of Tree Preservation Orders. Therefore there are no objections in respect of mature trees and the development complies with Policy NE9 of the Unitary Development Plan.

### **Viability/Section 106 contributions:**

The applicant has submitted a Viability Appraisal (VA) with the application and this has been subject to independent analysis on behalf of the Council. The main conclusions of the VA are accepted.

The NPPF sets out how viability should be considered and paragraph 173 states,

*“To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”*

The table below details the policy requirements in relation to the development and the contributions to be delivered by the development:

<b>Provision/Contribution</b>	<b>Policy Requirement</b>	<b>Contributions/costs</b>
Affordable Housing	27.9%* of residential floor space	15% of floorspace (secured by Section 106 agreement)
Education	N/A	
Public Open Space	£57,500 (towards improvement of facilities at West End Park)	£57,500 (secured by Section 106 agreement)

\*this figure is based upon an approximation of the amount of the site which is Greenfield (policy requirement for 30% of floorspace) against that which is Brownfield (requirement for 15% of floorspace). The vast majority of the site is Greenfield, therefore the combined Policy requirement is approximately 27.9% of floorspace.

### **Viability position:**

The applicant's Viability Appraisal (VA) demonstrates that the development can deliver a commuted sum for off-site Public Open Space improvements, but cannot afford to deliver an affordable housing contribution in full. The appraisal sets out that 15% of floorspace can be delivered (through 6 apartments) by the development, rather than the (approximate) 27.9% as required by policy.

This appraisal asserts that there are site specific factors which mean that the development can't deliver this policy requirement in full. This includes site specific costs such as asbestos removal, drainage costs (including utility connections and surface water storage).

The VA has been assessed independently by Consultants on behalf of the Council. This has examined the key variables in the applicants' submission. This concludes that the gross development value, finance and build costs are in line with market expectations

The development would allow for a return to the developer of 18% profit on Gross Development Value. This level of profit is considered to be a reasonable developer's return and is within the generally accepted range, established by appeal decisions such as Shinfield. The conclusions of the applicant's appraisal are therefore accepted.

Planning Practice Guidance and the recent Written Ministerial Statement make clear that contributions should not be sought from developers on sites of 10 units or less. Whilst this proposal is for 23 units, this guidance acknowledges that delivering affordable housing on relatively small sites is difficult.

Taking the NPPF and this recent guidance into account, along with the submitted (and independently assessed) Viability Appraisal, it is considered that the applicant has demonstrated that the development isn't viable with the delivery of affordable housing.

### **Objections:**

Insofar as representations received that have not been addressed in the above assessment these are answered as follows:

- Likely noise and disturbance created

**Response:** It is acknowledged that the development may lead to a period of disturbance and disruption during construction. However, this is the same for any development and a reason for refusal on this basis couldn't be substantiated.

- Schools do not have spare capacity

**Response:** The development is not of a sufficient size to require a payment towards local education needs.

- More affordable housing isn't needed

**Response:** The Strategic Housing Market Assessment (SHMA) details that within the north western Kirklees housing market area (which includes Cleckheaton) 286 new affordable homes are needed per year.

- Site should be used for recreational use

**Response:** The application has been assessed on its planning merits.

- What 'type' of people will be in the affordable housing near a school

**Response:** This isn't a material planning consideration and therefore can't be taken into account.

- Do Jones Homes have permission to apply for development?

**Response:** The applicant has completed certificate B of the application form which details that notice has been served to the landowner and therefore the application is valid.

- Some local residents didn't receive letters

**Response:** The application was advertised by site notice (x 5), neighbour notification letter (x 24) and by press advert. The high level of representation received also indicates a wide awareness of the application.

- Legal action will be undertaken and media informed if structural damage is caused to dwellings

**Response:** This isn't a material planning consideration as any structural damage caused to adjacent properties would be a private, civil matter between the parties.

- What structural damage may the position of new dwellings cause to existing properties at a lower level?

**Response:** This isn't a material planning consideration as any structural damage caused to adjacent properties would be a private, civil matter between the parties.

- Affordable housing would de-value existing properties

**Response:** This isn't a material planning consideration and therefore can't be taken into account.

## **Conclusion:**

Having regard to the limited value of the Urban Greenspace as set out above, on balance, Officers consider that the provision of new housing in a sustainable location outweighs the loss of the open space.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. It is considered that the proposed development is in accordance with the principles of sustainable development.

This application has been assessed against relevant policies in the development plan and other material considerations. The proposals are considered to be compliant with the policies in the Unitary Development Plan and there are no adverse impacts which would outweigh the benefits of the scheme.

## **10. RECOMMENDATION**

### **GRANT FULL PLANNING PERMISISON SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO IMPOSE:**

- i) ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE SET OUT BELOW,**
- ii) SUBJECT TO THE COUNCIL AND THE APPLICANT ENTERING INTO A SECTION 106 AGREEMENT TO SECURE AFFORDABLE HOUSING AND A COMMUTED SUM IN RESPECT OF PUBLIC OPEN SPACE**
- iii) AND TO ISSUE THE DECISION**

#### **Conditions:**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
3. Before development commences, the wall to the site frontage shall be set back to the rear of the proposed visibility splays as shown on approved plan number 14-026 PL02 rev R and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.
4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
5. No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

6. Before development commences details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.
7. Prior to development commencing, a detailed scheme for the improvement of the Park View/Highfield Road/Waltroyd Road junction and the provision of a footway to the park view site frontage with associated signing and white lining shall be submitted to and approved in writing by the LPA. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. All of the agreed works shall be implemented before any part of the development is first brought into use.
8. Within 3 months of the completion of the development and the issue of the provisional certificate of highway adoption the applicants shall undertake a parking survey relative to school start and finish times of the on street parking on the development. Following the results of the survey should it be concluded on street parking restrictions are necessary on the development during such times then the applicant agrees to fund the necessary transport regulation order.
9. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the LPA. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
10. 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.
11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. 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.

12. 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.

13. Prior to occupation of the dwelling(s), in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. In residential units that have unallocated parking spaces then before occupation of these units at least one electric vehicle recharging point per ten properties with the above specification shall be installed

14. Development shall not commence until a scheme detailing separate foul and surface water drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be phased, so as to include details of when, during the development of the site, the drainage will be installed. The development shall be carried out in accordance with that phased scheme.

15. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of *3 litres per second (can be increased if acceptable to Yorkshire Water)* has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100 year storm events, with a 30% additional allowance for climate change. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. The scheme shall be phased, so as to include details of when, during the development of the site, the surface water attenuation will be installed. The development shall be carried out in accordance with that phased scheme. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

16. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, on drainage infrastructure, including blockage scenarios, and exceedance events, and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be

occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development.

17. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

18. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

19. Notwithstanding the submitted information, within 3 months of the date of this permission a landscaping plan shall be submitted to the Local Planning Authority. This shall detail the retention of existing trees (as described in the submitted ecological report) and include new planting based upon the use of native tree and shrub species. New planting across the site should seek to enhance habitat networks and make links beyond the site boundary. The scheme shall also detail the phasing of the landscaping, planting and a landscape management plan. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

20. Within 3 months of the date of this permission, details of in-situ bat and bird boxes to be incorporated into the design of the dwellings shall be submitted in writing to the Local Planning Authority. The bat and bird boxes shall be provided at a ratio of one box per 3 dwellings. The development shall be undertaken in accordance with the details so approved and the bat and bird boxes provided retained thereafter.

21. Within 3 months of the date of this permission, a lighting scheme shall be submitted in writing to the Local Planning Authority. The scheme shall detail measures to prevent light spillage into tree corridors where bats are likely to forage and/or where bat boxes have been erected. This applies to both the construction and operational phases. The development shall be undertaken in accordance with the details so approved.



22. Within 3 months of the date of this permission details of a scheme to eradicate Japanese Knotweed and Himalayan Balsam shall be submitted in writing to the Local Planning Authority. The scheme shall include details of the schedule of the works. The development shall then be completed in accordance with the approved scheme, prior to first occupation of the dwellings.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

24. Within 6 months of the date of this permission, details of the siting, design and materials to be used in the construction of walls or fences for boundaries (this shall be of a minimum height of 2.1 metres along the northern boundary of the site), screens or retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The approved walls/fences shall be erected before the development hereby approved is occupied/brought into use and shall thereafter be maintained.

25. Within 6 months of the date of this permission, samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed of the approved materials.

26. Notwithstanding the submitted information, within 3 months of the date of this permission a scheme detailing the provision of a garden shed to each of the dwellings within the site shall be submitted to the Local Planning Authority in writing. The scheme shall detail the size, position and materials for construction of the sheds. The development shall then be completed in accordance with the approved details

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the dwellings.

This recommendation is based on the following plan(s):-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			16/1/15
Proposed site plan	PL02	R	13/5/15
Proposed floor plans & elevations (apartments)	PL04		7/1/15
Proposed floor plans & elevations (Banbury)	PL05	A	7/1/15
Proposed floor plans & elevations (Bramhall)	PL06	A	7/1/15
Proposed floor plans & elevations (Mawdsley)	PL08	A	7/1/15
Proposed floor plans & elevations (Styal)	PL12		7/1/15
Proposed floor plans & elevations (Davenham)	PL07		7/1/15
Proposed street scenes	PI10	D	13/5/15
Draft drainage works	JHN/1184/500		7/1/15
Topographical Plan	Sut414090		7/1/15
Statement on bowling club			7/1/15
Marketing statement			7/1/15
Phase II report			16/1/15
Planning statement			7/1/15
Tree survey			7/1/15
Bat survey			13/5/15
Design & Access statement			7/1/15
Coal mining Risk assessment			3/2/15
Statement of community involvement			7/1/15
Transport Assessment			7/1/15
Phase 1 habitat survey			9/1/15

**Application No: 2013/93721**

**Type of application: 62m - FULL APPLICATION**

**Proposal: *Erection of 29 dwellings (Amended Plans)***

**Location: *Wood Nook, Denby Dale, Huddersfield, HD8 8RR***

**Grid Ref: 422690.0 408578.0**

**Ward: *Denby Dale Ward***

**Applicant: *Conroy Brook (Developments) Ltd***

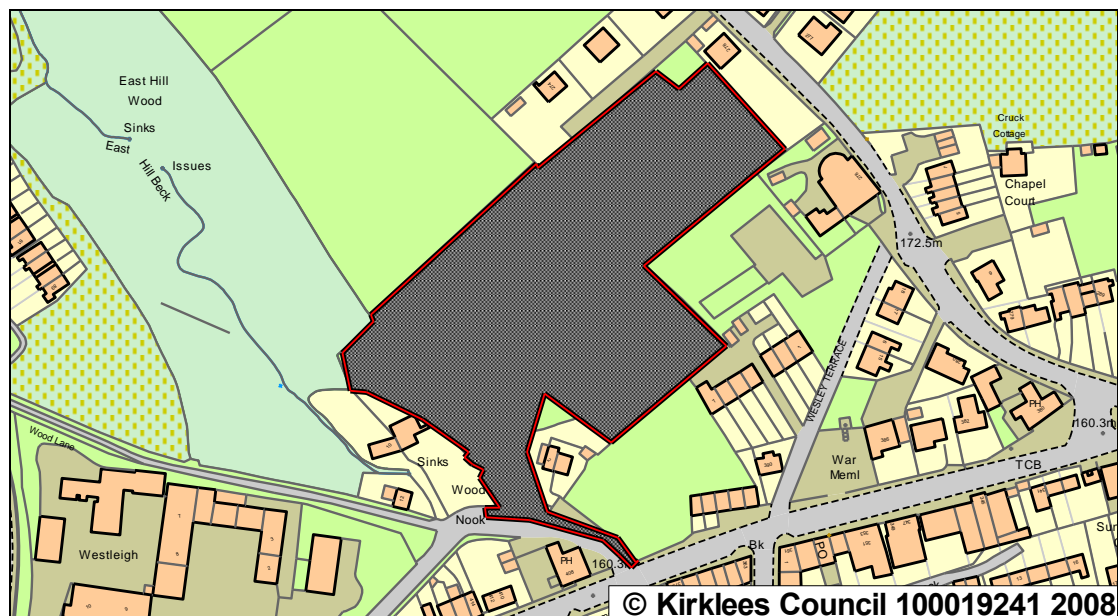
**Agent: *Farrar Bamforth Associates***

**Target Date: *21-Feb-2014***

**Recommendation: *ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS***

Link to [guidance notes for public speaking at planning committee](#) including how to pre-register your intention to speak.

## LOCATION PLAN



**Map not to scale – for identification purposes only**

## 1. SUMMARY OF APPLICATION

Scale of Development	1.07ha	
No. Jobs Created or Retained	N/A	
<b>Policy</b>		
UDP allocation	D5 - Provisional Open Land	
Independent Viability Required	Yes	
<b>Representation/Consultation</b>		
Individual Support (No.)	Nil	
Individual objections	53	
Petition	725	Objecting to proposal
Ward Member Interest	N/A	
Statutory Consultee Objections	None	Coal Authority initial objection overcome.
<b>Contributions</b>		
• Affordable Housing	1 type G house for social rent	
• Education	£35,992	
• Public Open Space	£25,000 off site contribution	
• Other		
<b>Other Issues</b>		
Any Council Interest?	No	No
Planning Pre-application advice?	N/A	
Pre-App Consultation Undertaken?	Yes	
<b>Comment on Application</b>	<p>The site is allocated as POL within the UDP. Given that the Council is unable to demonstrate a deliverable 5 year housing land supply housing policies including D5 are considered to be out of date. There is no objection to the release of this site for residential development at this time.</p> <p>Amended plans have been secured to provide a satisfactory access off Wood Nook. The density and layout of the scheme are considered to be acceptable. Matters of drainage and biodiversity are dealt with by conditions.</p> <p>A viability appraisal has been submitted and independently assessed.</p> <p>Approval is recommended subject to a Section 106 Agreement securing contributions towards affordable housing; improvement of off site POS; and education.</p>	

**RECOMMENDATION: GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:**

**1. ENSURE THE SIGNING OF A SECTION 106 AGREEMENT TO SECURE FINANCIAL CONTRIBUTIONS TOWARDS;**

- AFFORDABLE HOUSING;
- IMPROVEMENT TO OFF SITE PUBLIC OPEN SPACE; AND
- EDUCATION CONTRIBUTION

**2. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE SET OUT IN THE REPORT; AND,**

**3. SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGES THAT WOULD ALTER THIS RECOMMENDATION ISSUE THE DCISION NOTICE.**

## **2. INFORMATION**

The application is brought to Strategic Committee as the development proposed represents a departure from the Council's Unitary Development Plan.

The application was deferred at Strategic Committee in June with a request that Officers re examine the viability of the development and seek an improved affordable housing offer.

## **3. PROPOSAL/SITE DESCRIPTION**

### **Site**

The application site comprises an area of approximately 1.07 ha and is located to the rear of Wood Nook and a recently completed residential care home off Wakefield Road. The site extends to the east behind existing dwellings on Wesley Terrace, the Centenary Methodist Church and a number of properties on Cumberworth Road.

Included within the site are a number of outbuildings associated with the exiting Wood Nook Farm. These extend to the rear of 3 properties on Wood Nook Road.

The site is a green field site, and slopes upwards from the southern boundary. It should be noted that properties on Wakefield Road and Wesley Terrace are at a lower level than the application site.

There is a woodland area to the west and north and a footpath off Wood Nook Road runs parallel to the site and northwards through the neighbouring woodland. There are a number of trees on, and adjacent, to the site protected by a Tree Preservation Order.

Wood Nook is in the form of a loop that links at both ends to Wakefield Road (the principle road through Denby Dale). At the junction of Wood Nook Road and Wakefield Road is the Dalesman Public House, which, after a period of being vacant, has re-opened.

The site is allocated as Provisional Open Land on the Kirklees Unitary Development Plan.

## **Proposal**

Full permission is sought for the erection of 29 dwellings. This will be a mix of 3 and 4 bed detached and semi detached properties. In terms of building heights 2 storey and 2/3 storey properties are proposed. The latter being essentially split level units, built to reflect the site's contours.

Access to the site is off Wood Nook Road and involves the demolition of a barn at Wood Nook Farm. It should be noted that separate permission is not needed to remove this barn. Work is also required to remove a number of trees to form the access point into the site.

The access itself will be an estate road with footpaths either side that will loop around Wood Nook Farm and serve an extended cul-de-sac of 29 dwellings. The dwellings themselves will be sited in three, roughly parallel, rows of dwellings with each row of dwellings stepping up to reflect the site contours. The exception to this is in the northern most corner of the site where plots 7-10 are sited around a short turning head with their blank gables facing towards the existing properties on Cumberworth Road.

## **4. BACKGROUND AND HISTORY**

2010/91052 – Erection of 45 no bedroom Class C2 residential care/nursing home, site of Greenfeeds Ltd, Wakefield Road, Denby Dale. Granted conditional planning permission June 2010

2013/90875 – Extension to time limit to previous permission no. 2010/91052 for erection of 45 Bedroom C2 Residential Care/Nursing Home. Granted May 2013

2013/91781 – Variation of condition 2 (conditions) on previous permission 2013/90875 for extension to time limit to previous permission no. 2010/91052 for erection of 45 Bedroom C2 Residential Care/Nursing Home. Granted July 2013

## **5. PLANNING POLICY**

### **Kirklees Unitary Development Plan**

D5 – Provisional open land  
BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about buildings  
BE23 – Crime prevention  
T10 – Highway safety  
T16 Footpaths within development sites.  
T19 – Parking standards  
G6 – Land contamination  
H10 – Affordable housing

H18 – Provision of open space  
NE9 – Retention of mature trees

## **National Planning Policy Framework**

Part 4 Promoting sustainable transport  
Part 6 Delivering a wide choice of high quality homes.  
Part 7 Requiring good design  
Part 8 Promoting healthy communities  
Part 10 Meeting the challenge of climate change, flooding and coastal change  
Part 11 Conserving and enhancing the natural environment

## **Other Policy**

Supplementary Planning Document 2 – ‘Affordable Housing’.

## **6. CONSULTATIONS**

**KC Highways** – Amended plans are acceptable subject to conditions. A full report is included within the Assessment section of this report

**KC Public Rights of Way** – The access track carries a public footpath (Denby Dale 139). It should be checked to see if any further dedication towards highway registration is required.

**KC Environmental Health** – Recommend conditions covering decontamination/remediation and air quality.

**KC Environment Unit** – A phase 1 Habitat Survey has been carried out. Follow up survey work should be conditioned to inform the Landscape Management Scheme, new planting and bio diversity enhancements.

**KC Conservation and Design** – No objections

**KC Trees** – Request some additional information in relation to Plot 1. In the event of an approval an Arboricultural Method Statement needs to be conditioned to ensure that damage to tree root is prevented during any construction work, particularly relating to the new access point.

**KC Strategic Drainage** – Requested additional information, this information has been provided and conditions are recommended in the event of an approval.

**KC Education Service** – A financial contribution of £35,992, is requested in this instance.

**KC Recreation and Parks** – The size of the site is such that policy H18 (Provision of Public Open Space) is applicable. In this case a contribution of £77,050 in lieu of on-site provision to be used towards improvements of existing facilities in the area would be acceptable.

**KC Strategic Housing** – This is a green field site, and as such, in accordance with Policy H10 and SPD2, an affordable housing contribution of 30% of the total floor area proposed should be sought. There is a demonstrable need for affordable housing in this area.

**The Coal Authority** – Initially objected to this proposal on technical grounds. An updated and improved Coal Mining Assessment has been provided and the Authority has now withdrawn their objection, recommending an appropriate condition in the event of an approval.

**The Forestry Commission** – No objection, there will be no impact on the nearest Ancient Woodland area.

**The Environment Agency** – No objection and recommend condition in the event of an approval.

**Yorkshire Water Authority** – Recommend conditions.

**Police Architectural Liaison Officer** – Adequate boundary treatment to the rear of plots 106 is required (a low dry stone wall will be insufficient). Front garden should have a clearly marked boundary distinguishing public from private space

## **7. REPRESENTATIONS**

As originally submitted this application was for 31 dwellings and this application was publicised by site notices and neighbour letters.

A total of 53 letters of objection were received, the main points of concern being:

1. The proposed extra houses will have an adverse effect on the local services in the area, including doctors surgeries and schools. The local infrastructure cannot accommodate any more dwellings particularly as there has already been a considerable amount of new development in Denby Dale. For example near the station and at Blue Hills.
2. The scheme will result in the further loss of green fields. This site is an important green field/visual backdrop for this village.
3. The release of this land for housing will open up the remaining open “free” land for release.
4. The proposal is contrary to Policy D5 (Provisional Open Land) of the Kirklees Unitary Development Plan.
5. This whole application process has been very secretive and has been “snuck up” on the residents of Wood Nook.



6. The scheme does not address the need for social housing that exists in the area.

7. Public transport in the area is at best patchy.

8. The site is on a slope and elevated, accordingly the use of 3 storey dwellings is inappropriate.

9. The proposed layout will cause loss of amenity for existing properties in Wesley Terrace and Cumberworth Road. Loss of privacy and proximity to the boundaries of bungalows is highlighted.

10. The style of housing proposed is bland and without flare and the dimension of some of the rooms is illegal.

(N.B. Internal rooms sizes is not a material consideration, and is covered by other legislation).

11. An application of this importance should have been accompanied by a Visual Impact Assessment.

12. There are drainage problems on this site.

13. There will be an adverse effect on trees and wildlife habitat.

14. If any development is allowed on this site then a new safe pedestrian crossing will be needed in the main village.

15. Housing isn't needed in Denby Dale there are plenty of houses for sale.

16. The use of Wood Nook for access is inappropriate, this has no pavements and now that the pub is re-opened and the care home finished, the extra vehicles at this point will be hazardous to neighbouring residents and pedestrians.

17. The neighbouring Church has expressed concerns at the potential use of its property for trespass and short cuts given the layout proposed.

18. There is the need for an adequate retaining wall structure at the access point off Wood Nook.

19. It is accepted that there is a need for houses but this location is not the answer there are more appropriate sites.

A petition with 725 signatures entitled "Save Our Village" has been received objecting to the scheme on the grounds as follows:

- that it will result in the loss of a green field site,
- the local amenities and infrastructure can't cope, and
- there is no desire to live in a concrete jungle.

The amended plan reduces the number of dwellings to 29, with alterations to the proposed access arrangements. The amended plan has been re publicised, and to date 5 additional letters have been received.

Essentially the objections listed above are repeated with the reference that reducing the scheme by 2 units doesn't make any real difference towards overcoming objections.

## **8. ASSESSMENT**

### **General Principle and Policy:**

The application site is part of a larger area of land allocated as Provisional Open Land (POL) which is subject to Policy D5 of the Unitary Development Plan (UDP).

Policy D5 states that: *"...planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term."*

The weight that can be given to policy D5 in determining applications needs to be assessed in the context of the National Planning Policy Framework (NPPF) paragraphs 215 and 49.

In the context of paragraph 215 the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites. The weight that can be given to policy D5 in these circumstances was assessed in October 2010 by a planning inspector in his consideration of an appeal against the refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (APP/Z4718/A/13/2201353).

The Inspector concluded that: *"...The lack of a 5 year land supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it too is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement that there be a review of the plan before the land can be released. In these cases the Frameworks presumption in favour of sustainable development is engaged."*

The presumption referred to by the Inspector is set out in NPPF paragraph 14 which states that where relevant policies are out of date, planning permission should be granted; *"...unless any adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits when assessed*

*against this framework as a whole, or that specific NPPF policies indicate development should be restricted”.*

It should be noted that Footnote 9 of NPPF lists examples of restrictive policies but this does not include policies concerning safeguard land.

As such, there is no objection to the principle of releasing this land for residential at this time.

The NPPF identifies the dimension of sustainable development as economic, social and environmental roles. It states that the roles are mutually dependent and should not be undertaken in isolation. In particular paragraph 8 states: *“...economic, social and environmental gains should be sought jointly and simultaneously through the planning system”*

The proposal will bring economic gains by providing business opportunities for contractors and local suppliers, creating additional demand for local services and potentially increasing use and viability of local bus service.

There will be a social gain through the provision of new housing at a time of general shortage.

The loss of a green field represents an environmental loss however this is compensated for through environmental gains secured by the attached conditions, in particular biodiversity enhancement and access to the woodland walk. Both of these aspects are dealt with in the report.

Although national policy encourages the use of brown field land for development it also makes it clear that no significant weight can be given to the loss of green field sites to housing when there is a national priority to increase housing supply.

As such, on balance, the proposal is considered to meet the paragraph 8 tests.

Accessibility is one element of sustainable development but not the ultimate determining factor. Accessibility tests are set out in the Regional Spatial Strategy (RSS table 13.9). Although the RSS has been revoked it remains the latest plan which has been the subject to public examination and is therefore currently the most sound basis for assessment under NPPF paragraph 14.

The application has been assessed against the tests as follows:

Test 1: is there a local service centre within 1200m walking distance?

Test 2: is there a bus stop within 800m with a service of at least a 30 minute frequency and a journey time of less than 30 minutes (25 minutes bus plus 5 minutes walking) to a town centre offering employment, leisure and retail opportunities?

Test 3: is there a primary school within 1600m? (this equates to a 20 minute walk)

Test 4: is there a surgery or other primary health care facility within 1600m?

This site meets all the tests outlined above.

Assessing the policies in the NPPF as a whole in accordance with the paragraph 14 test, the provision of housing on this green field site will outweigh the environmental harm arising from this development and the proposal is considered to be sustainable development.

Given the size of the site and numbers of units envisaged the following policies are applicable:

- Policy H10 - Affordable Housing (green field site i.e. 30% of floor area);
- Policy H18 - Provision of public open space; and
- The Council's guidance for the provision of education needs generated from new development.

As a green field site affordable housing should be provided at a ratio of 30% of floor area in order to satisfy the policy and SPD2. Contributions are also required for both Public Open Space and Education. Such contributions are normally secured via a Section 106 agreement.

#### **Viability:**

The applicant has submitted a viability appraisal for the scheme. In accordance with the accepted procedure the appraisal has been independently assessed on behalf of the Council.

At the request of Strategic Committee in June, the viability appraisal has been revisited to see if an improved affordable housing offer is possible.

The value of the original offer, (just over £120,000) was based upon a proposed development of 31 dwellings.

Following negotiations with Officers the offer was increased to £175,000 based upon an amended scheme for 29 dwellings, the scheme having been amended to take account of the location of coal mine adits within the site.

This level of contribution was considered appropriate by the Council's consultant, however it is not sufficient to meet all of the policy requirements which would be:

Affordable Housing	30% of floor area
Education	£35,992
Off-site POS	£77,050
METRO resident travel cards	£13,398

The applicant has been asked whether there is scope to increase the value of contribution from the development. In response reference is made to the presence of coal seams and mining adits within the site which require remediation work and grouting, the steepness of the site with the need for retaining structures in order to accommodate an acceptable access and developable area and the extent of drainage works necessary to serve the development.

The abnormal costs associated with bringing the development forward are identified to be in the order of £1m, this has been verified in the assessment of the appraisal.

Other aspects of the appraisal have been rechecked and it is difficult to see how any additional contributions could be funded.

In terms of affordable housing 30% of floor area equates to approx 8 dwellings, and in accordance with the SPD2, affordable housing should be sought at a ratio of 90% -10% social rental to intermediate housing.

The contribution could be used to deliver one social rented and one intermediate dwelling. Alternatively it would be possible to secure one social rented dwelling with a balance of £67,000 to distribute between other competing demands.

Officers maintain the previous recommendation that on balance a fair distribution of the £175,000 would be to meet the education requirements at Scissett Middle School, a reduced contribution to improve existing public open space off site at Sunny Bank and support ongoing works at East Hill Wood with the provision of one Type G affordable social rented dwelling:

Affordable Housing	1 Type G house for social rent
Education	£35,992
Off-site POS	£25,000

Whilst it would have been desirable to provide resident Metro cards to encourage the use of public transport, given the viability position it is considered that the priority ought to be securing an affordable provision.

Ward Members have been consulted about priorities for use of the financial contribution secured. Cllr Jim Dodds and Cllr Michael Watson have indicated that they regard education as a priority.

### **Highway Issues:**

#### Access

It is proposed to access the site via a new priority junction from Wood Nook. Wood Nook carries a public footpath (Denby Dale 139). Drawing no. 12/D09/04M shows the proposed access arrangements. The site access

junction incorporates new 1.8m wide footways at either flank of the access road, which terminate approximately 10 m either side at Wood Nook. Acceptable gradients will be provided in a 'two-stage' format with the steeper initial section having no dwellings and with hand rails built into the full length of the retaining wall along the estate road. It is proposed to provide a delineated pedestrian route approximately 1.1 m wide marked by a white lining at the northern flank of Wood Nook between the site access junction and the footway along A636 Wakefield Road.

Drawing number 12/D09/04M indicates that visibility splays of 2.4m x 43m (commensurate for 30mph speed limit) can be achieved in both directions along A636 Wakefield Road at its junction with Wood Nook. The visibility splay to the left is along the care home's perimeter wall and therefore, over land that is not in the control of the applicant. The wall height is to be maintained at 1m and the area inside the wall is for use as a parking area. PAH Highway Consultants state that the visibility splay along A636 Wakefield Road to the left of Wood Nook will not have any obstructions above 1m height. HDM acknowledge this view, in that it would be difficult to substantiate an argument against it.

Forward visibility for vehicles waiting to turn right into the proposed site access accords to current guidance and is considered acceptable.

The junction geometry and visibility splays accords with current guidance and is considered acceptable.

#### Traffic generation

Assessment using the industry standard TRICS database indicates that the development is forecast to generate around 16 to 18 two-way vehicle movements respectively in the morning and evening peak periods.

The two-way vehicle flows along A636 Wakefield Road are circa 900 two-way vehicles during the peak hours.

Forecast arrivals and departures are set out in Table 1:

Table 1: Peak Hour Vehicle Trips

Total	Weekday AM Peak		Weekday PM Peak	
	Arrivals	Departures	Arrivals	Departures
	4	12	11	7
	16		18	

In terms of cumulative impact of the development, HDM considers the scale of the proposed development to be below the threshold to consider cumulative impact on the highway network.

## Accessibility

### *Bus*

The nearest bus stops are located within 200 m of the proposed site access at A636 Wakefield Road. The bus stops are served by bus services 24, 82, 83, 84/84A, 96A, 435 and 436 providing a combined two-way weekday frequency of circa 8 buses per hour in the daytime.

To encourage the use of public transport the developer should be required to implement a Residential Metro Card Scheme, the funding for which shall be secured via a Section 106 Agreement.

### *Pedestrians*

It is proposed to delineate an area for pedestrians along Wood Nook, which carries a public footpath, to complement the 1.8 m wide footways provided at either flank of the site access road. This links into the footways provided along A636 Wakefield Road. There is a pedestrian crossing facility at A636 Wakefield Road approximately 300m from the site.

### **Impact on Amenity:**

The proposed development would be at a density of approx. 28 dwellings per ha which is considered to be an efficient use of land, particularly taking into account the levels constraints.

The surrounding area includes a mix of house and building types ranging from detached bungalows to terraced houses, farm buildings and a large multi storey residential home. As such the density and style of dwellings proposed is considered to be acceptable within this area.

The proposed layout is significantly affected by the site's sloping nature with dwellings being constructed at different levels producing stepped roof lines consistent with the change in level. The extent of the slope results in a number of the units being 2/3 storey i.e. 3 storey to the rear, with living accommodation on the lower ground floor. At street level these properties would be 2 storey.

The scheme was amended to 29 units from 31 to take account of on-site constraints regarding coal mining. The area affected being the plots in the southern part of the site to the rear of the care home and Wesley Terrace. In addition to reducing the extent of development to the rear of Wesley Terrace, the house types have also been amended to a smaller unit for the entire length of the road on this part of the site. This results in a more consistent building line and roofscape. In terms of the finished roof levels the highest new buildings on the site would still lower than the bungalows that flank the site to north from Cumberworth Lane.

In terms of the Council's space about buildings policy (Policy BE12) the layout satisfies the distances both in relation to existing dwellings and within the scheme itself. The dwellings adjacent to the site that will be most affected are

those to the western end of Wesley terrace and the 3 bungalows on Cumberworth Road. There are 2 properties proposed to the rear of Wesley Terrace, these are located 21m distant from the habitable room windows. Also these properties are 2 storey. It is proposed to remove permitted development rights for the construction of dormer windows and rear extensions. With regard to dwellings to the rear of the Cumberworth Road bungalows these are sited at right angles with the gables facing those bungalows. There are no habitable room windows in those gables, and it is proposed to impose a condition to prevent the future insertion of any windows or openings in those gables.

### **Environmental Issues (Contamination and Remediation; and Air Quality):**

The site is capable of being made fit to receive the new development and conditions are recommended to secure this. The nature of the site and its location within a former coal mining area are reflected in the suggested Environmental Health conditions as well as those of the Coal Authority. These conditions are important as the scheme involves a sensitive end user and as implementation will involve cut and fill.

With respect to air quality it is proposed that the dwellings provide access for charging points for electric and ultra low emissions vehicles. Conditions to this affect are suggested.

### **Drainage:**

The site is within Flood Zone 1 i.e. the area least likely to flood, but given the site is just in excess of a hectare in area a flood risk assessment has been produced.

No objection has been raised by the Environment Agency subject to conditions.

The Council's Flood Risk & Drainage Team advises that given the slope of the site and the amount of cut and fill that would be required to deliver the scheme, it would be difficult to rely upon a purely SUDS drainage system. On site attenuation to deliver a green field run off rates of 3l/s is submitted for consideration and is the most appropriate drainage solution for the site.

Also given the slope of the site a condition is recommended covering temporary drainage provision and attenuation during construction and following any land strip. In terms of overland flood routing it is appropriate to consider this at this stage, this being a detailed application. Any potential issues if they were to occur would have been in the SE corner of the site. Two of these plots have been deleted from the scheme due to the location of an adit.



As such it is considered that scheme can be adequately drained in terms of both foul and surface water without any adverse effect off site, thus according with the guidance contained in part 10 of the National Planning Policy Framework “ Meeting the challenge of climate change, flooding and coastal change

### **Bio diversity:**

The application is accompanied by a Phase 1 Habitat Survey that identifies the potential for follow up work to be undertaken before development commences.

The follow up survey work should be conditioned and used to inform the proposed landscaping scheme and any detailed biodiversity enhancement measures. These should include precautionary measures for birds and bats, and a landscape scheme, which incorporates some semi natural habitat areas within the site. Where possible, replacement tree planting should use appropriate species.

The Ecological Survey includes a bat activity survey and assessment of the bat roost potential of the barn. No bat activity was recorded from the barn.

### **Crime Prevention:**

Plots 1-6 back onto an open field with a dry stone wall boundary. An increase in the height of the rear boundary treatment is considered appropriate given the levels differences across the site.

Each dwelling has its own parking in close proximity to the house, and there are no communal rear accesses proposed. The footpath link from the site to the woodland walk should be gated to ensure pedestrian only access.

### **Objections:**

The extent of objections received and the issues raised are detailed above. However there are a number of common themes that are summarised and responded to below:

*1. The proposal is contrary to Policy D5 of the UDP, and there will be a further loss of a greenfield site. Whilst it is accepted that there is a need for additional housing it isn't needed here and this is an inappropriate site.*

Response: The Council is unable to demonstrate a 5 year supply of deliverable housing land, and such housing policies in the UDP including Policy D5 are out of date and it is not feasible to refuse planning permission for development for this reason. (Appeal decisions in both Cleckheaton and Skelmanthorpe have confirmed this). Whilst the site is green field the National Planning Policy Framework makes it clear that this in itself is not a reason for refusal. There is a need for housing within the entire Kirklees District.

*2. The release of this site will open up neighbouring greenspaces for development.*

Response: The neighbouring open land to this site is to the north and is allocated as green belt. The layout applied for does not make provision for future access to the green belt land.

*3. The local infrastructure cannot cope. The local schools are oversubscribed as are the local doctors and dentists surgeries.*

Response: The proposal allows for a full education contribution in accordance with the Council's policy. The provision of doctors and dentist facilities is a matter for the Local Health Authority and is not a material planning concern.

*4. Access off Wood Nook is fundamentally unacceptable given the levels and the proximity to surrounding uses e.g. pub and care home. Also there will need to be retaining walling to accommodate access.*

Response: Amended plans have been negotiated to ensure the satisfactory provision of the access off Wood Nook, including satisfactory gradients, visibility and siting of retaining structures.

*5. The house types and layout applied for are unacceptable, being out of character with the area (i.e. some units are 3 storeys) and will result in loss of amenity by way of overdominance and loss of privacy for existing dwellings on Wesley Terrace and Cumberworth Lane.*

Response: The layout satisfies the Council's space about building policy. Finished heights of dwellings will be below the roofline of existing properties on Cumberworth Lane. The scheme has been designed with the site levels and there are a number of part 2 and part 3 storey dwellings proposed which utilise the site levels. This is not considered to be an inappropriate form of development but one that is consistent with development on valley sides.

## **Conclusion:**

The site is allocated as Provisional Open Land (Policy D5) on the Unitary Development Plan, and as such the proposal has been advertised as a departure. However given that the Council is unable to demonstrate a 5 year supply of deliverable housing land, Policy D5 is considered to be out of date, and therefore no sustainable objection can be raised to the release of the land for residential development at this stage.

Access and traffic details have been amended to satisfy Highways and these matters are covered by condition.

The scheme constitutes an efficient use of the site, and the space about buildings standards relating to both the new dwellings and those that adjoin the site are met. The layout has been designed to reflect and accommodate the existing levels, and the sites position on the hillside.

The viability appraisal has been independently assessed and an improved offer towards section 106 contributions has been secured. Local Ward Members have been consulted about priorities for use of the financial contribution secured. Any comments received will be reported and used to inform the heads of terms for the necessary Section 106 Agreement.

Issues of drainage and biodiversity have been satisfactorily dealt with and pedestrian links to the Woodland walk from both the site and off Wood Nook secured.

As such subject to the resolution of the Section 106 Agreement, the scheme is considered to be acceptable and approval is recommended.

## **9. RECOMMENDATION**

**RECOMMENDATION: GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:**

- 1. ENSURE THE SIGNING OF A SECTION 106 AGREEMENT TO SECURE FINANCIAL CONTRIBUTIONS TOWARDS**
  - AFFORDABLE HOUSING;**
  - OFF SITE PUBLIC OPEN SPACE PROVISION; AND**
  - EDUCATION CONTRIBUTION**
- 2. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY THOSE SET OUT IN THE REPORT; AND,**
- 3. SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGES THAT WOULD ALTER THIS RECOMMENDATION ISSUE THE DECISION NOTICE.**

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

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

3. No development shall take place until a sample facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.

4. No development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.
5. Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 5 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced.
6. 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.
7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 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.
8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. 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.
9. 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.

10. Development shall not commence until a scheme detailing separate systems of foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and shall thereafter be retained.

11. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 3 litres per second has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100 year storm events with an appropriate allowance for climate change. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The works shall thereafter be managed and maintained in accordance with the approved scheme.

12. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- How flooding of adjacent land/property is to be prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

13. The development shall not commence until a scheme to mitigate the effects of exceedance events (and blockage scenarios) of the design of drainage infrastructure, and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. Detailed design should demonstrate how incorporating preferential flows through landscaped areas (flows onto site) and utilising the road network as a containing conduit avoiding property and curtilage (site drainage), outlined in the Flood Risk Assessment produced by KRS Environmental dated November 2014, has been achieved. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall thereafter be retained.

14. Prior to development commencing a detailed scheme for the proposed estate road; the site access road junction with Wood Nook (with reference to drawing no. 12/D09/04M) and 2m wide setts at the site access junction with Wood Nook shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections with suitable gradients and vertical curves, traffic calming, drainage works, street lighting, lining, surface finishes, including proposed hand rails and seating for pedestrians, together with an independent Road Safety Audit covering all aspects of the work. Before any building is brought into use the scheme shall be completed in accordance with the approved details and retained thereafter.

15. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all the retaining walls adjacent to both the existing and new public highway shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and shall thereafter be retained.

16. Prior to development commencing, a detailed scheme for the provision of improvements to Wood Nook;

- a) delineation of pedestrian walk area on the north flank of Wood Nook between the new 1.8 m footway at the site access junction with Wood Nook and the footway at A636 Wakefield Road; and
- b) upgrading of street lighting;

with all associated signing and white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, and signing; surface finishes together with appropriate independent Road Safety Audits covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.

17. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and shall thereafter be retained.

18. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

19. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order with or without modification) the integral garages that serve the new dwellings hereby approved shall not be converted into living accommodation without the prior consent of the Local Planning Authority.

This recommendation is based on the following plan(s):-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Design and Access Statement			Nov 2013
Corrected Planning Statement	DSA 148613		7/1/14
Phase 1 Desk Top Study			Nov 2013
Radon Report	GR_207667/1		Nov 2013
Enviro-check data sheet			Nov 2013
Updated Coal Mining Report	NG8283/W00/CM		Feb 2014
Arboricultural Report			Nov 2013
Bat Survey	1390945		Nov 2013
Ecological Statement			Nov 2013
Transport Statement	630A		Nov 2013
Location Plan	12/D09/15		Nov 2015
Existing site plan	12/D09/03		Nov 2013
Proposed layout	12/D09/04	M	19/5/15
Site Sections	12/D09/12	A	Nov 2013
House types			
Type A	12/D09/05		Nov 2013
Type B	12/D09/06		Nov 2013
Type C	12/D09/07	A	Nov 2013
Type D	12/D09/08	A	Nov 2013
Type E	12/D09/09	A	Nov 2013
Type F1	12/D09/14	A	Nov 2013
Amended house types plots 22-25 type G	12/D09/19	A	23/10/14

**Application No: 2014/92737**

**Type of application: 60 - OUTLINE APPLICATION**

**Proposal: Outline application for erection of 5 dwellings**

**Location: adj, 8, Miry Lane, Netherthong, Holmfirth, HD9 3UQ**

**Grid Ref: 413532.0 409922.0**

**Ward: Holme Valley South Ward**

**Applicant: Steven Buttershaw & Kust Schramm**

**Agent: Angus Ellis, WHpArchitecture**

**Target Date: 27-Feb-2015**

**Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL  
SUBJECT TO DELEGATION TO OFFICERS**

Link to [guidance notes for public speaking at planning committee](#)  
including how to pre-register your intention to speak.

## LOCATION PLAN



**Map not to scale – for identification purposes only**



## **1. SUMMARY OF APPLICATION**

The application seeks outline planning permission for residential development with details of access and layout to be considered, all other matters being reserved for subsequent consideration.

The site is part of a larger area allocated as Provisional Open Land (POL) on the Councils Unitary Development Plan with the remainder of the POL site proposed as Public Open Space.

Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years, and in accordance with the National Planning Policy Framework (NPPF) relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content. In accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or that specific NPPF policies indicate development should be restricted.

The proposal constitutes sustainable development. The application site with the improvements proposed to Miry Lane can be accessed safely in highway terms and the loss of a small section of a hedgerow and trees which do not form part of the protected group would be replaced by compensatory planting, enhancement and mitigation measures. In terms of layout there would be no harmful effect on visual or residential amenity.

All other material planning considerations, relevant UDP and national planning policy objectives are considered to be addressed, subject to conditions.

### **RECOMMENDATION: DELEGATE AUTHORITY TO OFFICERS TO GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO:**

- i) THE APPLICANT ENTERING INTO A PLANNING OBLIGATION TO SECURE THE PROVISION OF PUBLIC OPEN SPACE**
- ii) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, INCLUDING THOSE BELOW, AND**
- iii) THERE BEING NO SUBSTANTIAL CHANGE THAT WOULD ALTER THIS RECOMMENDATION, ISSUE THE DECISION NOTICE**

## **2. INFORMATION**

The application was brought before the Strategic Committee on 16<sup>th</sup> April 2015 as the application represents a departure from the Development Plan. Member's deferred the application to enable application no. 2015/90580 for

development with access from St Mary's Way/ St Mary's Rise to come forward for consideration (given Committee's concerns relating to access from Miry Lane) and for further drainage details including perimeter drainage to be reported to Committee.

The assessment below has been amended to reflect any change in circumstances since 16<sup>th</sup> April, taking into account all material considerations. This includes drainage issues and a list of the conditions to be included, should Committee be minded to approve the application.

### **3. PROPOSAL/SITE DESCRIPTION**

#### **Site Description**

The application site comprises 0.4 hectare of land that is steeply sloping from north to south. The site is surrounded by residential properties to the east and south with open fields to the north and west of the site. The application site is part of a larger area of Provisional Open Land and lies to the southern part of the wider site.

#### **Proposal**

The application seeks outline permission for residential development with details of access and layout to be considered, all other matters being reserved. The layout proposes five dwellings to be served from Miry Lane. The proposal would involve widening of the highway, formation of a 1.50m wide footway shown to be extended from outside no. 8 Miry Lane to the bottom part of the application site along the proposed new access.

The indicative scale of properties shows the proposed dwellings to be two storey in height.

Following deferment of this application at Committee on 16<sup>th</sup> April, the agent submitted a drainage layout plan and additional technical information including details of land drains to manage surface water during the construction period. These details are shown on drawing no. 03 Rev K received 28<sup>th</sup> May 2015.

### **4. BACKGROUND AND HISTORY**

2015/90580 – Outline application for erection of 7 dwellings and formation of two sites access points – validated 26<sup>th</sup> Feb 2015 – pending decision and to be considered as part of this agenda

2013/93081 – Outline application for residential development for 18 dwellings - recommended for refusal on road safety, visual amenity from the loss of hedgerow/trees and biodiversity within the hedgerow – withdrawn before determination

1978/60/0434 - Outline application for residential development. Refused and dismissed at appeal.

This appeal is historic and predated the preparation of the Local Plan for the area, which has since been replaced by the UDP. As such, little weight should be afforded the decision.

## **5. PLANNING POLICY**

The application site is forms part of a larger area of Provisional Open Land (POL) on the Unitary Development Plan, the remainder of which is shown as Public Open Space.

### **Kirklees Unitary Development Plan**

D5 – Provisional Open Land

BE1 – Design principles

BE2 – Design of new development

BE12 – Space about buildings standards

BE23 – New developments to incorporate crime prevention measures

G6 – Development having regard to contamination

NE9 – Protection of mature trees

EP11 – Incorporation of integral landscaping scheme which protects or enhances ecology

H18 – Provision of open space

T10 – Highway safety considerations

T16 – Provision of safe, convenient and pleasant pedestrian routes within developments

T19 – Parking standards

### **National Planning Policy Framework**

‘Achieving Sustainable Development’

‘Core Planning Principles’

Section 4 - Promoting sustainable transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

### **Other Guidance**

Planning Practice Guidance – Open Space

## **6. CONSULTATIONS**

Below is a summary of the consultation responses received; where appropriate these are expanded upon in the assessment section of this report:

**K.C. Highway Development Management:** Support on receipt of engineered sections and subject to conditions

**K.C. Environmental Services:** Support subject to conditions

**K.C. Arboricultural Officer:** Support subject to conditions including recommendations within the arboricultural methods statement accompanying the application

**K.C. Conservation & Design:** Support (see assessment below)

**K.C. Ecologist:** Support subject to conditions to include enhancement measures including retention of veteran tree

**K. C. Strategic Drainage:** Additional information includes details of surface and foul water drainage as well as details of how surface water would be managed during construction with perimeter drainage - Support subject to conditions.

**K.C Landscape architects:** Proposed landscape should be well thought out, of high quality, enhance the area and strengthen the green corridor along Miry lane.

**Yorkshire Water:** There is no public sewer network in Miry Lane outside the development site.

**Police Architectural Liaison Officer:** Comments provided in relation to boundary treatments to be no less than 2.1m in height for the houses backing on to the POS and door and window specifications. These matters can be secured via condition, where appropriate.

## **7. REPRESENTATIONS**

Since 16<sup>th</sup> April, one further representation has been received, stating that both applications on this site need to be reviewed at the same committee meeting, as they are submitted by the same applicant and relate to development of the same green field site. The concerns raised are summarised below:

- Not sustainable and add to highway safety on surrounding roads, some of which are without pavements
- Loss of established hedgerows, removal of trees and destruction of wildlife
- Access onto a single width, very steep country lane

**Response:** all of the above issues are addressed in the assessment below.

The application was previously advertised by neighbour letters and site notices. The final publicity period expired on the 24<sup>th</sup> November 2014. 228 letters of objection were received. The concerns of which are summarised below:

### Highways:

- Lack of details relating to height of retaining and boundary/ walls
- Approaches to site are not suitable for HGV's
- Site access unsuitable for increased traffic as is steep, winding single track sharp bend and with on-street parking only one car could pass.
- Lack of footway and unmade surface
- Access through Netherthong and Deanhouse problematic because of narrow/poorly maintained roads, through small village.
- Additional sections/ information is vague makes no reference to excavations
- Increase highway safety concerns, adding to congestion problems, existing access/parking issues in the village will be worsened including around school run time.
- Construction traffic and proposed would exacerbate access/safety issues.
- Fire Service has had difficulties due to parked cars.
- There have been a number of car accidents in close proximity of site
- Miry Lane has previously had flooding problems and development would worsen this. It can be impassable in extreme weather of snow and ice.
- Local school has raised issues of highway safety previously.
- Many people drive far too fast for the local road conditions.

### Sustainability:

- Brownfield sites should be used instead of this greenfield site.
- Sustainability issues with this location including distance to major centre/shops etc. and reliance on cars.
- Proposal would not have any employment benefit.

- Site is 'lowest tier in Local Development Framework' so the village has the least potential for development.
- The main service centre for Netherthong is Holmfirth.
- Given location and local employment opportunities, most residents of the development would be commuters.
- The development does not support "the transition to a low carbon economy" (National Planning Policy Framework)
- The bus service is limited
- The 'Hopper' bus service to Holmfirth is under threat due to funding cuts.
- Totally unsuitable for people with prams, bikes, less abled people and people using mobility scooters.
- The shop in Netherthong sells a very limited range of goods.
- The village has no doctor's, dentist or chemist.

#### Landscape / ecology:

- The Veteran oak tree to be retained will block sight lines for traffic entering in and out of the access.
- No information/details of retaining walls/ depth of foundations which can affect the long term viability of protected trees including the veteran oak tree.
- Proposals would result in the loss of trees that are protected and loss of hedgerow
- New landscape could potentially cause loss of light and damage to foundations of existing trees
- Road widening would impact on protected trees on western side of Miry Lane from excavation works under tree canopy
- The proposed 'no dig drawing' submitted by the applicant is not appropriate in constructing a suitable adoptable highway on Miry Lane which would require significant excavation
- Site is full of wildlife interest (inc. owls, bats, squirrels).
- Further pressure on shrinking areas of wildlife habitat – such areas of unimproved grassland provide important patches of relatively unmanaged ground which act as reservoirs for species within built-up areas.
- Site is not currently in agricultural use and is currently vacant.
- Site has trees of significant quality which add to the value of the area.
- Residential development needs public space
- Inadequate and misleading information submitted relating to siting, size and depth of trees.

#### Planning policy:

- Proposal is contrary to Policy D5 of the Kirklees Unitary Development Plan, which makes it clear that planning permission for such land will not be granted other than for very limited purposes.
- Other POL sites should be developed first, in more suitable locations.

- Not in sustainable location
- If this POL application is approved then it may set a precedent for the other two POL sites in Netherthong to be brought forward for residential.

#### Heritage:

- Development will impact upon character of Conservation Area.
- Any development extending towards the Conservation Area would in effect enclose it and eliminate visual permeability into it from the surrounding Green Belt.

#### Infrastructure capacity:

- The village is full and already at breaking point.
- Netherthong primary school is already full and cannot be extended. Holmfirth High School is also full.
- Adequate number of houses already available in area.
- Existing drainage/sewerage problems will be worsened causing flooding
- Area experiences power cuts which would be worsened.
- Foul/surface drainage may not work given changes in levels in and around the site and adversely impact on the neighbouring properties.

#### Other matters raised:

- Nothing has changed since the last withdrawn application (13/93081) and must be rejected on the same grounds.
- 2.1m fence would be an eyesore
- Loss of privacy from upper floors of proposed property
- Ownership of the strip of grass verges is unclear
- Site has community benefit as dog walkers and should not be lost.
- Development may suffer from noise from local businesses which would affect local trade and employment.
- There are many houses for sale in the local area, exhibiting a lack of demand. Some local developments with planning permission have not been built.

#### Additional representations:

Jason McCartney MP has commented on the application as follows:

“Thank you for your email to say that the above application has been updated by the developer. I would like to add further comments to my objection to this development to take into account these updates.

1. The wildlife corridor will be separated by the applicant's entrance road, this goes against the entire purpose of such a safe corridor threatening wildlife such as bats and owls.

2. The excavations envisaged on Miry Lane will also destroy a significant number of tree roots further impacting on wildlife.
3. The design proposed by the applicant goes against equality of highway design as set out in the Governments Manual of Streets as it excludes wheelchair users, pushchairs, elderly persons and cyclists.

I hope these further points are taken alongside my previous objection to this development”

Initial comments made:

“I would like to add my objection to those of other residents regarding the above development. This is yet another unsustainable development on green field land – the congested roads, the lack of adequate public transport, the distance to amenities like the doctors and the lack of school places all remain the same as for developments that have been recently submitted. In fact the cumulative effect of these submissions makes the situation in Netherthong increasing difficult.

The access from Miry Lane is also a problem which is too close to protected oak trees. This loss of habitat on the existing field boundary will cause unacceptable damage to the local environment.

I hope the planning committee take these issues into account and reject this application”.

**Holme Valley Parish Council** – Object to the application on highways, transport and environmental grounds:

- 1) Lack of safe and suitable access to/from the site, to access everyday local amenities, town centre facilities, schools and transport system; also not within acceptable walking distance.
- 2) Topography of site and local road layouts in area will intensify use of vehicles as opposed to walking/cycling, intensifying the already difficult traffic and pedestrian conditions.
- 3) Inappropriate access for people with reduced mobility (e.g. the elderly and disabled, wheel chair and pram users), due to proposed steps and steep gradients.
- 4) Not conducive to walking or cycling, due to steep gradients, particularly during inclement weather conditions.
- 5) Poor provision for safe, convenient and pleasant pedestrian routes, due to narrow or non-existent footways combined with steep slopes, blind bends and parked cars, particularly on Miry Lane and Giles Street (route to be taken by school children).
- 6) Poor pedestrian access to schools – nearest high school would be outside preferred maximum walking distance of 2km); also concerns that all schools in vicinity are already over-subscribed.



- 7) Inappropriate access to public transport (bus and rail) – the bus service in this area is inadequate, with insufficient bus stops and not conducive to use for commuting purposes.
- 8) Part of the site is an important ancient hedgerow (as defined in the Hedgerow Regulations 1997; the ancient hedgerows and veteran trees form a natural habitat and wildlife corridor along Miry Lane and must be protected. Any removal (in whole or part) of the ancient hedgerow is not justified, to achieve the proposed roadway.
- 9) Some of the trees have TPOs on them and must continue to be protected.
- 10) Concerns re drainage – Dean Road is particularly prone to flooding.
- 11) Concerns that foul water system is outdated and is incapable of supporting this development.
- 12) Inappropriate development between Netherthong and the Green Belt (being bordered on two sides by Green Belt).
- 13) Such a development would not be sustainable and is not in keeping with the conservation area's local character and distinctiveness based on the character of the built environment and landscape alongside the proposed development.

Members of the Parish Council also request the following:

- a) That this development should be rejected, to continue to protect this greenfield site as 'Provisional Open Land.'
- b) That this application should be referred to the Planning Sub-Committee for consideration.
- c) That consideration be given to the decision on a previous application (and appeal) regarding this site: planning consent was refused in 1978 on the grounds that "The proposed development would constitute an undesirable extension of development from the village of Netherthong in a prominent position and would set a precedent for further extension of developments westwards. In addition, it is considered that the proposal would increase the concentration of traffic in the vicinity of the site and in the village centre, which would not be in the interests of the amenities of the area." The decision went to appeal (ref T/APP/5113/A/19/2558/G2) and was subsequently dismissed.

## **8. ASSESSMENT**

### **Principle of development:**

The application site includes land designated as Provisional Open Land (POL). Policy D5 of the UDP states that "*planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term*"

The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49.

In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph

49 the council is currently unable to demonstrate a five year supply of deliverable housing land.

The weight that can be given to policy D5 in these circumstances was assessed in October 2013 by a planning inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):

*“The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework’s presumption in favour of sustainable development is engaged.”*

The presumption referred to by the inspector is set out in NPPF paragraph 14 which states that where relevant policies are out-of-date, planning permission should be granted *“unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”*. Footnote 9 lists examples of restrictive policies but this does not include policies concerning safeguarded land.

### **Sustainability:**

The National Planning Policy Framework (NPPF) states that the purpose of the planning system “is to contribute to the achievement of sustainable development.” (para 6). NPPF notes that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples’ quality of life (para 9). NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. “Economic, social and environmental gains should be sought jointly and simultaneously through the planning system.” (para 8). NPPF stresses the presumption in favour of sustainable development. The developer has submitted a supporting document on sustainability, and the proposal has been assessed against each role as follows:

#### Economic:

A proposal for five dwellings would bring some economic gains by providing business opportunities for contractors and local suppliers. In accordance with the NPPF new houses will support growth and satisfy housing needs thereby contribute to the building of a strong economy. The proposals would be

creating additional demand for local services and potentially increasing use and viability of local bus services

Social:

There will be a social gain through the provision of new housing at a time of general shortage that has good access to local facilities and with an area to be dedicated to Public Open Space.

In terms of social inclusion and accessibility the site is:

- Approximately 2,200 metres away from Holmfirth district centre, via New Road and
- within 1,200m of local facilities in Netherthong including a food store and two public houses.
- There a bus stop within 800m with a service of at least a 30 minute frequency and a journey time of less than 30 minutes (25 minutes bus and 5 minutes walking) to a town centre offering employment, leisure and retail opportunities,
- 700m from a stop served by the 308 which provides an hourly service to Huddersfield taking 40 minutes.
- St Mary's Rise is served by the H5 bus, which forms part of the Holmfirth minibuss network and provides an hourly service to Holmfirth bus station.
- approximately 600m from Netherthong Primary School, and
- within 1,900m of GP surgeries at Holmfirth Memorial Hospital.

The H5 bus provides an hourly link to the GP surgeries.

Environmental:

The development of a greenfield site represents an environmental loss. However, although national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply. On balance the proposal is considered to meet the paragraph 8 test.

The Services Biodiversity officer advises whilst there is a tree corridor/hedge along Miry Lane, the application field is improved grassland and of little ecological interest. The proposal would result in removal of part of the holly hedge to enable the construction of the proposed access to the site. The removal of a short strip of this hedge would be compensated for by appropriate mitigation, compensation and enhancement measures being incorporated into the development and other measures to be taken prior to development. These can be secured by conditions.

Further to the above regarding the sustainability of the site, observations made by the Inspector for a recent appeal decision on a POL site in Netherthong (APP/Z4718/A/14/2219016 - Land off St Marys Avenue) should be noted with respect to accessibility. This is highlighted in the 'Social' thread of sustainability above. In that case the Inspector noted the deficiencies in access to local services by sustainable means but having,

*“regard to the emphasis on growth within the Framework, and (having given) weight to the need to boost the supply of housing. In the absence of a 5 year housing land supply, the contribution the development would make to housing supply in the District would significantly and demonstrably outweigh the harm that would arise as a result of increased trips by private car.”*

Assessing the policies in the NPPF as a whole in accordance with the paragraph 14 test, the environmental harm arising from the development of this Greenfield site and the marginal disadvantages in its social accessibility are considered to be clearly outweighed by the benefits to be gained from the provision of housing. The principle of development is therefore acceptable.

### **Impact on visual amenity:**

A full assessment of the scale and appearance of the development would be made upon the submission of reserved matters. Proposals for new development should respect the architectural qualities of surrounding development and their materials of construction in order to preserve and enhance the appearance of the area. This is reiterated in section 12 of the NPPF.

UDP Policies are BE1 and BE2 require that the layout of buildings should respect any traditional character the area may have. All development should be of good quality design that such that it contributes to a built environment and creates a sense of local identity and must respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area.

The internal access road would be central to the proposed five properties and dictates the siting of these dwellings. In the layout shown, the road and properties would appear staggered with those on St Marys Way. However, this is not uncommon having regard to the layout of the highway network and grain of the surrounding development.

Given the sloping nature of the site, extensive excavations and infilling would be required within the site. All plots are shown to provide reasonably sized enclosed garden areas including parking provision with space for waste bins for each plot. Given the size of the application site, Officers are of the opinion that five dwellings can be adequately accommodated without appearing out of context.

With regard to the scale of properties, an indicative scale is submitted showing them to be two storey in height. Whilst, this is a matter to be considered at reserved matters or full application stage, the agent has been advised the scale of properties would need to be comparable to those on St Mary's Way to ensure the proposal integrates with the visual amenity of the surrounding development and to accord with Policies BE1 and BE2 of the UDP. Furthermore, it is considered that the proposed properties could have

an overbearing impact with loss of privacy for occupiers of existing properties to Miry Lane. (Discussed in detail below)

With regards to design and external appearance, these are matters which are be considered in detail upon submission of reserved matters or full application taking into account the above policies and the impact on the character and appearance of the surroundings.

### **Heritage assets, trees and ecology:**

The application site lies close to the Netherthong Conservation Area, to the south east of the site. The proposed access is shown to be formed off Miry Lane, which is one of the gateways into the Conservation Area. This section of Miry Lane with its narrow width and mix of trees, hedgerows and drystone walls defines a significant approach into Netherthong.

Conservation Officers initially raised concerns that the proposals to form the access road to serve the development would harm this tranquil and rural gateway due to the significant amount of work required which would include extending the existing footway and street lighting provision on the eastern side of Miry Lane up to the new site access and the loss of boundary walling/hedging to form a 4.8m wide access with visibility splays of 2.4m x 43m. In addition the Conservation officer raises concern about the level of engineering work which would lead to 'less than substantial harm' to the setting of the Netherthong Conservation Area, thereby failing to comply with paragraph 134 of the NPPF.

Paragraph 134 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

At the request of officers further information including engineered sections has been submitted to shown how the works to provide the new access, extension of the footway from outside 8 Miry Lane to the application site and road widening would be undertaken. From this information it is evident that the proposal would result in the removal of a small section of the holly hedge, a Sycamore and Elder tree which, although providing some amenity value, are considered by the Services Arboricultural Officer to be of limited value and are not included as part of the protected group of trees. The widening of the road would result in the loss of the grass verge along the western edge of the Miry Lane, no works are proposed along Miry Lane, to the top side of the application site.

The loss of the holly hedge and two trees would be compensated by appropriate mitigation, with replacement planting to form part of the landscape scheme. This would be conditioned to include a woodland mix of trees and shrubs to create open woodland in the area proposed for the POS and landscaping along the site frontage to Miry Lane. In light of this further information the Conservation Officer has subsequently advised that whilst the

proposals would lead to less than substantial harm to the setting of the nearby Conservation Area, this is outweighed by the wider public benefits the proposal brings, in terms of the provision of public open space over and above that necessary to serve the scale of development proposed and enhanced landscaping. Other public benefits include highway improvements along this section of Miry Lane and the proposals to provide housing at a time of general shortage. As such the proposals would accord with paragraph 134 of the NPPF.

Turning to the impact on the ecology & trees within the site, paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity” by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments. UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site.

Firstly with regard to trees, in an initial assessment of the proposed works, the Services Arboricultural Officer raised a number of concerns relating to the impact on the long term viability of trees to be retained including those on the opposite side of the application site as a result of the proposed road widening. Subsequently further information was requested in the form of an accurate tree survey, arboricultural method statement and engineered sections to assess the impact of the proposed works on the roots and future viability of the protected trees to be retained, including those on the opposite side of the application site.

The creation of the new access would require the removal of a section of the hedgerow along the eastern part of Miry Lane and as noted above the removal of two other trees, an Elder and a single stemmed Sycamore as identified on the drawing within the tree survey. These are identified within the tree survey accompanying the application to be of low amenity value.

The Services Arboricultural Officer is satisfied that the proposed works to widen the road to end at the carriageway edging would not affect the long term viability of the trees to be retained on both sides of the road provided that the remaining margin verge edge along the western side of the road is reinstated as a grass verge.

The loss of the small section of the hedgerow, which does not form part of the protected group, and two trees which are of low amenity value can be compensated by appropriate mitigation measures to include new planting, conditioned to form part of any future landscape proposals at reserved matters or full application stage, along with the conditions suggested by the Services Arboricultural Officer. This would accord with Policy NE9 of the UDP, in that satisfactory precautions will be taken to ensure the continued viability of the trees to be retained on site and on the opposite side of the road.

With regards to the ecological value of the site, the Services Biodiversity Officer advises that the hedgerow is used by foraging bats and nesting birds. As stated above, the proposal would result in the removal of a short section of hedgerow. In light of the Arboricultural method statement indicating measures to be employed during improvement and access works, the root zones of the remaining trees would be protected.

This together with the new planting proposed is considered to provide a semi-natural buffer between the gardens of the new development and the existing hedge line. The Services Biodiversity Officer is satisfied that the removal of a short section of hedge is acceptable, provided appropriate replacement compensatory planting and mitigation measures in the form of bat and bird boxes are provided integral to the new build. Subject to conditions the proposal is thus in accordance with Policy EP11 of the UDP and guidance in the NPPF.

### **Impact on residential amenity:**

Policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises.

It is anticipated the proposed dwellings would have their main aspect towards the north and south with front elevations facing onto the proposed internal access road. Internally within the layout, the proposed dwellings would have an acceptable distance between them. The layout would also achieve adequate distance between the proposed and existing properties to the east on St Mary's Way.

The properties most likely to be affected are to the south, namely nos. 6 and 8 Miry Lane. These are set at a considerably lower level than the application site. The layout shows plots 1 and 2 at an oblique angle to these properties. A distance of 20m would be achieved at the nearest point between the corner of plot no. 2 and existing property at no. 8 Miry Lane. Having regard to the levels between existing and proposed dwellings, officers are satisfied that the layout would not adversely affect the residential amenity of occupiers of existing properties.

However, officers are concerned about the indicative scale which indicates the proposed properties to be two storey in height. This would not be acceptable in terms of impact on visual amenity and moreover the potential overlooking and overbearing impact it would have on existing properties to Miry Lane, south of the application site.

The agent has been fully appraised on these issues and acknowledges officers concerns. This will however be a matter for detailed consideration at reserved matters stage.

### **Impact on Highways and Road Safety:**

UDP Policy T10 states that “New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network”. Policy T19 addresses car parking in relation to the maximum standards set out in Appendix 2 to the UDP.

The section of Miry Lane fronting the western site boundary, from which access is proposed, is a narrow country lane of poor surface condition with steep gradients. The metalled surface of Miry Lane in the vicinity of the proposed site access is around 3.5m wide with grass verges to either side and provides insufficient width for two way vehicle movements. Previously it was noted, there was evidence of vehicles overrunning the verge to pass opposing traffic. In terms of vertical alignment the average gradient of Miry Lane along the site frontage is around 18% (1:5.5).

It is acknowledged that Miry Lane is lightly trafficked and that due to geometry constraints vehicle speeds are low. Notwithstanding this, the proposed residential development would result in an intensification of use of Miry Lane in terms of both vehicular and pedestrian movements.

The proposal includes the widening of the existing road width to 4.8m, along a length of approximately 40m below the proposed access and provision of a 1.50m footpath. Engineered sections were requested by the Highway Officer to assess and establish how and whether the proposals could be achieved and to assess the impact on the boundary wall of no. 8 Miry Lane. The sections show the existing highway to be raised by approximately 300mm and re-grading of the grass verge on both sides of the road. The verge along the western side of Miry Lane would be grass and to the east, details of re-grading would need to be submitted and approved by the Local Planning Authority. This can be controlled by condition.

In conclusion; it is considered that traffic generated by the proposed development for five dwellings can be safely accommodated within the local highway network and that the proposal would not result in any undue highway safety implications. Subject to suitable conditions the application is considered acceptable by Highway Officers who are satisfied that the sections submitted indicate a technical solution and would accord with the above mentioned highway Policies of the UDP and the NPPF.



**Drainage issues:**

The NPPF requires Local Planning Authorities to take account of climate change over the longer term, including factors such as flood risk and water supply. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

One of the reasons for deferring the application related to drainage concerns and the potential impact on the existing properties to the south. Further information is received which includes a drainage management plan for the whole of the site with details of land drains to manage surface water during the construction period, as shown on drawing no. 03 Rev K, received 29<sup>th</sup> May 2015. This also takes into account the relationship of the site to the surrounding properties in particular to the south and which is shown to include the provision of perimeter drainage along the southern boundary with these properties.

Strategic Drainage Officers are satisfied with the additional information, and advise the suggested conditions be imposed to alleviate any potential concerns over flood risk to existing and proposed properties during both construction and occupation phases. As such subject to the imposition of suitable drainage conditions, as suggested by the drainage officer, including the provision of temporary drainage solutions to protect adjacent properties during the construction phase, it is considered the site can be adequately accommodated without risk to surrounding properties, in accordance with advice in the NPPF.

**Public Open Space:**

Policy H18 of the UDP requires the provision of POS on housing sites of 0.4 hectares or more at a ratio of 30 sq m per dwelling. To the north of the proposed development, the balance of the POL allocation is within the ownership of the applicant and is proposed as informal POS. This area of land is approx. 0.6 Ha in area, well in excess of the 150 sq m of POS required.

Following consultation with the Services Landscape Officer, the provision of a non-equipped area of informal POS is considered to be acceptable.

A detailed scheme for the landscaping of the POS and arrangements for subsequent maintenance can be secured by condition.

The applicant has confirmed a willingness to enter into a planning obligation that provides for the balance of the POL allocation to be retained as POS.

### **Crime Prevention Issues:**

NPPF, paragraph, 69 advises that development should aim to achieve safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Design and Access statements should demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in *Safer Places – The Planning System and Crime Prevention*.

The Police Architectural Liaison Officer has reviewed the submitted layout and in light of the POS area to the north of the site, has provided comments in respect to boundary treatment advising, fencing to a height of 1.8m is not tall enough to give adequate protection against intrusion into rear gardens where encroachment can be made unseen from public space.

In order to address this concern it is considered reasonable to require boundary treatment along the northern site boundary be a minimum of 2.1m in height. Officers are satisfied that adequate boundary treatment can be secured via an appropriate condition in order to ensure compliance with Policy BE23 of the UDP as well as chapter 8 of the NPPF and to alleviate the potential concerns raised by the Police Architectural Liaison Officer.

In addition, it is also essential that door and window security specification meets with the current guidance given by '*Secured by Design*'. An informative note shall be included on the decision notice advising the applicant/ developer of these measures to be taken into account, including a link to the above guidance.

### **Land Contamination:**

To ensure that any unexpected contamination is dealt with appropriately and to protect the future occupants of the development would not be at risk of contamination Environmental Service officers have recommended standard conditions in the event of unexpected contamination. This will be imposed on the decision notice to accord with Policy G6 of the UDP and Chapter 11 of the NPPF.

### **Objections:**

Insofar as representations received that have not been addressed through the officer's assessment, these are responded to as follows:

#### Highways:

- Lack of details relating to height of retaining and boundary/ walls

**Response:** Given the sloping nature of the site and topography of surrounding land it is acknowledged that retaining walls/ structures will be required. The application is submitted in outline with details of access and

layout to be considered. Details of retaining walls/ structures will be required as part of any subsequent reserved matters submission.

- Additional sections/ information is vague makes no reference to excavations

**Response:** The sections/information submitted relate to the works proposed to widen the road and provide a footpath. Highway Officers are satisfied that the proposals would not require extensive excavations and would result in the raising of the existing road level by 300mm.

In addition, it is noted Paragraph 120 states that

*“The effects (including cumulative effects) of pollution on health, the natural environment or general amenity.....should be taken into account. Where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”*

Details of retaining walls would be required by Highway Structures Officers for retaining walls that would retain land adjacent to a highway.

In accordance with the NPPF the developer/ applicant would be responsible for ensuring that adequate site investigation was carried out by a competent person to demonstrate that the site can be developed without unacceptable risks to the future occupiers of the proposed dwellings or the existing occupiers of neighbouring properties from land stability. Details of retaining walls and boundary treatment would be conditioned and should form part of any subsequent applications to accord with the requirements of the NPPF and Planning Practice Guidance

Landscape / ecology:

- The Veteran oak tree to be retained will block sight lines for traffic entering in and out of the access.

**Response:** Highway Officers are satisfied this is not the case, as the tree would not be in the sightline proposed.

- New landscape could potentially cause loss of light and damage to foundations of existing trees/dwellings

**Response:** The proposed landscaping is shown to be an adequate distance from existing dwellings.

- Inadequate and misleading information submitted relating to siting, size and depth of trees.

**Response:** The information/details were amended to show accurately the siting and size of trees following concerns about the accuracy of information raised by the Services Tree Officer.

Infrastructure capacity:

- Netherthong Primary School is already full and cannot be extended. Holmfirth High School is also full.
- Adequate number of houses already available in area.

**Response:** Whilst these concerns are noted they are not valid planning concerns when considering an application for five dwellings.

- Existing drainage/sewerage problems will be worsened causing flooding
- Foul/surface drainage may not work given changes in levels in and around the site and adversely impact on the neighbouring properties.

**Response:** Drainage issues have been considered by the Councils Strategic Drainage Officer who recommends a number of conditions to be imposed should the application be approved, including the provision of temporary drainage solutions to protect adjacent properties during the construction phase

Other matters raised:

- 2.1m fence would be an eyesore

**Response:** The Police Architectural Liaison Officer recommends that fencing to a height of 2.1m be provided to give adequate protection to rear gardens along the northern boundary of the site. It is considered that this would not unduly detract from the visual amenity of the area and is necessary to protect the amenity of occupiers of the development

- Ownership of the strip of grass verges is unclear

**Response:** Miry Lane is adopted and the grass verges on both sides of Miry Lane in close vicinity of the site is in ownership of the Council.

**Conclusion:**

Officers are satisfied, the potential drainage impact on the surrounding infrastructure as well as the existing neighbouring properties can be managed adequately during both construction and occupation stage, subject to the imposition of conditions suggested by Strategic Drainage Officers.

Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years and in accordance with the NPPF relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development.

The application would provide for public open space on the balance of the POL site and there would be no materially harmful effect on highway safety visual or residential amenity, from the proposed layout.

In such circumstances it is considered that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted. In such circumstances the application is recommended for approval.

## **9. RECOMMENDATION**

### **DELEGATE AUTHORITY TO OFFICERS TO GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO:**

- i) THE APPLICANT ENTERING INTO A PLANNING OBLIGATION TO  
SECURE THE PROVISION OF PUBLIC OPEN SPACE**
- ii) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS,  
INCLUDING  
THOSE BELOW, AND**
- iii) THERE BEING NO SUBSTANTIAL CHANGE THAT WOULD ALTER  
THIS  
RECOMMENDATION, ISSUE THE DECISION NOTICE**

1. Approval of the details of the appearance, landscaping and scale (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance, landscaping and scale of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

5. Notwithstanding the details shown on the approved plan, the development shall not commence until a scheme detailing the widening of Miry Lane to 4.8m and the provision of a 1.5m wide footway, construction specification, retaining walls, surfacing, drainage, kerbing and street lighting and associated highway works together with an independent safety audit covering all aspects of work has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained

6. No development shall take place until details of the siting, design, structural calculations and material to be used in the construction of retaining walls/ structures near or abutting highways have been submitted to and approved in writing by the Local Planning Authority. The residential development shall not be brought into use until the approved works have been completed in accordance with the approved details.

7. Prior to the occupation of the hereby approved dwellings all new areas indicated to be used for vehicular access and parking for the approved dwellings as shown on drawing no. 03 Rev G shall have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13<sup>th</sup> May 2009 as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) this shall be so retained, free of obstructions and available for the use as specified on the submitted plans.

8. The dwellings shall not be occupied until sightlines of 2.4m x site frontage have been cleared of all obstructions to visibility exceeding 1m in height and retained as such at all times.

9. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Assessment reference no. 14106MS these shall be implemented and maintained throughout the construction phase and retained thereafter.

10. Notwithstanding the submitted plans and information, details of bat roost features in the form of a Schweglar type 1FR bat box or similar and bird nesting features in the form of woodcrete swift boxes, to be incorporated integral to the new builds shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details before the dwellings are first occupied and retained thereafter.

11. Any planting, seeding or tree management works forming part of the landscaping scheme to be approved by conditions 1 and 2 shall include:

- A woodland mix of trees/shrubs to create open woodland in the area of POS
- Landscaping along the site frontage to Miry Lane, and

shall be carried out during the first planting, seeding or management season following the commencement of construction, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced with like for like species unless otherwise agreed in writing by the Local Planning Authority.

12. Development shall not commence until a scheme detailing foul, surface water and land drainage, (sustainable drainage assessment, off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

13. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

14. Where infiltration techniques are not viable or carry an unacceptable risk as a means of draining surface water, the development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 5 *litres per second* has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Volumes in excess of those generated by the critical 1 in 30 year event, up to and including the critical 1 in 100 year events, with an appropriate allowance for climate change, shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed in accordance with the approved details. The approved maintenance and management scheme shall be implemented and adhered to at all times

15. The development shall not commence until an assessment of the effects of 1 in 100 year storm events with an additional allowance for climate change, blockage scenarios and exceedance event, on drainage infrastructure and surface water run-off (overland flows) pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter

16. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, B, C, D or E of Part 1 of Schedule 2 to that Order shall be carried out within the application red line.

18. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the layout and disposition of the public open space.
- b) the timescale for the implementation and completion of the works to provide the public open space;
- c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
- d) maintenance of the public open space in perpetuity.



19. Prior to the first occupation of the dwellings a scheme detailing boundary treatments for the whole site shall be submitted to and approved in writing by the Local Planning Authority. This shall include a 2.1m high screen/fence along the full length of the northern boundary, above finished ground levels. The dwellings shall not be occupied until the works comprising the approved scheme have been completed and thereafter be retained as such.

20. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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 on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved 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 whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

**NOTE:** The applicant/developer is advised the submission of any subsequent application on this site would need to ensure finished ground levels, building heights and massing are to be commensurate with adjacent development and of appropriate levels, scale and bulk to avoid any over bearing and shadowing effect on the amenities of occupiers of the existing neighbouring and proposed properties as well as to respect the visual amenity of the area.

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence, which could lead to prosecution.

**NOTE:** - Adoption under Section 38 of the Highways Act:  
It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 01484 221000 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

**NOTE:** Link to Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):  
[www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens](http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens)

**NOTE:** The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner

**NOTE:** The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

**NOTE:** 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.

**NOTE:** Advice to applicant

External doors, windows at ground floor and other accessible levels should meet with recognised security specifications. Window accessible from outside should include laminated glass. The measures included in the build should accord with current *Secured by Design* guidance [www.securedbydesign.com](http://www.securedbydesign.com)

This recommendation is based on the following plan(s):-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	01	A	11 <sup>th</sup> Sept 2014
Existing site levels	02		11 <sup>th</sup> Sept 2014
Proposed site block/layout plan with service vehicle swept paths	03	G	16 <sup>th</sup> Dec 2014
Location plan with area for POS & extended garden areas	04		20 <sup>th</sup> Jan 2015
Engineered Sections with grass verge	1405401	B	11 <sup>th</sup> March 2015
Transport Statement	14054 dated August 2014		11 <sup>th</sup> Sept 2014
Tree Survey	14106 by James Royston		3 <sup>rd</sup> Nov 2014
Arboricultural Method Statement	14106MS		3 <sup>rd</sup> Nov 2014
Drainage plan layout	03	K	29 <sup>th</sup> May 2015

**Application No: 2015/90580**

**Type of application: 60 - OUTLINE APPLICATION**

**Proposal: Outline application for erection of 7 dwellings and formation of 2 site access points**

**Location: land to rear of 8, Miry Lane and between St Mary's Rise and St Mary's Way, Netherthong, Holmfirth, HD9 3UQ**

**Grid Ref: 413553.0 409870.0**

**Ward: Holme Valley South Ward**

**Applicant: S & K Buttershaw and Schramm**

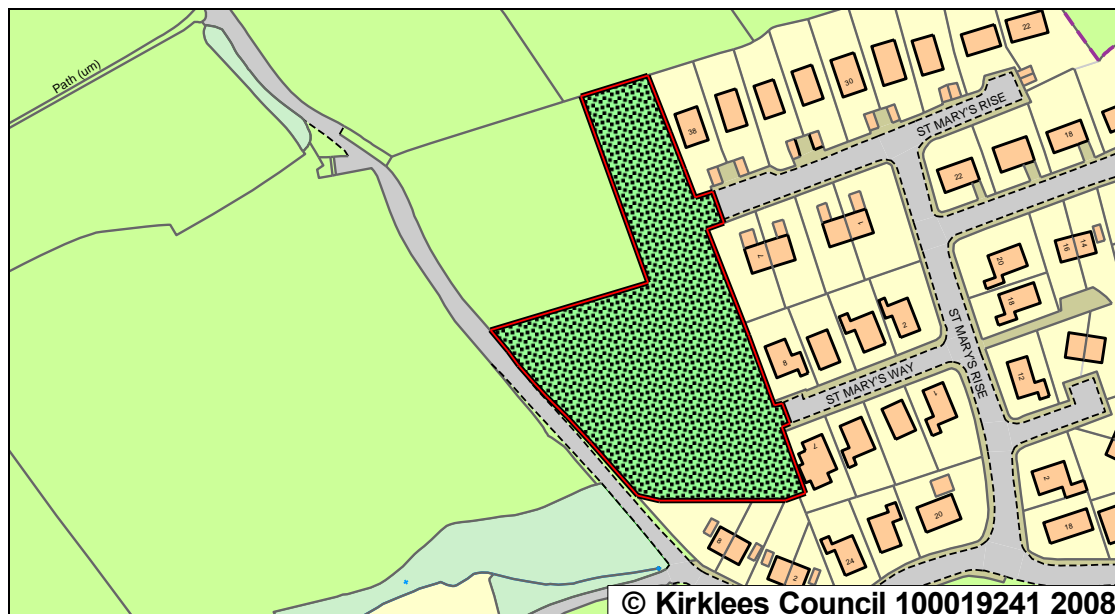
**Agent: Angus Ellis, WHpARCHITECTURE**

**Target Date: 23-Apr-2015**

**Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL  
SUBJECT TO DELEGATION TO OFFICERS**

Link to [guidance notes for public speaking at planning committee](#) including how to pre-register your intention to speak.

## LOCATION PLAN



**Map not to scale – for identification purposes only**

## **1. SUMMARY OF APPLICATION**

The application seeks outline planning permission for residential development with details of access and layout to be considered, all other matters being reserved for subsequent consideration.

The site is part of a larger area allocated as Provisional Open Land (POL) on the Councils Unitary Development Plan with the remainder of the POL site proposed as Public Open Space.

Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years, and in accordance with the National Planning Policy Framework (NPPF) relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content. In accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or that specific NPPF policies indicate development should be restricted.

The proposals would in effect be an extension of the two cul de sacs, St Mary's Way and St Mary's Rise. Five of the proposed dwellings, at the southern end of the site, would be served off St Mary's Way and two at the northern end, to be served off St Mary's Rise.

The proposals would retain the existing landscaping and hedgerow along the western boundary and provided an area of Public Open Space in the north east corner on the remainder of this POL site, shown within the application blue line. The proposals can be accessed safely in highway terms and in terms of layout there would be no harmful effect on visual or residential amenity, constituting sustainable development.

All other material planning considerations, relevant UDP and national planning policy objectives are considered to be addressed, subject to Conditions.

### **RECOMMENDATION: DELEGATE AUTHORITY TO OFFICERS TO GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO:**

- iv) THE APPLICANT ENTERING INTO A PLANNING OBLIGATION TO SECURE THE PROVISION OF PUBLIC OPEN SPACE**
- v) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, INCLUDING THOSE BELOW, AND**
- vi) THERE BEING NO SUBSTANTIAL CHANGE THAT WOULD ALTER THIS RECOMMENDATION, ISSUE THE DECISION NOTICE**

## **2. INFORMATION**

The application is brought before Committee as the application represents a departure from the Development Plan and for Members to consider this application at the same time as considering application no. 2014/92737 on the same site with access shown off Miry Lane.

## **3. PROPOSAL/SITE DESCRIPTION**

### Site Description

The application site comprises 0.61 hectare of land that is steeply sloping from north to south. The site is surrounded by residential properties to the east and south with open fields to the north and west of the site. The application site is part of a larger area of Provisional Open Land and lies to the southern part of the wider site.

### Proposal

The application seeks outline permission for erection of 7 dwellings with details of access and layout to be considered, with all other matters being reserved. The proposed layout would in effect be an extension of the two cul de sacs, St Mary's Way and St Marys Rise, to serve the proposed seven dwellings.

The indicative scale of properties shows the proposed dwellings to be two storey in height.

Notwithstanding the application form, drainage details are submitted which indicate surface and foul water to be disposed of to the existing main public sewers.

## **4. BACKGROUND AND HISTORY**

2014/92737 – Outline application for erection of 5 dwellings to be served off Miry Lane (to be considered at the same committee meeting as this application - pending decision)

2013/93081 – Outline application for residential development for 18 dwellings - recommended for refusal on road safety, visual amenity from the loss of hedgerow/trees and biodiversity within the hedgerow – withdrawn before determination

1978/60/0434 - Outline application for residential development. Refused and dismissed at appeal.

This appeal is historic and predated the preparation of the Local Plan for the area, which has since been replaced by the UDP. As such, little weight should be afforded the decision.

## **5. PLANNING POLICY**

The application site is forms part of a larger area of Provisional Open Land (POL) on the Unitary Development Plan, the remainder of which is shown as Public Open Space.

### **Kirklees Unitary Development Plan**

D5 – Provisional Open Land  
BE1 – Design principles  
BE2 – Design of new development  
BE12 – Space about buildings standards  
BE23 – New developments to incorporate crime prevention measures  
G6 – Development having regard to contamination  
NE9 – Protection of mature trees  
EP11 – Incorporation of integral landscaping scheme which protects or enhances ecology  
H18 – Provision of open space  
T10 – Highway safety considerations  
T16 – Provision of safe, convenient and pleasant pedestrian routes within developments  
T19 – Parking standards

### **National Planning Policy Framework**

‘Achieving Sustainable Development’  
‘Core Planning Principles’  
Section 4 - Promoting sustainable transport  
Section 6 – Delivering a wide choice of high quality homes  
Section 7 – Requiring good design  
Section 8 – Promoting healthy communities  
Section 10 – Meeting the challenge of climate change, flooding and coastal change  
Section 11 – Conserving and enhancing the natural environment

### **Other Guidance**

Planning Practice Guidance – Open Space

## **6. CONSULTATIONS**

Below is a summary of the consultation responses received; where appropriate these are expanded upon in the assessment section of this report:

**K.C. Highway Development Management:** Support subject to conditions

**K. C. Strategic Drainage:** additional information includes details of surface and foul water drainage as well as details of how surface water would be managed during construction with perimeter drainage - Support subject to conditions and consultation with Yorkshire Water

**K.C Landscape architects:** Proposed landscape should be well thought out, of high quality, enhance the area and strengthen the green corridor along Miry lane.

**Yorkshire Water:** Support subject to conditions

**Police Architectural Liaison Officer:** Comments provided in relation to boundary treatments to be no less than 2.1m in height for the houses backing on to the POS and door and window specifications. These matters can be secured via condition, where appropriate.

## **7. REPRESENTATIONS**

The application was advertised by neighbour letters and site notices. The final publicity period expired on the 30<sup>th</sup> March 2015. 19 letters of objection were received. The concerns of which are summarised below:

### **Highways:**

- Would add to already congested roads, which are narrow, mostly without pavements
- Lack of details relating to height of retaining and boundary/ walls
- Internal road gradient linking the two sets of dwellings would not meet the highways design standards regarding gradients
- Site access unsuitable for increased traffic as is steep, winding single track sharp bend and with on-street parking only one car could pass.
- Lack of footway and unmade surface
- Access through Netherthong and Deanhouse problematic because of narrow/poorly maintained roads, through small village.
- Increase highway safety concerns, adding to congestion problems, existing access/parking issues on St Mary's Way and St Mary's Rise.
- Construction traffic and proposed would exacerbate access/safety issues.

### **Sustainability:**

- Loss of greenfield site. Brownfield sites should be used instead of this greenfield site.
- Sustainability issues with this location including distance to major centre/shops etc. and reliance on cars.
- Proposal would not have any employment benefit.
- Site is 'lowest tier in Local Development Framework' so the village has the least potential for development.
- The main service centre for Netherthong is Holmfirth.
- Given location and local employment opportunities, most residents of the development would be commuters.
- The development does not support "the transition to a low carbon economy" (National Planning Policy Framework)
- The bus service is limited



- The 'Hopper' bus service to Holmfirth is under threat due to funding cuts.
- Totally unsuitable for people with prams, bikes, less abled people and people using mobility scooters.
- The shop in Netherthong sells a very limited range of goods.
- The village has no doctor's, dentist or chemist.

#### Landscape / ecology:

- No information/details of retaining walls/ depth of foundations which can affect the long term viability of protected trees including the veteran oak tree.
- Proposed dwellings too close to hedgerow along Miry Lane and impact on the ecology of site
- No ecology report submitted with this application.
- Site is full of wildlife interest (inc. owls, bats, squirrels).
- Further pressure on shrinking areas of wildlife habitat – such areas of unimproved grassland provide important patches of relatively un-managed ground which act as reservoirs for species within built-up areas.
- Site has trees of significant quality which add to the value of the area.

#### Planning policy:

- Proposal is contrary to Policy D5 of the Kirklees Unitary Development Plan, which makes it clear that planning permission for such land will not be granted other than for very limited purposes.
- Other POL sites should be developed first, in more suitable locations.
- Not in sustainable location

#### Infrastructure capacity:

- The village is full and already at breaking point.
- Netherthong primary school is already full and cannot be extended. Holmfirth High School is also full.
- Adequate number of houses already available in area.
- Existing drainage/sewerage problems will be worsened causing flooding
- Foul/surface drainage may not work given changes in levels in and around the site, impact on the neighbouring properties and existing sewerage drains already exceeding capacity
- A natural spring running through the site
- Yorkshire water previously refused to adopt the sewers on the grounds that their size was not sufficient for the number of houses on the estate.

Other matters raised:

- Loss of privacy, direct overlooking into existing houses from upper floors of proposed property from 2 and 3 storey high towering dwellings
- Overshadowing and too close to no. 7 St Mary's Way
- No levels shown
- the internal road can easily be extended into the open space, & there is no guarantee that this will not happen
- no mention of who would be responsible for maintain the screening vegetation or the area for POS
- the access involves driving over privately owned strips of land at the end of St Mary's Way And St Mary's Rise, which the owners have no intention of selling
- impact on the structural stability of the existing retaining wall along the southern boundary

Additional representations:

Jason McCartney MP has commented on the application as follows:

"I would like to object to the latest version of this planning application for the reasons below –

1. Additional housing in Netherthong is just not sustainable until improvements are made to the local infrastructure – the school is full and the roads do not cope already with the amount of traffic. The narrow roads, many without proper pavements are just not up to coping with the pressure they are placed under now, without additional developments such as this.
2. Drainage and the sewer. The field currently ask as a soakway and with problems of flooding already occurring, building on these fields will make the situation worse and the sewer system in place is not adequate to cope with additional water.
3. This is a vital green space in the village that should be protected to provide a natural edge to the village and to protect the flora and fauna the field contains. There are plenty of brownfield sites in better locations across the Holme Valley to meet any housing need.
4. There is an issue of privacy with the development overlooking existing properties.
5. The internal road gradient linking the two sets of houses, one towards the top of the field and one towards the bottom, will be excessive and would not meet current highway design standards regarding gradients.

For all these reasons I believe the plans for this development should be rejected"

**Holme Valley Parish Council** – Object on the grounds of access and over looking

## **8. ASSESSMENT**

### **Principle of development:**

The application site includes land designated as Provisional Open Land (POL). Policy D5 of the UDP states that *“planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term”*

The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49.

In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the council is currently unable to demonstrate a five year supply of deliverable housing land.

The weight that can be given to policy D5 in these circumstances was assessed in October 2013 by a planning inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):

*“The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework’s presumption in favour of sustainable development is engaged.”*

The presumption referred to by the inspector is set out in NPPF paragraph 14 which states that where relevant policies are out-of-date, planning permission should be granted *“unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”*. Footnote 9 lists examples of restrictive policies but this does not include policies concerning safeguarded land.

### **Sustainability:**

The National Planning Policy Framework (NPPF) states that the purpose of the planning system “is to contribute to the achievement of sustainable development.” (para 6). NPPF notes that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and

historic environment, as well as in peoples' quality of life (para 9). NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. "Economic, social and environmental gains should be sought jointly and simultaneously through the planning system." (para 8). NPPF stresses the presumption in favour of sustainable development. The developer has submitted a supporting document on sustainability, and the proposal has been assessed against each role as follows:

#### Economic:

A proposal for five dwellings would bring some economic gains by providing business opportunities for contractors and local suppliers. In accordance with the NPPF new houses will support growth and satisfy housing needs thereby contribute to the building of a strong economy. The proposals would be creating additional demand for local services and potentially increasing use and viability of local bus services

#### Social:

There will be a social gain through the provision of new housing at a time of general shortage that has good access to local facilities and with an area to be dedicated to Public Open Space.

In terms of social inclusion and accessibility the site is:

- Approximately 2,200 metres away from Holmfirth district centre, via New Road and
- within 1,200m of local facilities in Netherthong including a food store and two public houses.
- within 800m of a bus stop, with a service of at least a 30 minute frequency and a journey time of less than 30 minutes (25 minutes bus and 5 minutes walking) to a town centre offering employment, leisure and retail opportunities,
- 700m from a stop served by the 308 which provides an hourly service to Huddersfield taking 40 minutes.
- St Mary's Rise is served by the H5 bus, which forms part of the Holmfirth minibus network and provides an hourly service to Holmfirth bus station.
- approximately 600m from Netherthong Primary School, and
- within 1,900m of GP surgeries at Holmfirth Memorial Hospital.

The H5 bus provides an hourly link to the GP surgeries.

#### Environmental:

The development of a greenfield site represents an environmental loss. However, although national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply. On balance the proposal is considered to meet the paragraph 8 test.

The Services Biodiversity officer advises whilst there is a tree corridor/hedge along Miry Lane, the application field is improved grassland and of little ecological interest. The proposal would result in removal of part of the holly hedge to enable the construction of the proposed access to the site. The removal of a short strip of this hedge would be compensated for by appropriate mitigation, compensation and enhancement measures being incorporated into the development and other measures to be taken prior to development. These can be secured by conditions.

Further to the above regarding the sustainability of the site, observations made by the Inspector for a recent appeal decision on a POL site in Netherthong (APP/Z4718/A/14/2219016 - Land off St Marys Avenue) should be noted with respect to accessibility. This is highlighted in the 'Social' thread of sustainability above. In that case the Inspector noted the deficiencies in access to local services by sustainable means but having,

*“regard to the emphasis on growth within the Framework, and (having given) weight to the need to boost the supply of housing. In the absence of a 5 year housing land supply, the contribution the development would make to housing supply in the District would significantly and demonstrably outweigh the harm that would arise as a result of increased trips by private car.”*

Assessing the policies in the NPPF as a whole in accordance with the paragraph 14 test, the environmental harm arising from the development of this Greenfield site and the marginal disadvantages in its social accessibility are considered to be clearly outweighed by the benefits to be gained from the provision of housing. The principle of development is therefore acceptable.

#### **Impact on visual amenity:**

A full assessment of the scale and appearance of the development would be made upon the submission of reserved matters. Proposals for new development should respect the architectural qualities of surrounding development and their materials of construction in order to preserve and enhance the appearance of the area. This is reiterated in section 12 of the NPPF.

UDP Policies are BE1 and BE2 require that the layout of buildings should respect any traditional character the area may have. All development should be of good quality design that such that it contributes to a built environment and creates a sense of local identity and must respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area.

The two internal access roads would be an extension of the two existing cul de sacs, with a turning area. The road layout dictates the siting of the proposed dwellings. In the layout shown, the road and properties would appear slightly staggered with those on St Marys Way and St Mary's Rise.

However, this is not uncommon having regard to the layout of the highway network and grain of the surrounding development.

Given the sloping nature of the site, extensive excavations and the provision of retaining walls would be required within the site, particularly in the north east corner of the site as shown on drawing no. 101 Rev E. This is not uncommon in the area and would largely be hidden by the dwelling on this plot. All plots are shown to provide reasonably sized enclosed garden areas including parking provision with space for waste bins for each plot. Given the size of the application site, Officers are of the opinion that seven dwellings can be adequately accommodated without appearing out of context.

With regard to the scale of properties, an indicative scale is submitted showing them to be two storey in height. Whilst, this is a matter to be considered at reserved matters or full application stage, the agent has been advised the scale of properties would need to be comparable to those on St Mary's Way and St Mary's Rise to ensure the proposal integrates with the visual amenity of the surrounding development and to accord with Policies BE1 and BE2 of the UDP. Furthermore, it is considered that the proposed properties could have an overbearing impact with loss of privacy for occupiers of existing properties to Miry Lane. (Discussed in detail below)

With regards to design and external appearance, these are matters which are to be considered in detail upon submission of reserved matters or full application taking into account the above policies and the impact on the character and appearance of the surroundings.

### **Impact on trees and ecology:**

Turning to the impact on the ecology & trees within the site, paragraph 118 of the NPPF states "when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity" by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments. UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site.

Firstly with regard to trees, the proposed layout would ensure there is no adverse impact on the long term viability of existing trees and hedgerow along Miry Lane. The Services Arboricultural Officer is satisfied that the proposed dwellings in the siting shown would be of adequate distance from these trees and given the orientation of the dwellings where the principal elevations would be facing north and south, there is unlikely to be any pressure to fell these trees, in accordance with Policy NE9 of the UDP.

With regards to the ecological value of the site, the Services Biodiversity Officer advises that the hedgerow along Miry Lane is used by foraging bats and nesting birds. The supporting statement states the existing boundary treatments will be retained and enhanced and whilst landscape details are reserved, it is proposed to include new planting. This together with the

enhancement measures to include bat and bird boxes, integral to the new build, would accord with Policy EP11 of the UDP and guidance in the NPPF.

**Impact on residential amenity:**

Policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises.

It is anticipated the proposed dwellings would have their main aspect towards the north and south with front elevations facing onto the proposed internal access road. Internally within the layout, the proposed dwellings would have an acceptable distance between them. The layout would also achieve adequate distance between the proposed and existing properties to the east on St Mary's Way.

The properties most likely to be affected are to the south, namely nos. 6 and 8 Miry Lane. These are set at a considerably lower level than the application site. The layout shows plots 1 and 2 at an oblique angle to these properties. A distance of 20m would be achieved at the nearest point between the corner of plot no. 2 and existing property at no. 8 Miry Lane. Having regard to the levels between existing and proposed dwellings, officers are satisfied that the layout would not adversely affect the residential amenity of occupiers of existing properties.

However, officers are concerned about the indicative scale which indicates the proposed properties to be two storey in height. This would not be acceptable in terms of impact on visual amenity and moreover the potential overlooking and overbearing impact it would have on existing properties to Miry Lane, south of the application site. The agent has been fully appraised on these issues and acknowledges officers concerns. This will however be a matter for detailed consideration at reserved matters stage for all plots taking into account the impact on amenities of existing neighbouring properties and future residents of the proposed plots.

Furthermore, in the interest of protecting the amenities of both existing and future occupants of these properties, it is considered appropriate to withdraw permitted development rights for development under classes Class A, B, C, D or E of Part 1 of Schedule 2 of the GPDO

## **Impact on highways and road safety:**

UDP Policy T10 states that “New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network”. Policy T19 addresses car parking in relation to the maximum standards set out in Appendix 2 to the UDP.

On assessment of the revised layout plan, Highway Officers provide the following advice:

*The applicants have provided revised plans omitting the link road between the two cul-de-sacs and retaining refuse vehicle turning provisions. Whilst detailed plans will be needed an indicative longitudinal section through the centre line of the proposed roads has been provided which demonstrates that acceptable gradients can be achieved.*

In conclusion; it is considered that traffic generated by the addition of two dwellings off St Mary's Rise and an additional five of St Mary's Way can be safely accommodated within the local highway network and that the proposal would not result in any undue highway safety implications and accord with Policy T10 of the UDP and the NPPF.

## **Drainage Issues:**

The NPPF requires Local Planning Authorities to take account of climate change over the longer term, including factors such as flood risk and water supply. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

The revised layout plan provides details of foul and surface water to be disposed of into the mains sewers along with a drainage management plan for the whole of the site with details of land drains to manage surface water during the construction period. This also takes into account the relationship of the site to the surrounding properties in particular to the south and which is shown to include the provision of perimeter drainage including, along the southern boundary with properties to Miry Lane.

Strategic Drainage Officers are satisfied with the drainage proposals and advice the suggested conditions be imposed to alleviate any potential concerns over flood risk to existing and proposed properties during both construction and occupation phases. As such subject to the imposition of suitable drainage conditions, as suggested by the Drainage Officer and Yorkshire Water to include the provision of temporary drainage solutions to protect adjacent properties during the construction phase would be included should Members be minded to approve the application.



### **Public Open Space:**

Policy H18 of the UDP requires the provision of POS on housing sites of 0.4 hectares or more at a ratio of 30 sq m per dwelling. To the north of the proposed development, the balance of the POL allocation is within the ownership of the applicant and is proposed as informal POS. This area of land is approx. 0.36 Ha in area, well in excess of the 210sq m of POS required.

Following consultation with the Services Landscape Officer, the provision of a non-equipped area of informal POS is considered to be acceptable.

A detailed scheme for the landscaping of the POS and arrangements for subsequent maintenance can be secured by condition.

The applicant has confirmed a willingness to enter into a planning obligation that provides for the balance of the POL allocation to be retained as POS.

### **Crime Prevention Issues:**

NPPF, paragraph, 69 advises that development should aim to achieve safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Design and Access statements should demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in *Safer Places – The Planning System and Crime Prevention*.

The Police Architectural Liaison Officer has reviewed the submitted layout and in light of the POS area to the north of the site, has provided comments in respect to boundary treatment advising, fencing to a height of 1.8m is not tall enough to give adequate protection against intrusion into rear gardens where encroachment can be made unseen from public space.

In order to address this concern it is considered reasonable to require boundary treatment along the northern site boundary be a minimum of 2.1m in height. Officers are satisfied that adequate boundary treatment can be secured via an appropriate condition in order to ensure compliance with Policy BE23 of the UDP as well as chapter 8 of the NPPF and to alleviate the potential concerns raised by the Police Architectural Liaison Officer.

In addition, it is also essential that door and window security specification meets with the current guidance given by '*Secured by Design*'. An informative note shall be included on the decision notice advising the applicant/ developer of these measures to be taken into account, including a link to the above guidance.

## **Land Contamination:**

To ensure that any unexpected contamination is dealt with appropriately and to protect the future occupants of the development would not be at risk of contamination Environmental Service officers have recommended standard conditions in the event of unexpected contamination. This will be imposed on the decision notice to accord with Policy G6 of the UDP and Chapter 11 of the NPPF.

## **Objections:**

Insofar as representations received that have not been addressed through the officer's assessment, these are responded to as follows:

### Highways:

- Lack of details relating to height of retaining and boundary/ walls
- impact on the structural stability of the existing retaining wall along the southern boundary

**Response:** Given the sloping nature of the site and topography of surrounding land it is acknowledged that retaining walls/ structures will be required. The application is submitted in outline with details of access and layout to be considered. Details of retaining walls/ structures will be required as part of any subsequent reserved matters submission.

In addition, it is noted Paragraph 120 states that

*"The effects (including cumulative effects) of pollution on health, the natural environment or general amenity.....should be taken into account. Where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."*

Details of retaining walls would be required by Highway Structures Officers for retaining walls that would retain land adjacent to a highway.

In accordance with the NPPF the developer/ applicant would be responsible for ensuring that adequate site investigation was carried out by a competent person to demonstrate that the site can be developed without unacceptable risks to the future occupants of the proposed dwellings or the existing occupants of neighbouring properties from land stability. Details of retaining walls and boundary treatment would be conditioned and should form part of any subsequent applications to accord with the requirements of the NPPF and Planning Practice Guidance

### Landscape / ecology:

- New landscape could potentially cause loss of light and damage to foundations of existing trees/dwellings

**Response:** The proposed landscaping is shown to be an adequate distance from existing dwellings.

Infrastructure capacity:

- Netherthong Primary School is already full and cannot be extended. Holmfirth High School is also full.
- Adequate number of houses already available in area.

**Response:** Whilst these concerns are noted they are not valid planning concerns when considering an application for five dwellings.

- Existing drainage/sewerage problems will be worsened causing flooding
- Foul/surface drainage may not work given changes in levels in and around the site and adversely impact on the neighbouring properties.

**Response:** Drainage issues have been considered by the Councils Strategic Drainage Officer who recommends a number of conditions to be imposed should the application be approved, including the provision of temporary drainage solutions to protect adjacent properties during the construction phase. In addition, Yorkshire Water have also been consulted and raise no objections for the foul and surface water to be connected to the existing main sewers.

Other matters raised:

- the access involves driving over privately owned strips of land at the end of St Mary's Way And St Mary's Rise, which the owners have no intention of selling

**Response:** it is accepted the two proposed vehicular access points are in third party ownership. In this case it would be appropriate to impose a Grampian worded condition requiring the works to the access points to be carried out prior to the construction of the dwellings. In this case the proposals are for housing development and would cross over a "ransom strip". This situation is cited as a typical example of circumstances where imposition of a Grampian is not an unreasonable condition. Planning permissions are granted because the LPA decide the development is in the public interest and that's not to be affected by the consideration that the owners of the ransom strip/land is determined not to allow the implementation by the developer such that the LPA should refuse the application.

**Conclusion:**

Officers are satisfied, the potential drainage impact on the surrounding infrastructure as well as the existing neighbouring properties can be managed adequately during both construction and occupation stage, subject to the imposition of conditions suggested by Strategic Drainage Officers.

Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years

and in accordance with the NPPF relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development.

The application would provide for public open space on the balance of the POL site and there would be no materially harmful effect on highway safety visual or residential amenity, from the proposed layout.

In such circumstances it is considered that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted. In such circumstances the application is recommended for approval.

## **9. RECOMMENDATION**

### **DELEGATE AUTHORITY TO OFFICERS TO GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO:**

**iv) THE APPLICANT ENTERING INTO A PLANNING OBLIGATION TO  
SECURE THE PROVISION OF PUBLIC OPEN SPACE**

**v) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS,  
INCLUDING THOSE BELOW, AND**

**vi) THERE BEING NO SUBSTANTIAL CHANGE THAT WOULD ALTER  
THIS RECOMMENDATION, ISSUE THE DECISION NOTICE**

1. Approval of the details of the appearance, landscaping and scale (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance, landscaping and scale of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

5. The construction of the hereby approved dwellings shall not be begun until details of a scheme describing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The dwellings shall not be occupied until the approved scheme of works has been completed in accordance with the Local Planning Authority's approval and have been certified in writing as complete by or on behalf of the Local Planning Authority and such works shall be retained thereafter.

6. Details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation of the approved dwellings and shall be so retained thereafter.

7. Prior to the occupation of the hereby approved dwellings all new areas indicated to be used for vehicular access and parking for the approved dwellings as shown on drawing no. 101 Rev E shall have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13<sup>th</sup> May 2009 as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) this shall be so retained, free of obstructions and available for the use as specified on the submitted plans.

8. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

9. Notwithstanding the submitted plans and information, details of bat roost features in the form of a Schweglar type 1FR bat box or similar and bird nesting features in the form of woodcrete swift boxes, to be incorporated integral to the new builds shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details before the dwellings are first occupied and retained thereafter.

10. Any planting, seeding or tree management works forming part of the landscaping scheme to be approved by conditions 1 and 2 shall include:

- A woodland mix of trees/shrubs to create open woodland in the area of POS

and shall be carried out during the first planting, seeding or management season following the commencement of construction, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced with like for like species unless otherwise agreed in writing by the Local Planning Authority.

11. Development shall not commence until a scheme detailing foul, surface water and land drainage, (sustainable drainage assessment, off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

12. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

13. Where infiltration techniques are not viable or carry an unacceptable risk as a means of draining surface water, the development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 5 *litres per second* has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Volumes in excess of those generated by the critical 1 in 30 year event, up to and including the critical 1 in 100 year events, with an appropriate allowance for climate change, shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed in accordance with the approved details. The approved maintenance and management scheme shall be implemented and adhered to at all times

14. The development shall not commence until an assessment of the effects of 1 in 100 year storm events with an additional allowance for climate change, blockage scenarios and exceedance event, on drainage infrastructure and surface water run-off (overland flows) pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the

development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter

15. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

16. The site shall be developed with separate systems of drainage for foul and surface water on and off site

17. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, B, C, D or E of Part 1 of Schedule 2 to that Order shall be carried out within the application red line.

19. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the layout and disposition of the public open space.
- b) the timescale for the implementation and completion of the works to provide the public open space;
- c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
- d) maintenance of the public open space in perpetuity.

20. Prior to the first occupation of the dwellings a scheme detailing boundary treatments for the whole site shall be submitted to and approved in writing by the Local Planning Authority. This shall include a 2.1m high screen/fence along the full length of the northern boundary, above finished ground levels. The dwellings shall not be occupied until the works comprising the approved scheme have been completed and thereafter be retained as such.

21. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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 on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved 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 whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

**NOTE:** The applicant/developer is advised the submission of any subsequent application on this site would need to ensure finished ground levels, building heights and massing are to be commensurate with adjacent development and of appropriate levels, scale and bulk to avoid any over bearing and shadowing effect on the amenities of occupiers of the existing neighbouring and proposed properties as well as to respect the visual amenity of the area.

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence, which could lead to prosecution.



**NOTE:** - Adoption under Section 38 of the Highways Act:  
It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 01484 221000 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

**NOTE:** Link to Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):  
[www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens](http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens)

**NOTE:** The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner

**NOTE:** The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

**NOTE:** 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.

**NOTE:** Advice to applicant

External doors, windows at ground floor and other accessible levels should meet with recognised security specifications. Window accessible from outside should include laminated glass. The measures included in the build should accord with current *Secured by Design* guidance [www.securedbydesign.com](http://www.securedbydesign.com)

**NOTE:** See link to Yorkshire Water's guidance and full consultation response  
[http://www2.kirklees.gov.uk/business/planning/application\\_search/filedownload.aspx?application\\_number=2015/90580&file\\_reference=547910](http://www2.kirklees.gov.uk/business/planning/application_search/filedownload.aspx?application_number=2015/90580&file_reference=547910)

This recommendation is based on the following plan(s):-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	100		26 <sup>th</sup> Feb 2015
Existing site levels			
Proposed site block/layout plan with drainage details for foul & surface water	101	E	7 <sup>th</sup> July 2015

**Application No: 2014/92413**

**Type of application: 60 - OUTLINE APPLICATION**

**Proposal: Outline application for erection of 2 dwellings**

**Location: Land to rear of 191 Huddersfield Road, Thongsbridge, Holmfirth, HD9 3TT**

**Grid Ref: 414427.0 409328.0**

**Ward: Holme Valley South Ward**

**Applicant: M Jebson**

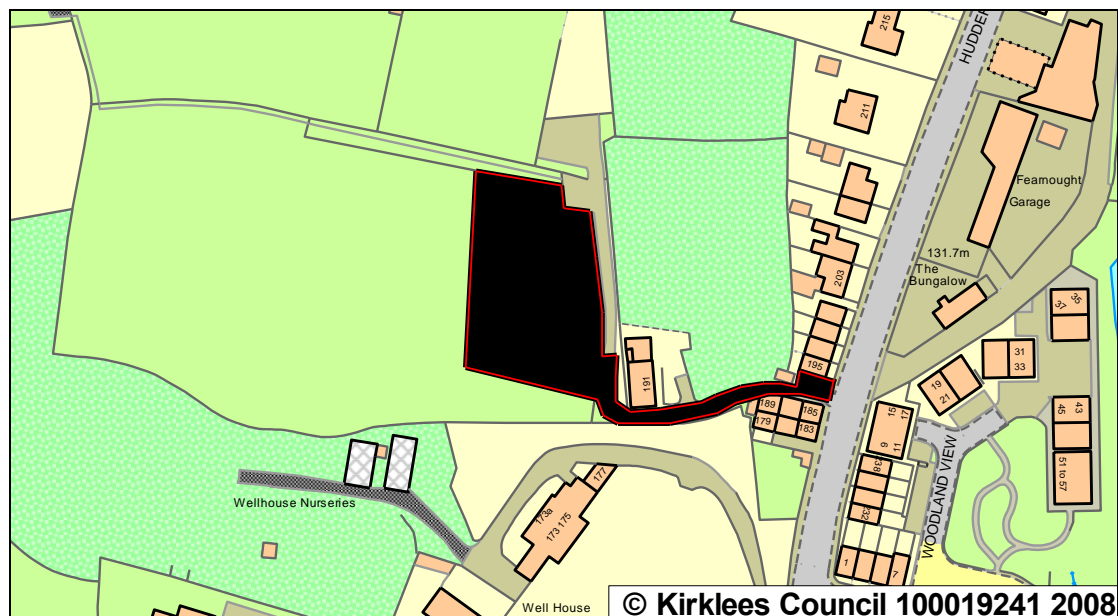
**Agent: Robert Halstead Chartered Surveyor**

**Target Date: 06-Aug-2015**

**Recommendation: OP - CONDITIONAL OUTLINE PERMISSION**

Link to [guidance notes for public speaking at planning committee](#) including how to pre-register your intention to speak.

## LOCATION PLAN



**Map not to scale – for identification purposes only**

## **1. SUMMARY OF APPLICATION**

The application seeks outline planning permission for the erection of two dwellings. Other than details of access all other matters are reserved. The proposed dwellings would be served by the existing private drive which appears to be serving two other properties from Huddersfield Road, south east of the site.

The site is part of a larger area allocated as Provisional Open Land (POL) on the Council's Unitary Development Plan.

Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years, and in accordance with the National Planning Policy Framework (NPPF) relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content. In accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or that specific NPPF policies indicate development should be restricted.

The proposal constitutes sustainable development. The application site can be accessed safely in highway terms and its development would not prejudice any potential future development of the wider POL allocation. There would be no harmful effect on visual or residential amenity. There would be no harmful impact on the setting of adjacent listed buildings.

All other material planning considerations, relevant UDP and national planning policy objectives are considered to be addressed, subject to conditions.

### **RECOMMENDATION: GRANT CONDITIONAL OUTLINE PLANNING PERMISSION**

## **2. INFORMATION**

The application was previously brought before Strategic Planning Committee on 5<sup>th</sup> March as the application represents a departure from the Council's Unitary Development Plan. Members deferred consideration of the application and requested that further information regarding highways issues be submitted.

A meeting on site with the agent and local residents was facilitated by Officers on 12<sup>th</sup> June to consider further mitigation measures to address residents and Committees concerns that were raised at Committee on 5<sup>th</sup> March. (See assessment below).

### **3. PROPOSAL/SITE DESCRIPTION**

#### **Site Description**

The application site comprises 0.3 hectare of steeply sloping land from east to west and appears to be in a well maintained condition. The application site is part of a larger area of Provisional Open Land (POL) and lies to the eastern boundary of the wider, undeveloped part of the POL area, with the remainder of the POL being to the north, east and west. The southern boundary is bounded by the remainder of open land, comprising grassland, shrubs and mature trees.

A public right of way (HOL/53/10) runs along the existing private drive from Huddersfield Road then alongside the application site. There are grade II listed buildings beyond the south east corner of the site.

There are mature trees close to the northern boundary which are formally protected.

#### **Proposal**

The application seeks outline permission for two dwellings with details of access only to be considered at this stage. The proposals include improvements to the junction of the access with Huddersfield Road

Whilst no indicative plans are submitted, the design and access statement notes the scale of the proposed dwellings would be two storey in height to a maximum of 8m in height, no greater than 10 metres in depth and 14 metres in width. They would be served off an improved existing private drive.

The application is accompanied by a:

- Design and access statement
- Planning statement
- Ecological Appraisal
- Phase 1 (ground investigation) Desk Top Study,
- Highway statement, including road safety audit
- Coal mining report

### **4. BACKGROUND AND HISTORY**

No history

### **5. PLANNING POLICY**

The application site is forms part of a larger area of Provisional Open Land (POL) on the Unitary Development Plan proposals map

## **Kirklees Unitary Development Plan**

D5 – Provisional Open Land

D2 – New development to consider residential amenity, visual amenity & highway safety

BE1 – Design principles

BE2 – Design of new development

BE12 - Space about buildings standards

BE23 – New developments to incorporate crime prevention measures

G6 - Development having regard to contamination

NE9 – Protection of mature trees

EP11 – Incorporation of integral landscaping scheme which protects or enhances ecology

R13 – development affecting a public right of way

T10 - Highway safety considerations

T19 - Parking standards

## **National Planning Policy Framework**

‘Achieving Sustainable Development’

‘Core Planning Principles’

Section 4 - Promoting sustainable transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

## **Other Guidance**

N/A

## **6. CONSULTATIONS**

Below is a summary of the consultation responses received; where appropriate these are expanded upon in the assessment section of this report:

**K.C. Highway Development Management:** No objections - the improvement works to the access are satisfactory and are considered acceptable from a highways point of view subject to suggested conditions.

**K.C. Environmental Services:** No objections subject to conditions.

**K.C. Arboricultural Officer:** No objections.

**K.C. Conservation & Design:** No objections, acceptable in principle. However, given the close proximity of No. 191 Huddersfield Road, which is a grade II listed property, to the site when the reserves matters application is submitted special attention should be given to the height, size, scale, design and material palette of the new dwellings.

**K.C. Policy Section:** No objection raised – advice on relevant development plan and national planning policy provided.

**K.C. Ecologist:** No objections subject to conditions to include appropriate mitigation, compensation and enhancement measures.

**K. C. Strategic Drainage:** No objections. Further details considering effective means of surface water required at reserved matters stage and conditions are recommended accordingly.

**K.C. Public Right of Way:** No objection to the principle of the proposed development. Officers need to consider the effect of any *access road* change authorised by this application on public pedestrian users. As such it is advised to include an informative note to ensure the public footpath which crosses/abuts the site shall not, at any time, prior to, during or after construction of the dwellings, be unofficially obstructed or closed without prior written consent of the Local Planning Authority

**K.C. Strategic Waste:** 191 Huddersfield Rd lies approximately 240m from the closed Berry Banks landfill. Readings of methane and carbon dioxide values have been obtained from the most recent shallow pinhole surveys carried out there. An informative will be included on the decision notice to make the developer/ applicant aware of this.

## **7. REPRESENTATIONS**

The application was advertised by site notice, neighbour notification letters, and by press advert. The final publicity period expired on 24<sup>th</sup> December 2014. As a result of that publicity, 10 representations have been received.

A summary of the comments made are as follows:

Visual impact:

- Detrimental to the character of the rural aspect of the site
- Would diminish the tranquillity of this open hillside landscape
- Affect setting of adjacent listed building at no. 191 Huddersfield Road

Residential amenity impact:

- Overlooking into garden/field and non habitable room openings of no. 191 Huddersfield Road and intrusion of privacy
- The existing narrow lane was not designed to accommodate or withstand the continual passing of vehicles and the damage and daily annoyance

Highways:

- Lane serving the site inadequate for accommodating further traffic
- **The lane leading to the footpath has no dedicated pedestrian pavement or lighting.**
- **Lane would not be able to accommodate additional traffic or two cars passing**
- **Increase in traffic would be dangerous to users of the public right of way**
- **Junction with Huddersfield Road would remain dangerous even with widening & cars parked on proposed parking bays would obstruct visibility**
- **Loss of on road parking for nos. 179 -201 Huddersfield Road**
- **Would result in cars parking outside 203 Huddersfield Road making it difficult to reverse into the drive of this property**

Other matters:

- Site needs to be adequately drained

Holme Valley Parish Council objects to the application on:

“...the grounds of inappropriate access and Highways issues. Members are also concerned that this is land locked. Open green space designed as Provisional Open Land in the UDP; therefore, it should not be developed until all brownfield sites in the district have been exhausted”



## **8. ASSESSMENT**

### **Update since last committee meeting:**

A site meeting, facilitated by Officers was arranged on 12<sup>th</sup> June between local residents and the applicant's agent. Those present at the meeting included occupants of 183, 185, 189, 191, 193, 199 and 203 Huddersfield Road.

The purpose of the meeting was to identify any additional mitigation measures that might be suitable to address the highway concerns of local residents.

Along with other concerns, the residents reiterated the highway issues that had been raised at the committee meeting.

The agent offered a number of measures, as set out below. Only one was accepted by the occupiers of no. 203 Huddersfield Road, the other measures were rejected by the residents present at the meeting.

#### **Identified additional measure**

1. A longer linear length of keep clear marking on the carriageway where the dwelling no. 203 Huddersfield Road has frontage.

**Response:** no. 203 has a double width parking bay (within the curtilage of the dwelling). A longer keep clear marking than that shown on drawing 1402801D would assist the occupants in reversing into and driving out of their parking bay.

#### **Other possible measures suggested by the applicant's agent and rejected by the residents present**

2. A pedestrian barrier at the end of the stepped access to No 189 to separate the dwelling from the access way that leads from Huddersfield Road to the site. The occupant of no 189 did not want such a barrier

3. The prospect of the creating a number of residents parking places immediately to the west of the point where the access way turns through a 90 degree bend adjoining the south-west corner of the dwelling No 191.

4. In relation to the hatched markings south of the point where the access way meets Huddersfield Road, extension of the hatch marking further southwards from those shown on drawing 1402801D.

The agent confirms the applicant's willingness to accept the provision of a longer keep clear marking outside no. 203 Huddersfield Road. This would be addressed under condition no. 10.

With regards to other highway issues considered, it was noted on site that:

There is room at the vehicular entrance from the access way into No 191 for a car and pedestrian to pass without the pedestrian stepping onto land within the ownership of no 191.

Furthermore, those driving vehicles on the access way (which carries the public footpath HOL 53/10) owe a common law duty of care to pedestrians on what is in effect a shared surface, which is no different to the current situation.

Further correspondence was received from the Fire Protection Manager of the local Fire & Rescue Service, who advised that for such a development to satisfy the functional requirements of the Building Regulations, the access road would need to be a minimum of 3.7m wide along its length. In addition to this there should be vehicle access for a pump appliance to within 45m of all points within the dwelling house. The Fire Service is not a statutory consultee, and these considerations would be dealt with under Building Regulations.

With regard to Emergency Vehicle access, Manual for Streets states “the Association of Chief Fire Officers has expanded upon and clarified the requirements under building regulations that a 3.7 m carriageway (kerb to kerb) is required for operating space at the scene of a fire. Simply to reach a fire, the access route could be reduced to 2.75 m over short distances, provided the pump appliance can get to within 45 m of dwelling entrances”.

At the request of Officers, an additional plan was received showing swept paths for a Fire Appliance to access the proposed dwellings.

Subsequently the Fire Protection Manager confirms “given the information provided and the widening of the road particularly at the corner I can confirm that WYFRA do not have any objections to these amendments”.

Highway Development Management Officer’s view is that given there are other existing properties at the end of the road serving these proposed dwellings and the applicants are proposing significant improvement works to widen the access road at its junction with Huddersfield Road and along the length of the access road to accommodate a Fire Appliance these proposals are considered to be on balance acceptable.

### **Principle of development:**

The application site covers part of a site designated as Provisional Open Land (POL) subject to UDP policy D5. Policy D5 states that “*planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term*”

The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49.

In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the council is currently unable to demonstrate a five year supply of deliverable housing sites.

The weight that can be given to policy D5 in these circumstances was assessed in October 2013 by a planning inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):

*“The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework’s presumption in favour of sustainable development is engaged.”*

The presumption referred to by the inspector is set out in NPPF paragraph 14 which states that where relevant policies are out-of-date, planning permission should be granted:

*“...unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”.*

Footnote 9 lists examples of restrictive policies but this does not include policies concerning safeguarded land.

### **Sustainability:**

The National Planning Policy Framework (NPPF) states that the purpose of the planning system “...is to contribute to the achievement of sustainable development.” (para 6). NPPF notes that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples’ quality of life (para 9). NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. “Economic, social and environmental gains should be sought jointly and simultaneously through the planning system.” (para 8). NPPF stresses the presumption in favour of sustainable development. The developer has submitted a supporting document on sustainability, and the proposal has been assessed against each role as follows:

### Economic:

The proposal is for two dwellings so will have limited economic impacts. It will provide business opportunities for contractors and local suppliers. In accordance with the NPPF new houses will support growth and satisfy housing needs thereby contribute to the building of a strong economy. The proposals would be creating additional demand for local services and potentially increasing use and viability of local bus services

### Social:

There will be a social gain through the provision of new housing at a time of general shortage, in a location that has good access to local facilities and services.

In terms of social inclusion and accessibility :

- The site is approximately 1,000m away from Holmfirth district centre, via Huddersfield Road.
- there a bus stop within 800m with a service of at least a 30 minute frequency and a journey time of less than 30 minutes (25 minutes bus and 5 minutes walking) to a town centre offering employment, leisure and retail opportunities,
- The site is 160m from a bus stop, which is primarily served by the 310 bus which provides a half hourly service to Huddersfield (journey time approx 30 minutes). In addition these bus stops have the benefit of timetable information and provide two bus services every half hour to Huddersfield, and Holmfirth (service numbers 308 & 310 Monday to Saturday). These services also travel to Hepworth, Honley, Newsome, and Scholes every 30 minutes Monday to Saturday. Both the 308 & 310 bus services operate on an hourly basis during evenings and Sundays.
- The site is approximately 1,500m from Netherthong Primary School; the site is within 200m of GP surgeries at Holmfirth Memorial Hospital.

In terms of accessibility therefore the proposal is considered to be acceptable.

### Environmental:

The development of a greenfield site represents an environmental loss. However, although national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply. On balance the proposal is considered to meet the paragraph 8 test.

The accompanying ecological report has established that the site consists of semi-improved natural grassland which has some ecological interest; there are some indicator species of unimproved grassland present. A number of bat roosts occur within the area but the site itself has no features of relevance to roosting bats. With appropriate mitigation, compensation and enhancement measures being incorporated into the development, to be secured by condition, the environmental benefits of the site would be improved on this part of the POL. In addition it is intended to utilise modern energy saving

materials for the construction of the proposed dwellings in order to make them as close to zero carbon buildings as possible.

Paragraph 58 of the NPPF lists criteria for the design of development. One of the criteria is to ensure that developments “optimise the potential of the site to accommodate development”. As this proposal only covers part of the POL site, it would need to be demonstrated that the implementation of this proposal would not prevent the remainder of the POL site being developed in the longer term if required through the Local Development Framework (LDF) process.

Following discussions with Highway Officers, it is advised that in terms of traffic generation, other than the proposed number of dwellings shown, it is unlikely any further development can be served off this narrow private access road. Additionally the presence of the grade II listed building close up to the edge of the lane would make its widening to accommodate further traffic harmful, further restricting capacity. Given the surrounding highway network and general pattern of development, the most plausible access to the remainder of the POL may be considered from New Road, to the north west of the site. On this basis, the principle of developing this area of the POL site would not prejudice the future development of the remainder of POL land, where an alternative access would need to be sought, should the land come forward for development.

Assessing the policies in the national planning policy framework as a whole in accordance with the paragraph 14 test, the provision of housing on this greenfield site which offers minimal environmental value, will outweigh the environmental harm arising from the development and the proposal is considered to be sustainable development.

### **Effect on Heritage Assets:**

The application is in close proximity of grade II listed buildings to the south east of the site. Section 66 (1) of the Listed Buildings Act states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

Paragraph 132 of the NPPF notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Conservation Officers consider that subject to the consideration of detailed design proposals at reserved matters stage, the impact of two dwellings with associated highway improvements would lead to less than substantial harm to the setting of the listed buildings and the character of the surrounding area. In

such circumstances NPPF para 134 states that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case the harm is outweighed by the public benefits of the provision of housing in a sustainable location.

**Effect on visual amenity:**

A full assessment of the layout, scale and appearance of the dwellings would be made upon the receipt of reserved matters. Proposals for new development should respect the architectural qualities of surrounding development and their materials of construction in order to preserve and enhance the appearance of the area as stated in section 12 of the NPPF.

UDP Policies BE1 and BE2 state that the layout of buildings should respect any character the site and area may have. Development must respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area.

Given the sloping nature of the site, excavations and infilling would be required within the site. The submitted information makes reference to the scale of the proposed two dwellings and that parking and internal turning facilities would be provided within the confines of the site. Given the size of the plot and based on the information provided, in terms of the indicative size of the dwellings, there would be adequate space within the site to provide reasonable sized garden areas with space for waste bins for each plot. With regards to design and external appearance, these are matters which would be considered in detail upon future submission of reserved matters or full applications taking into account the above policies and the impact on the character and appearance of the surroundings. Nevertheless, at this stage is considered appropriate to withdraw permitted development rights to retain an adequate amenity area and to avoid any potential detriment to the amenities of the surroundings including the setting of the adjacent listed buildings from overly large incongruously designed extensions.

As external appearance is one of the reserved matters, should Committee approve the application, a condition is recommended requiring the dwellings to be externally faced in natural stone. This would accord with Policy BE11 in that it would respect the traditional character of the area and be in keeping with the surrounding development which is predominately faced in natural stone and the setting of the grade II listed buildings.

Due to the topography of the site it is likely that retaining walls will be required on the periphery of and within the site. Similarly this would be considered in detail on subsequent applications and a suitable condition is recommended at this stage.

Notwithstanding the topography of the site Officers are of the opinion that a development on this site can be achieved without harm to visual amenity in accordance with UDP policy and the NPPF.

**Effect on residential amenity:**

Policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises.

In this instance, the nearest residential property is no.191 Huddersfield Road, beyond the south east corner of the site. Officers are satisfied that a layout could be provided on this site for two dwellings which would safeguard the residential amenity of future occupants as well as those that are located within close proximity to the application site in accordance with Policy BE12 of the UDP, subject to the removal of permitted development rights by condition.

**Effect on Highways & road safety:**

UDP Policy T10 states that “New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network ...” Policy T19 addresses car parking in relation to the maximum standards set out in Appendix 2 to the UDP.

The site is surrounded by residential properties to the north, west and east along Huddersfield Road some of which do not benefit from off road parking. The proposed works are to widen the existing access point where it meets Huddersfield Road. In addition, the works would include a junction build out with footway (4m in length) construction with reflective bollards & parking bays either side of the access point. The Highway statement accompanying the application states the proposed development is likely to generate approximately 2 trips during each of the network peak hours (morning peak between 8am and 9am, and evening peak between 5pm and 6pm), with between 12 and 16 vehicle movements per day. On assessment of this, Highway Officers consider the proposed improvement works, to provide improved visibility to both sides of the access point would allow for simultaneous two way traffic flow at the junction with Huddersfield Road and formalised parking along this part of Huddersfield Road, where currently there is no such provision.

On initial assessment the Highway Officer, requested additional information in the form of a Road Safety Audit for clarity of how the proposed works would work to assess the impact on highway safety. These works are shown on drawing no. 1402801 Rev D. Highway Officers are satisfied that the proposed improvements including those to the existing private access/lane can be achieved.

However, concerns were raised in that the proposed works are likely to create an adverse camber next to the widened access and car park space for no. 195 Huddersfield Road. Further clarity was sought from the agent on this matter. The agent accepts that the widening of the access road will raise the level adjacent to the car park space of no. 195 Huddersfield Road. Nevertheless, it is disputed by the agent that as the present crossfall would merely be extended there would be no adverse camber effect at this point although, it may affect the accessibility to the parking space to 195. On this basis it is considered appropriate to condition details to be submitted and approved to ensure that the proposed improvement works include any necessary works to retain the safe accessibility to and from the car park space of no. 195 Huddersfield Road. The agent confirms the applicant is aware and in agreement to this as he is the owner of no.195 Huddersfield Road.

Public Rights of Way officers advise a standard footnote advising against obstruction/interference of path Holmfirth 53 be included on the decision notice. Furthermore, it is likely that the effect on the footpath and users of it would again need to be addressed in any subsequent detailed application for reserved matters.

In conclusion; it is considered that traffic generated by the proposed development can be safely accommodated within the local highway network and that the proposal would not result in any undue highway safety implications. Subject to suitable conditions the application is considered acceptable by Highway Officers and would accord with the above mentioned highway Policies of the UDP and the NPPF. It is also considered that there is no justification to refuse planning permission on the basis of concerns over future access to the remainder of the POL allocation.

### **Drainage Issues:**

The NPPF requires Local Planning Authorities to take account of climate change over the longer term, including factors such as flood risk and water supply. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

The application form states that foul water would be disposed of by mains sewer and surface water by a soakaway. No other drainage details are provided.

The Strategic Drainage Officer on assessment of the proposed development and information considers the principle of developing this site for two dwellings can be supported from a drainage aspect. However further details will be required at reserved matters stage. The advice of the Drainage Officer has been conveyed to the agent, who agrees this to be reasonable. Should



Committee support Officers recommendation, the suggested condition by the Drainage officer would be imposed to inform a future layout.

Subject to the imposition of appropriate drainage conditions, it is considered the site can be adequately accommodated in accordance with advice in the NPPF.

### **Ecological Issues:**

Paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity” by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments.

UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The ecological report accompanying the application has identified the site as having semi-improved neutral grassland which has some ecological interest; there are some indicator species of unimproved grassland present and a stand of Japanese knotweed present, adjacent to the access track. In addition the Biodiversity Officer has advised a number of bat roosts occur within the area but the site itself has no features of relevance to roosting bats. Based on the above and the fact the site has minimal ecological interest these impacts can be mitigated by conditions of any planning permission requiring appropriate enhancement and compensation measures which are included in the Ecological appraisal accompanying this application. This would satisfy the requirements of the NPPF and Policy EP11 of the UDP.

There are no mature trees within the site. Nevertheless, any subsequent detailed application will need to make sure adequate distance is achieved between properties and the protected trees adjacent to the north of the site, to accord with Policy NE9 of the UDP.

### **Land Contamination:**

The Phase 1 contamination report by JNP Group (dated 18/05/14; ref NG8482/THO/PH1), has been reviewed by the Council's Environmental Services. It has subsequently been confirmed that there is a low risk of pollutant linkages (contaminated land) however a precautionary phase 2 site investigation should be required by condition of any planning permission.

On assessment of the initial indicative layout for two dwellings, Environmental Health Officers advise that in order to promote green sustainable development, in accordance with NPPF section 4 paragraph 35 intrusive site investigations and appropriate remediation and validation reports/strategies shall be conditioned to comply with Policy G6 of the UDP as well as the aims of chapter 11 of the NPPF.

## REPRESENTATIONS

Insofar as representations received that have not been addressed through the officer's assessment, these are responded to as follows:

### **Residential amenity impact:**

- Overlooking into garden/field and non habitable room windows of no. 191 Huddersfield Road and intrusion of privacy

**Response:** The application is submitted in outline seeking the principle of developing the site with details of access to be considered at this stage. The amenities of 191 along with other neighbouring properties will be further considered on any subsequent detailed application. There is no indication that the proposal cannot be implemented without harm to amenity.

- The existing narrow lane was not designed to accommodate or withstand the continual passing of vehicles and the damage and daily annoyance

**Response:** The Highway statement accompany the application states the proposed development is likely to generate approximately 2 trips during each of the network peak hours (morning peak between 8am and 9am, and evening peak between 5pm and 6pm), with between 12 and 16 vehicle movements per day. Highway Officers have not questioned this. Furthermore the proposal is for a further two dwellings to be served by this access/lane. With the improvements proposed, officers consider that on balance the proposal would not generate a high level of vehicle movement which would not significantly affect the amenities of the neighbouring properties to warrant a refusal of planning permission.

### **Highways:**

- Lane serving the site inadequate for accommodating further traffic

**Response:** see above

- **The lane leading to the footpath has no dedicated pedestrian pavement or lighting.**

**Response:** Officers do not consider it to be appropriate to request for such measures on a narrow access/lane where only a small length (between no. 189 and 191) appears to be in slight shade from landscaping/trees.

- **Loss of on road parking for nos. 179 -201 Huddersfield Road**
- **Would result in cars parking outside to 203 Huddersfield Road making it difficult to reverse into drive of this property**

**Response:** The proposed parking bays would provide formal parking provision on Huddersfield Road, where currently it is informal. In addition the improvement works would include road markings to “keep clear” outside the drives of properties as indicated on drawing no. 1402801 Rev D.

**Other matters:**

- Site needs to be adequately drained

**Response:** suitable condition imposed for details to be provided and approved in writing.

**Conclusion:**

Officers are satisfied the applicant has reasonably considered and offered further mitigation measures to address the concerns of local residents in relation to highway issues raised at the Committee meeting on 5<sup>th</sup> March. The accepted measure, by residents of no. 203 Huddersfield Road can be provided under condition no.10 (below).

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development.

The application would not prejudice any potential future development of the wider POL allocation. There would be no materially harmful effect on highway safety visual or residential amenity. There would be no materially harmful impact on the setting of adjacent listed buildings in accepting the principle of developing this site for two dwellings.

In such circumstances it is considered that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted. In such circumstances the application is recommended for approval.

## **9. RECOMMENDATION**

### **GRANT CONDITIONAL OUTLINE PERMISSION**

1. Approval of the details of the, appearance, scale, layout and landscaping of the site (hereinafter called ‘the reserved matters’) shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the, appearance, scale, layout and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last of the reserved matters.
5. The dwellings shall be faced in coursed natural stone and the roofing material shall be of a flat profile to harmonise with those on dwellings in close vicinity of the site; a sample of the materials shall be submitted to and approved in writing by the Local Planning Authority before development commences. The dwellings shall then be faced in the approved material.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, B, C, or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
7. No development shall take place until full details including the height, design, siting and materials to be used for the erection of screen wall(s)/fence(s), retaining walls and constructional details and facing materials of all proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details before the development hereby approved is occupied/brought into use and shall thereafter be retained.
8. No development shall take place until details of the siting, design and material to be used in the construction of retaining walls/ structures abutting a highway have been approved in writing by the Local Planning Authority. The construction of the hereby approved dwellings shall commence only on completion of the retaining structures/walls in accordance with the approved details and thereafter retained as such.
9. The development shall be carried out in complete accordance with the recommendations of the Ecological Appraisal ref, no. R192401 dated May 2014 by Brooks Ecological submitted with the application together with all enhancement measures as indicated in the appraisal; such measures shall be retained thereafter.
10. The construction of the hereby approved dwellings shall not be begun until details of improvement works along Huddersfield Road and the access road serving the site as shown on drawing no. 1402801 Rev D, along with works to ensure the safe accessibility to the existing car park space serving no. 195 Huddersfield Road have been submitted to and approved in writing with the

Local Planning Authority. The dwellings shall not be occupied until these works have been completed in accordance with the Local Planning Authority's approval and have been certified in writing as complete by or on behalf of the Local Planning Authority and such works shall be retained thereafter.

11. The development shall not be brought into use until all areas indicated to be used for private drives and parking areas have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13<sup>th</sup> May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order) those areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) for the lifetime of the development.

12. Development shall not commence until a scheme detailing provision for access and on site parking for construction workers vehicles for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented throughout the construction period.

13. 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.

14. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no. 13 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.

15. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no. 14. 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.

16. 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.

17. Development shall not commence until a scheme demonstrating an adequately designed soakaway for an effective means of drainage of surface water on this development/site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include percolation tests in accordance with BRE Digest 365 along with calculations demonstrating that the designed soakaways can store a critical 1 in 30 year storm event and can empty by 50% within 24 hours. Where it is demonstrated that soakaways are not an effective means of drainage of surface water, an alternative scheme should be submitted for consideration. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and retained thereafter.

**NOTE:** It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-225397 for further advice on this matter.

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution

**NOTE:** The improvements works adjacent to neighbouring works will require regrading/engineering operations to be undertaken. Where a site could be affected by land stability issues you are reminded that it is the responsibility of the developer/landowner for securing a safe development.

**NOTE:** The public footpath which crosses/abuts the site shall not, at any time, prior to, during or after construction of the dwellings, be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

**NOTE:** 191 Huddersfield Road lies approximately 240m from the closed Berry Banks Landfill. The tabulation below shows methane and carbon dioxide values obtained from the most recent shallow pinhole surveys carried out there.

**PEAK VALUES**

Date	Methane % by volume	Carbon Dioxide % by volume
Apr 2003	2	3
Oct 2002	15	10
Jul 2002	9	10

This recommendation is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Location plan	Pro map		01/08/14
Amended site/block showing highway improvements	1402801D		22/01/15
Coal mining report	By David Bellis serial no. 295845		01/08/14
Planning statement			01/08/14
Design & Access Statement			01/08/14
Highway Statement	14028/April 2014		01/08/14
Road Safety Audit			
Designers response to stage 1 RSA	14028/Nov 2014		
Phase 1 Desk Top Study	NG8582/THO/PH/1		01/08/15
Ecology/ Biodiversity Statement	R192401 MAY 2014		01/08/14
Vehicle swept paths for a fire engine	1402801E		17/07/15

## **APPENDICES**



Mr Nick Willock  
Kirklees Council  
Planning Services,  
PO Box B93,  
Civic Centre 3,  
Huddersfield,  
HD1 2JR

Ref: ST/ds 359

4 November 2014

Dear Mr Willock

**Planning Objection in Respect of Planning Application 2014/60/93039/W - Outline application for residential development at Land at, Ainley Top, Yew Tree Road and Burn Road, Huddersfield HD2 2EQ**

Knight Frank is instructed by The Save Grimescar Valley (SGV) Committee, representing the local residential community, to provide representations in respect of the above planning application.

These representations set out an appraisal of the proposed development in relation to the Development Plan and other material considerations, identifying concerns in respect of the site's allocation and the proposal's impacts upon landscape and visual impact, highways, air quality, schools and primary care capacity.

**The Site and Proposed Development**

The site is located to the south east of Ainley Top roundabout and comprises land to the north and south of Yew Tree Road and to the east and west of Burn Road. The site is allocated in the Kirklees Unitary Development Plan (UDP) as Provisional Open Land (POL), which extends to 17.1ha. The application site extends to 9.9ha of the POL, split between two sections of land. The first section of land covers 2.7ha and is located to the north west of the junction of Yew Tree Road and Burn Road. The second section of land covers 7.2ha of land and is located to the south east of the junction of Yew Tree Road and Burn Road.

The Kirklees Way, which is a Long Distance Walkers Association (LDWA) Long Distance Path bisects the application site. The path covers a total distance of 73 miles and is described on the LDWA website as *'taking in the best of the landscape, scenery, history and unusual features'*.

The site currently comprises agricultural land and areas of woodland, with intersecting highways throughout.

Outline planning consent is sought by the Thornhill Estates Limited for up to 190 dwellings, with all matters reserved with the exception of access. The application was validated by Kirklees Council on 3 October 2014. The application proposes new vehicle access points into the site via two junctions on Yew Tree Road and two junctions on Burn Road.

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Knight Frank LLP is a limited liability partnership registered in England with registered number OC305934.  
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## Planning Policy Framework

Under the provisions of Section 38 of the Planning Compulsory Purchase Act 2004, local planning authorities are required to determine applications in accordance with policies contained within the Statutory Development Plan, unless material considerations indicate otherwise.

The Development Plan comprises the 'saved' policies of the Unitary Development Plan (UDP) (adopted 1 March 1999). National policy contained within the National Planning Policy Framework (**NPPF**) (adopted March 2012) is a material consideration. This is in accordance with Annex 1, paragraph 216 of the **NPPF**.

Policies and material considerations which are key to this site and proposal are set out below.

## Development Plan

The site is allocated in the Kirklees Unitary Development Plan (UDP) as falling within Provisional Open Land (POL). The POL extends to 17.1ha.

'Saved' UDP **Policy D5** (Provisional Open Land) states, *'on sites designated as Provisional Open Land, planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term.'*

Kirklees Council has commenced preparation of the Local Development Framework (LDF), which will gradually replace the policies contained within the UDP. The LDF will comprise a number of documents including Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs).

The Core Strategy is the principal document in the LDF and will contain the Council's vision and spatial strategy for the district.

The Core Strategy was submitted to the Secretary of State in 2013. Following comments from the Examining Inspector regarding duty to co-operate and proposed housing strategy, Kirklees withdrew their Core Strategy in October 2013.

The Core Strategy contained a table which assessed the status of UDP policies upon its adoption. This table identified that UDP **Policy D5** was to remain a part of the Development Plan and would be reviewed as a part of DPD2, which would be the Site Allocations document. This clearly indicates that it was the Council's intention to review POL as a part of the DPD2.

The Council is now working towards a new Local Plan, which will comprise the Core Strategy and Allocations. This is expected for consultation in summer 2015.

For the foreseeable future, 'saved' UDP **Policy D5** (Provisional Open Land) remains a part of the Development Plan.

## Housing Land Supply

Paragraph 47 of the **NPPF** states:

*To boost significantly the supply of housing, local planning authorities should:*

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this*

*Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*

- *identify and update annually a supply of specific deliverable<sup>11</sup> sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
- *identify a supply of specific, developable<sup>12</sup> sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;*
- *for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and*
- *set out their own approach to housing density to reflect local circumstances.'*

Paragraph 49 continues:

*'Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing.'*

In a recent Appeal Decision from 15 September 2014 at St Marys Avenue, Netherthong (APP/Z4718/A/14/2219016), the Inspector considers that, *'the Borough of Kirklees does not have a 5 year supply of available housing land. The site is designated as Provisional Open Land (POL), however the lack of housing supply means that this policy, which clearly relates to housing, is out of date.'*

Whilst the September Appeal does not provide an indication of the number of years supply Kirklees is currently able to demonstrate, it establishes that the Council's lack of a 5 year housing supply means the site's allocation as Provisional Open Land is out-of-date. This will remain so until the Council are able to demonstrate a 5 year housing land supply.

The implications of this are considered in further detail in the next section of this letter.

### **Provisional Open Land (POL)**

Paragraph 14 of the **NPPF** introduces a presumption in favour of sustainable development and emphasises that the purpose of the planning system is to contribute to the achievement of this.

*'For decision making, this means:*

- *Approving development proposals that accord with the Development Plan without delay;*
- *Where the Development Plan is absent, silent or relevant policies are out of date, granting permission unless;*
  - ◆ *Any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or*
  - ◆ *Specific policies within the framework indicate that development should be restricted.'*

Given Kirklees Council cannot demonstrate a 5 year housing supply, housing policies contained within the UDP, including **Policy D5**, are out of date. Residential applications will therefore be considered favourably, provided they can demonstrate the benefits significantly outweigh any adverse impacts.

The following sections of this letter set out how the benefits of a residential proposal would not outweigh the adverse impacts.

#### Appeal Decisions

In providing justification for the proposal, the Environmental Impact Assessment (EIA) refers to two recent Appeal decisions relating to schemes at Ashbourne Drive, Cleckheaton (APP/Z4718/A/13/2201353) and St Mary's Avenue, Netherthong (APP/Z4718/A/14/2219016), which were refused by the Council but allowed on Appeal. The EIA states that these are examples where POL was released for housing.

Whilst it is the case that both of these Appeal sites were on POL, they were released for housing because the need for residential development outweighed all other considerations.

The Appeal at Ashbourne Drive, Cleckheaton was considered against the impact upon heritage assets, living conditions of nearby residents, traffic generation and wildlife. In assessing each of these, the Inspector considered that the benefit of delivering residential development was sufficient to outweigh any potential impact and/or harm.

The Appeal at St Mary's Avenue, Netherthong was considered against highway safety, drainage and flooding and local wildlife. Again, it was considered that the benefit of delivering residential development was sufficient to outweigh the harm.

The above establishes that whilst the delivery of residential development is a clear benefit, this must significantly and demonstrably outweigh any adverse impact. For the EIA to identify the above Appeal decisions as justification for allowing the proposal at the application site is therefore unfounded. Each case must be determined on its own merits with reference to the other policies within the **NPPF**.

#### Reassessment

Paragraph 2.15 of the UDP says that *'POL sites are judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided'*. It adds that *'the aim of the designation is to maintain the character of the land at least during the period until the plan is reviewed when it will be considered for allocation for development'*.

Paragraph 2.16 says that *'reviews of the UDP are required at least every 5 years'*.

Clearly these reviews have not taken place.

The UDP was adopted on 1 March 1999, which means that an assessment of the application site would have been undertaken as a part of the evidence base for the UDP, before that date. A review of the site has therefore not been undertaken for at least 15 years.

No new infrastructure has been delivered within the application site in the last 15 years and as the proposal is for an outline planning consent, such specific details are not provided within the planning submission. It is therefore difficult to understand how the site can be deemed appropriate or capable for development. Furthermore no details are contained within the UDP as to how each POL was to be reassessed, or what infrastructure requirements were necessary for each individual POL.

The UDP states that *'the reassessment of provisional open land will involve determining for each site whether in the prevailing circumstances there is a case for releasing some or all of the land for development, or whether it should be maintained as provisional open land until the next review of the plan.'* The UDP continues that, *'the*

*reallocation of provisional open land as Green Belt or urban greenspace will occur only in exceptional circumstances.'*

Whilst it may well be the case that at the time of the original assessment, before 1999, that the site was assessed as having less quality than those designated as urban greenspace, 15 years has passed since that assessment and no reassessment has taken place. Given the location of the site, to the south of the Green Belt and the attractive and sensitive nature of the location, which is described further below, there are now exceptional circumstances for the application site to be reallocated and considered unsuitable for development. The site could now potentially be considered as forming a part of the Green Belt.

Whilst Kirklees Council cannot demonstrate a 5 year housing supply, given the length of time which has passed since the site was allocated without reassessment, the site is now an attractive location which is no longer deemed to be of less quality than those sites which are protected from development. Were the site to be reassessed now, it may not be considered as POL and could hold much more landscape value. We therefore submit that Officer's consider the proposal's impact upon a site which is now considered to hold very similar merits to Green Belt land.

The next section of this letter assesses the proposal's landscape and visual impact and demonstrates that it will have an adverse impact upon the surrounding location, which would not be outweighed by the benefits of a residential development. The need for residential development within Kirklees is not outweighed by the adverse impact which will result from the proposal.

### **Landscape and Visual Impact**

As is set out above, relevant policies of the Development Plan are out of date. In such circumstances there will be a presumption in favour of sustainable development where it is demonstrated that there are no adverse impacts that would significantly and demonstrably outweigh the benefits.

This section of our letter describes how the landscape and visual impact of the proposal upon the surrounding area, significantly and adversely outweighs the benefits of the proposal.

#### Landscape Analysis

Chapter 7 of the EIA contains a Landscape and Visual Assessment of the proposed development. This assessment is informed by plans and viewpoints, prepared by Re-form Landscape Architects, which are contained within the Figures of the EIA.

Figure 7.3 of the EIA provides a Landscape Analysis plan, which appears to provide an indication of the open and filtered views of the application site from adjacent residential properties. The plan shows 13 arrows indicating open views and 16 arrows indicating filtered views from adjacent residential dwellings towards the application site. Given the close proximity of a number of these properties, these open and unfiltered views, in particular, will clearly be significantly impacted upon by the proposed development, in terms of the landscape quality and residential amenity.

The Landscape Analysis plan fails to identify any of the existing properties located along the northern boundary of the residential estate on Prince Wood Lane to the east and south east. These properties are all located on higher ground than the application site, with views from their northern elevations looking out in the direction of the application site. The majority of these dwellings will therefore have open, if not filtered, views of the application site in the north west direction. Resident's visual amenity will clearly be impacted upon by the proposal.

The plan also identifies the existing residential properties off Yew Tree Road as having only a filtered view of the application site. This isn't accurate. Whilst there is some vegetation lining the road, this is limited. The views of the application site from here are open and unrestricted.

Furthermore, the application site sits towards the bottom of a valley with an elevated topography to the north, west and south particularly. Given the elevated position, this means that the application site is visible from most viewpoints in this direction.

We question the thoroughness of the Landscape Analysis plan and the robustness of the approach taken. Whilst the plan takes into consideration some of the views, it omits a number of others and is far from comprehensive. We would also question how this information can be relied upon and how the Council will be able to adequately assess the impacts.

### Character Areas

The Landscape and Visual Assessment chapter of the EIA identifies eight character areas in the surrounding landscape. Figure 7.9 (Zone of Theoretical Visibility) of the EIA illustrates that the application site is visible from most of these character areas and further emphasises the point that the proposal will be clearly visible from the west, north and south.

The Landscape and Visual Assessment contains an assessment of landscape effects on each character area within tables 7.10 to 7.18. We have a number of criticisms of this assessment.

Other than to provide the criteria for each category, no explanation has been given as to how the EIA comes to its conclusions when assessing the existing condition, sensitivity and value of a character area or the proposal's impact upon each character area in terms of the magnitude of change or the landscape effect, on the baseline condition. It would appear, therefore, that these conclusions are based solely on the opinion of the assessor. There is no factual basis for the assessment, it is all subjective.

We question the validity of the conclusions of the Character Area assessments.

By way of an example, Character Area Two (Mixed deciduous woodland plantation) is an area of semi-ancient woodland known as Grimescar Wood. Grimescar Wood is located to the north east of the application site and has been assessed in the EIA as a character area of 'moderate' condition and of 'medium' sensitivity and value.

Grimescar Wood is not a character area of 'moderate' condition. It is a semi-ancient woodland with strong or recognisable landscape structure, characteristic patterns and a balanced combination of landform and land cover. The character area's condition should therefore be described as being 'good' or 'high'.

Similarly, the character area is not of 'medium' sensitivity. It is a semi-ancient woodland of 'high' sensitivity, with the proposal having the potential to impact upon residents, walkers and cyclists using public rights of way for recreational purposes throughout this location.

In its assessment of the impact of the proposal on Grimescar Wood, contained in table 7.11, the EIA assesses the magnitude of change as being 'low' and the predicted landscape effects is assessed as being 'slight adverse'. A 'low' magnitude of change is described as a change where there will be a minor loss or alteration to the baseline view or introduction of elements that may not be uncharacteristic when set within the view. A landscape effect which is 'slight adverse' is described as an effect where the proposed scheme would cause a slight deterioration in the existing view.

The existing character area is a semi-ancient woodland with a baseline view which looks out across open green fields. The introduction of a residential development in proximity to this character area, within this immediate view, will result in a substantial alteration to the baseline view and the introduction of elements considered to be uncharacteristic to view. The magnitude of change would therefore be 'high', if not 'medium'.

It is also clear that the proposed scheme would cause a significant or noticeable deterioration in the existing view. The landscape effect of the proposal would therefore have a 'substantial' to 'moderate' adverse effect on the baseline view.

The above analysis of this character area clearly demonstrates how the Landscape and Visual Assessment has played down the impact of the scheme on Grimescar Wood.

In its assessment of the impact of the proposal on Character Area One (Grimescar Valley), the EIA describes the magnitude of change as being 'high' and the predicted landscape effects as being 'substantial adverse'.

A magnitude of change which is 'high' is one where there will be a total loss or substantial alteration to the baseline view or introduction of elements considered to be totally uncharacteristic to the view. A landscape effect which is 'substantial adverse' is an effect where the proposed scheme would cause a significant deterioration in the existing view.

We agree with both of these conclusions and believe that this is the only accurate conclusion contained within the Landscape and Visual Assessment of the character areas.

We do not agree, however, that the introduction of mitigation measures such as arranging the proposal in a number of small development cells, retaining green infrastructure, becks and associated woodland planting (which should be a given anyway) or the use of materials and architectural style that are locally harmonious and sympathetic to setting would reduce the magnitude of change from 'high' to 'medium' or the landscape effect from 'substantial adverse' to 'moderate adverse'.

These mitigation measures will have little to no effect and, in any case, the EIA suggests that even with these measures in place, the impact of the proposal will still have a significant detrimental impact upon the Grimescar Valley Character Area.

#### Assessment of Visual Effects

Figures 7.11 to 7.13 of the EIA provide photographic views towards the application site. These further emphasise that the application site sits at a lower level to those areas and properties surrounding it and the difference in topography.

The viewpoints also demonstrate that there are very few manmade structures within the surrounding landscape. With the exception of the View 1, which is taken from Ainley, the photographic viewpoints demonstrate that views towards the site are generally open and uninterrupted, with only natural features in the immediate vicinity.

Of more concern is the lack of evidence that has been provided to demonstrate the impact of the proposal on the surrounding area. Only six photographic viewpoints are provided and only two of these, View 1 from Ainley and View 2 from Fixby Croft, are taken from the wider location. Views 3 to 6 are all taken from the periphery of the boundary of the POL, or the boundary of the application site itself.



The EIA does not contain any viewpoints with the proposed development in place. It is common practise that a Landscape and Visual Assessment provide wireframes and photomontages showing the proposal in situ. This allows for a more thorough assessment and provides a visual aid of how the development is likely to look. Without providing this evidence, we question how an adequate assessment can be undertaken or presented.

Tables 7.19 to 7.24 provide an assessment of the visual effects of the proposal.

One photographic viewpoint, View 2, is provided from the edge of Grimescar Wood towards the application site and an assessment of the visual effects is provided at table 7.20. The assessment describes the sensitivity from this location as being 'high', the magnitude of change as being 'medium' and the visual effect as being 'moderate' to substantial adverse'.

Whilst we agree with this assessment, we would like to point out that this is contradictory to the assessment set out in the assessment of the landscape effects for Character Area Two.

As is set out above, Character Area Two is identified as Grimescar Wood, which is assessed as having a 'medium' sensitivity, where the magnitude of change will be 'low' and the landscape effects will be 'slight adverse'.

View 2 is taken from the edge of Grimescar Wood. This clearly indicates that the Landscape and Visual Assessment has come to two different conclusions for the same location under assessment.

Given the above, we would seriously question the level of detail, accuracy and validity of the Landscape and Visual Assessment in assessing the impact of the proposed development on the surrounding area. We also question how this assessment can be relied upon and how the Council will be able to adequately assess the impacts.

In conclusion, there are a number of inaccuracies within the Landscape and Visual Assessment and a number of conclusions which are strongly disputed. We therefore question its reliability and how officers can make an informed decision based on the information which has been presented.

### **Sustainability**

As has been set out earlier in this letter, paragraph 14 of the **NPPF** introduces a presumption in favour of sustainable development.

Paragraph 9 of the Transport and Access chapter of the EIA states, '*the sustainable location of the site provides excellent accessibility by foot, cycle and public transport to a vast range of local services, facilities and employment opportunities*'. The EIA does not elaborate on where these service or facilities are located, with no further evidence provided to justify this statement.

This section of the letter demonstrates that the proposed development is not sustainable.

For development to be described as being sustainable it must be located in close proximity to local services and facilities. These should typically be within walking distance of residential areas, as opposed to those where there is a necessity to travel via private vehicle.

There is no clear guidance on acceptable walking distances, but the general consensus is that a ten minute walk, subject to suitable pedestrian paths, is acceptable. This is supported by the Department of Transport, whom identified that 78% of walked trips are less than 1km (1,000m) in length (DFT Transport Statistics GE).



The 'walkable neighbourhood' concept is set out in Manual for Streets 1 (MfS1) and endorsed in Manual for Streets 2 (MfS2). MfS1 states that 'walkable neighbourhoods' are to be characterised by having a range of facilities within ten minutes (up to approx. 800m) walking distance of residential areas where residents may access considerably on foot (Manual for Streets 1, Paragraph 4.4.1).

This letter is accompanied by an 800m Catchment Area Plan. This plan illustrates the 800m catchment area from the centre of the application site. For the application site to be considered sustainable, a number of local service and community facilities should be located within the catchment area.

#### Local Convenience

A search for local convenience retail stores within 800m (i.e. a ten minute walk) of the centre of the application site has been undertaken. The search identified a Co-operative store on Halifax Road (A629) and services along Lidget Street in Lindley. Planning permission has been granted for a further Tesco retail store on Halifax Road, at the site of the former Grey Horse Public House (2013/93204). Although construction has begun, the store is yet to be completed.

Whilst the Co-operative store and the Tesco store on Halifax Road (A629), currently being constructed, are located in relatively close proximity to the application site, access to them from the site is via Yew Tree Road or Burn Road. As has been set out earlier in this letter, the application site sits at the bottom of the valley, with the topography of the surrounding landscape rising around it. For residents to access either store on foot, it will be necessary to walk up a steep incline. It is therefore questionable whether access can be described as being from '*suitable pedestrian paths*'.

The stores located along Lidget Street in Lindley are just within the catchment area from the centre of the application site. In fact, these stores are beyond a 10 minute walking distance from the proposed properties towards the north east and north west corners of the application site. From here, the stores are approximately a 15 minute walk, beyond what is considered to be a reasonable walking distance. Notwithstanding their distance, in order for residents to access these services and facilities it will be necessary for them to walk up Burn Road and then along Birchcliffe Hill Road. Both are on a steep incline. We therefore question whether these services and facilities can be reasonably described as being within a sustainable distance.

Whilst it is accepted that there are local convenience retail stores within the catchment area, the topography of the surrounding landscape must be taken into consideration. In reality, it is highly unlikely that the majority of residents will walk to these locations, given the steep incline they must walk up to get to them.

#### Primary Healthcare Community Facilities

A search for local primary healthcare community facilities within 800m of the centre of the application site has been undertaken. One surgery, the Lindley Village Surgery on Thomas Street was identified as falling within the catchment area. This is a two GP practice with a caseload in excess of 4,700 patients. The surgery has no scope for expansion. The surgery has written to long standing patients living marginally outside the catchment area to inform them that, due to them being at capacity, they can no longer care for them and that they will need to make alternative arrangements.

Two further surgeries have been identified just outside the catchment area. Lindley Group Practice is located on Acre Street, to the south of the application site and Marsh Surgery is located on Westbourne Road to the south east. There are currently 10,000 registered patients at the Lindley Group Practice, which is a six GP

surgery, designed for 3,500 patients. The practice is currently looking for new premises. Marsh Surgery is a two GP surgery, which currently has 4,000 registered patients and is already oversubscribed.

The above demonstrates that there is no capacity for new patients at GP surgeries within the surrounding area.

#### Educational Capacity

A search for infant, primary and secondary schools has been undertaken. The Lindley Church of England Infant and Junior School are located within what would be the priority admission area. In the 2014/15 school year both schools were oversubscribed.

Two further primary schools, at Moorlands Primary School and St Patricks Catholic Primary School, have also been considered. These lie beyond the catchment area but were also oversubscribed for the 2014/15 school year.

There is one secondary school with the priority admission area, at Salendine Nook Academy Trust. This too was oversubscribed for the 2014/15 school year.

Paragraph 68 of the Socio Economic Impacts chapter of the EIA correctly identifies that the proposed development will increase demand for education provision in the area, as a result of the increase in the school age population of the area but then goes on to consider that there will only be a '*minor adverse effect on education provision in the area.*'

In considering any mitigation measures, paragraph 69 states that the proposed development '*will not provide any educational facilities although contributions will be required to improve existing facilities.*'

The EIA acknowledges that the proposal will impact upon schools but that this is considered to be a minor effect. We dispute this assessment. The above clearly demonstrates that local schools are oversubscribed and that the proposal will have a significant impact upon them, given they are already at capacity.

#### Sustainability Summary

Whilst local convenience retail stores were identified within the catchment area, the topography of the surrounding landscape must be taken into consideration. In reality, it is highly unlikely that the majority of residents will walk to these locations, given the steep incline they must walk up to get to them. The location of these facilities from the application site is therefore impractical.

All of the Primary Healthcare Community Facilities identified are at capacity, with the only facility actually located within the catchment area, the Lindley Village Surgery, having written to patients outside the catchment area to inform them that they can no longer care for them.

All of the schools within the priority admission area and two further primary schools outside the catchment area are oversubscribed for the 2014/15 school year.

The above demonstrates that the EIA's description of the application site having excellent access to a vast range of local services and facilities is not justifiable. Retail stores are impractically located, community facilities are at capacity and local schools are oversubscribed. For all of the above reasons, the proposed development is therefore considered as unsustainable.

## **Masterplan – Scale of Development**

Whilst it is accepted that the submitted Masterplan is for illustrative purposes only, the section of land to the north west of the junction of Yew Tree Road and Burn Road displays a layout incorporating 37 dwellings and the section of land to the south east of the junction of Yew Tree Road and Burn Road displays a layout incorporating 81 dwellings. The illustrative Masterplan therefore shows a scheme for 118 dwellings.

Given outline planning consent is sought for up to 190 dwellings, this suggests there will need to be a significant compromise in either the size of the dwellings, the size of the plots or the areas of landscaping and/or ecological habitat in order to accommodate a denser scheme.

We question whether the suggested development, for up to 190 dwellings is achievable without significantly impacting upon the land proposed for landscaping and ecological habitat.

## **Highways**

We have serious concerns regarding the impact of the proposal upon Halifax Road (A629) and the Ainley Top Roundabout. During peak periods in particular, Halifax Road (A629) and the Ainley Top Roundabout approach are both severely congested.

The EIA is accompanied by a Transport Assessment, which focuses on roads and junctions in the immediate vicinity of the site, at the Burn Road / Grimescar Road junction, Grimescar Road / Brighouse Road junction, A629 Halifax Road / Yew Tree Road junction and A629 Halifax Road / Burn Road / Birchenclyffe Hill Road junction. The Assessment does not provide any consideration to the wider arterial route along Halifax Road (A629) between Halifax and Huddersfield.

The midwife led maternity service is now based at Calderdale Hospital, which means Halifax Road (A629) is a priority route for emergency services. Concerns are well documented locally regarding the congestion on Halifax Road (A629) in connection with hospital routes and emergency services. The proposal will only intensify congestion along this route, adding to the existing concerns within the area.

The Transport Assessment provides an assessment of the Ainley Top Roundabout. Given the existing level of congestion at the roundabout and its approach and the potential number of additional vehicles the proposal would bring, it is very difficult to believe that there will only be a '*negligible effect*' on the operation of the Ainley Top roundabout and that there will be no or only a marginal increase in queuing. It is also very difficult to believe that altering the traffic signal timings by an additional second will have any affect upon the efficiency of the junction.

We therefore question the findings of the Transport Assessment and request that the details contained within the document are scrutinised by the Council, and in particular the Highways Department.

## **Air Quality**

A 2009 Air Quality Updating and Screening Assessment for Kirklees Council (published November 2009), assessed and reviewed local air quality and was submitted as a part of the evidence base for the Core Strategy examination. This document identifies that detailed assessments for nitrogen dioxide (NO<sub>2</sub>) are required in Ainley Top, as there is sufficient evidence that the annual mean NO<sub>2</sub> objective may be being exceeded at receptor locations. On-going work has identified that road traffic is the main contributor to the pollution levels in the area. A 2012 Air Quality Updating and Screening Assessment for Calderdale Council

(published April 2012) also recommends that further investigations be carried out to assess exceedences of annual mean NO<sub>2</sub> objective at Ainley Top.

Chapter 10 of the EIA contains an Air Quality Assessment. This assesses the impact of the proposal on air quality during the construction then the operation phases. The EIA's baseline assessment concludes that air quality within the area is expected to be generally good and background concentrations of NO<sub>2</sub>, NO<sub>x</sub> and PM<sub>10</sub>, relevant to the study area, are well below their respective Air Quality Strategy (AQS) (July 2007) objective levels. This conclusion contradicts the findings of both the Kirklees' and Calderdale's Air Quality Updating and Screening Assessments, as described above. The EIA's baseline assessment was taken from 2012, which is the same year as Calderdale's Air Quality Assessment, which advised that further assessment was required given the evidence that the annual mean NO<sub>2</sub> objective may be being exceeded. We therefore question the conclusions of the baseline conditions set out within the EIA.

The Air Quality chapter assesses the air quality during the construction and operational phases. During the construction phase, the Assessment considers that the movement of construction vehicles and the use of construction plant and machinery may cause a temporary increase in concentrations of NO<sub>2</sub> and PM<sub>10</sub>, which could have a '*moderate adverse significance*' for human receptors. To mitigate this a number of measures are proposed, including the use of screening and windbreak netting, the use of wheel washers, ensuring that all vehicles are maintained in good working order and switched off when not in use. The Assessment suggests that the implementation of these mitigation measures will reduce the effect on Air Quality during the consultation phase of the development to a '*negligible to minor adverse significance*'.

The Air Quality chapter goes on to assess that during the operational phase, the development will have a long-term effect on local concentrations of NO<sub>2</sub>, NO<sub>x</sub> and PM<sub>10</sub>, which could '*have a detrimental effect on the nearby sensitive receptors*'. To seek to mitigate these effects, the Air Quality Assessment suggests that the implementation of a Travel Plan should help to mitigate the predicted effects by outlining an overall strategy for the proposed development and by encouraging sustainable modes of transport, including cycle and pedestrian routes throughout the site. The Assessment considers that, once appropriate mitigation has been implemented, the residual effect is of '*minor adverse to negligible significance*'.

The suggested mitigation measures and the conclusions of the Assessment, based on their implementation, are highly questionable. During the operational phase, in particular, the Air Quality Assessment identifies that the proposal will have a '*detrimental effect*' on the nearby sensitive receptors but goes on to suggest that the implementation of mitigation measures will reduce this to a '*minor adverse to negligible significance*'. With the only mitigation measure proposed being the implementation of a Travel Plan, which in reality is likely to have minimal effect, we have significant reservations about the conclusions of the Air Quality Assessment.

In summary, the Air Quality chapter of the EIA raises significant concerns. There are considered to be inaccuracies in the initial baseline assessment and the identified '*detrimental effect*' during the operational phase of the proposal do not appear to be mitigated by the measures proposed.

## Summary

A summary of our objections to this Application is:

- A lack of a 5 year housing supply not automatically allowing for the POL to be developed;

- The necessity for a reassessment of site's value. Whilst the site is allocated as POL, its assessment was 15 years ago and it now holds greater value than was previously assessed;
- Were the site to be reassessed today, it could no longer be considered to be POL;
- The detrimental landscape and visual impact of the proposal upon the surrounding area and the fact that this is not outweighed by the benefits of residential development;
- The robustness of the Landscape and Visual Assessment, which fails to address the concerns raised above;
- The inaccuracy of the Landscape and Visual Assessment, and the contradictory conclusions that it draws;
- The proposed development is unsustainable. Within a reasonable catchment walking distance retail stores are impractically located, community facilities are at capacity and local schools are oversubscribed;
- Uncertainty over the Masterplan and the proposed scheme's deliverability;
- The impact of the proposal on the wider highways network and the Transport Assessment's questionable conclusions that the scheme will have a limited impact upon the surrounding road network; and
- The highly questionable baseline assessment and the conclusions of the Air Quality Assessment and '*detrimental effect*', as identified within the Assessment, of the proposal.

We therefore urge Officers to recommend refusal of the application for the reasons set out above.

Yours faithfully

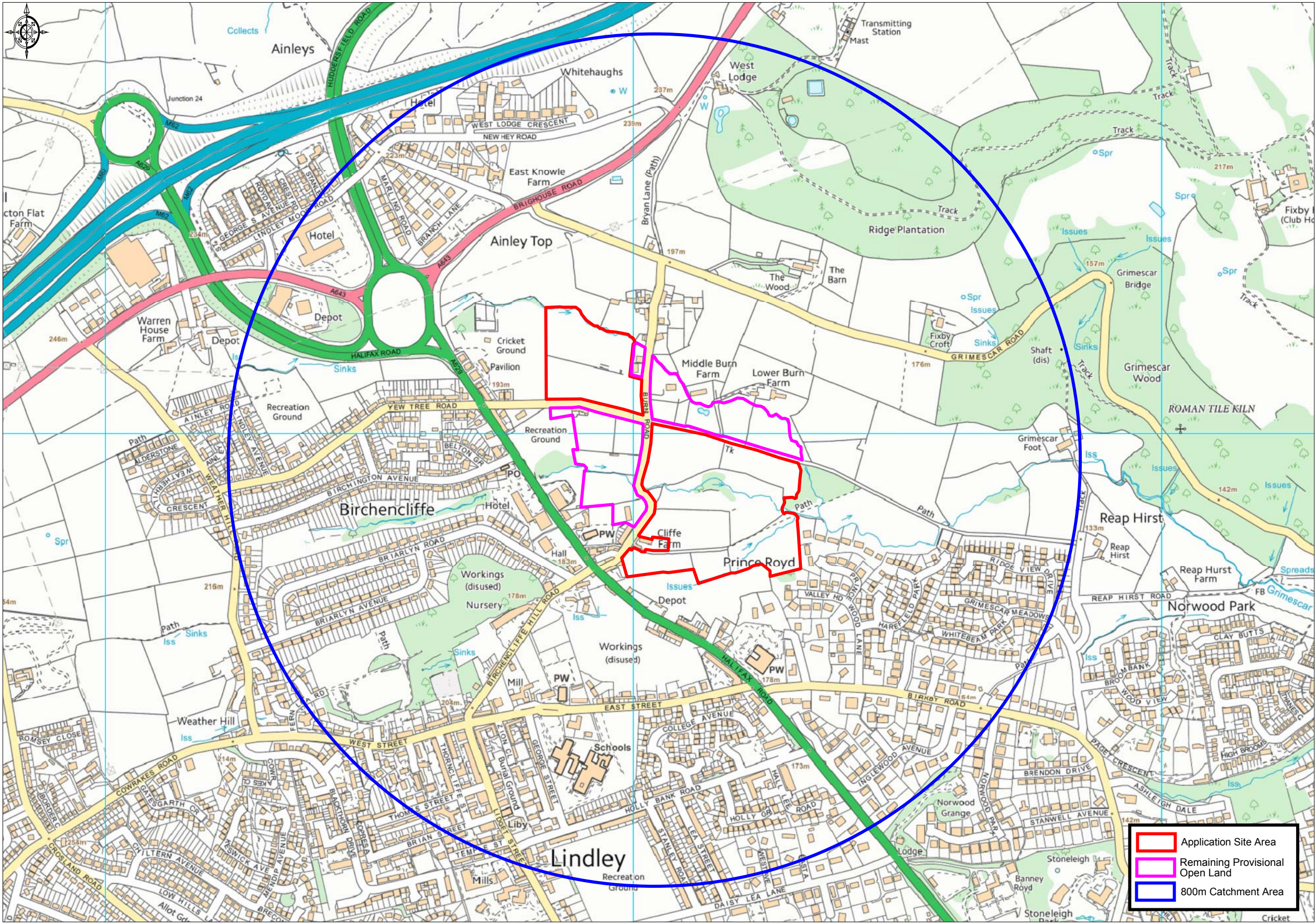
**Sophie Taylor**

Partner

sophie.taylor@knightfrank.com

D/L 0113 297 2408







Planning Application No	2014/60/93039/W
Location	Yew Tree Road and Burn Road, Ainley Top, Huddersfield
Objection submitted by:	Robert Bamforth (On behalf of Kirklees Community Action Network and Yorkshire GreenSpace Alliance)
Email	
Address	
Dated	21st November 2014

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#### Reasons for Objection:

The land in question is designated as Provisional Open Land in the Council's Unitary Development Plan. We are well aware of recent decisions and appeals which have backed housing development on POL, citing the absence of an up-to-date local plan and/or a proven five year land supply as justification for planning approval. We strongly disagree with the release of Provisional Open Land for housing, in advance of a properly constituted review of the Local Plan. In our view the relevant planning guidance rules are fundamentally flawed, biased and wholly inconsistent with natural justice for local residents and communities. They are little more than a developer's charter. We are particularly concerned that the Government dictated method of calculating the 5 year land supply, using over ambitious figures from the defunct Regional Spatial Strategy, compounded by notional under-performance against those figures in a time of global recession, makes it almost impossible for Councils to meet the land supply requirements. We appreciate that this argument is effectively a political one, which will carry little weight in the planning decision regarding this development. It is however against the current background of our strong objection to the current political distortion of the planning system that we make our other objections.

#### **Our specific objection to this development is that it is NOT SUSTAINABLE**

1. **Overloaded roads and services – enough is enough.** Many significant large scale developments have been approved in the Lindley / Birchencliffe / Ainley Top area over the past couple of years, with much more to come, particularly in the area of Lindley Moor. To use an emotive term the area is being "swamped" with housing and industrial development, but there has been little or no corresponding investment in the local physical and service infrastructure such as schools, roads, parking, health services etc. All these services are currently stretched to breaking point and the area cannot cope with any more significant developments such as this one. Physical improvements have recently been made to the Ainley Top roundabout, under a section 106 agreement with other developers. However, in our view, the benefits in terms of traffic flow and reduced congestion have only been marginal and certainly not sufficient to allow further large scale development in the area. The proposed development is NOT SUSTAINABLE because the Lindley area cannot, as a whole, sustain any more development on this scale.

2. **Isolated from local centres and community services.** The proposed development is on the Eastern side of the busy Halifax Road, whereas the closest local centre (Lindley) is some distance away on the Western side. Anyone walking from the development to access local services (shops, schools, health services etc) would have to cross Halifax Road. This is not only dangerous in traffic terms but Halifax Road is also known as an area that suffers from unacceptably high levels of air pollution. So, although the nominal distance from the development site to Lindley Centre may be within Council parameters, the effective distance is not. The development is NOT SUSTAINABLE because Halifax Road forms a virtual “barrier” between the proposed development and all the relevant local services.
3. **Erosion of green buffer zone and merging of urban areas.** The density of development and spatial distribution of settlements across West Yorkshire means that there is a very real danger of towns and cities merging to form one giant conurbation. We find that prospect as frightening as it is awful. In many areas a green belt buffer has been defined to prevent towns merging but we argue that the need to prevent that happening is a fundamental part of planning policy which should be applied to all open green spaces between towns and not just to the green belt. Major developments at Lindley Moor and Blackley are already rapidly massively eroding the relatively small green buffer space between Huddersfield and Elland / Halifax. In our view this green buffer erosion has already gone too far and further development within this green buffer space should not be permitted. The proposed development would fill a significant part of one of the last remaining green spaces between the urban conurbations of Huddersfield and Halifax and as such it is NOT SUSTAINABLE.
4. **Harmful to the Green Belt.** The proposed development is on Provisional Open Land on the Southern side of the Grimescar Valley. The Northern side is currently green belt that is much admired by the public, but we are well aware that the developer has put forward plans to develop the whole valley (POL and Green Belt) as part of the previous LDF consultation. About two years ago the Council decided to reject those over-ambitious plans for green belt housing development and not include them in the LDF. We understand that the current planning application is purely for the Provisional Open Land and must be considered on its own merits. However, we suggest that the Council also has a duty to consider the wider implications and in particular the damage that development on the POL part of the valley would have on the integrity of the adjacent green belt. In our view the proposed POL development would seriously degrade the green belt part of Grimescar Valley and undermine its function as a buffer zone between the urban conurbations of Huddersfield and Halifax. The NPPF makes it clear that “As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” We do not believe there are any very special circumstances which would permit this development. The NPPF goes on to state that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.” The NPPF and planning guidance make it clear that the need for new housing does NOT outweigh local environmental protections.



5. **Departure from the Unitary Development Plan.** This application, if approved, would represent a departure from the UDP and must be treated as such. The UDP also says about the timing of development on Provisional Open Land:

***“The aim of the provisional open land designation is to maintain the character of the land so designated at least during the period until the plan is reviewed when it will be considered for allocation for development”.***

In our view the UDP is clear and it remains the legally valid local plan for Kirklees until such time as it is replaced by a new Local Plan. It is therefore not in the Council’s or the Planning Inspectorate’s power to totally disregard this legally valid UDP statement or to make any casual presumptions about premature change of use of areas designated as Provisional Open Land across Kirklees. In this particular instance we argue that the National and Local need for new housing does not outweigh the many sustainability issues associated with this site. Change of use must therefore be denied and the application must be refused. .

## Patricia Hepworth

**From:** Kirklees Council Planning <web.development@kirklees.gov.uk>  
**Sent:** 16 October 2014 15:01  
**To:** Nick Willock  
**Cc:** DCAdmin  
**Subject:** Comments on planning application: 2014/93039

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Thursday 16 October 2014

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### Comment on planning application 2014/93039

Field	Value
Name:	Frank O'Brien
Address:	29, Maplin Avenue Huddersfield
Postcode:	HD3 3GP
Email:	
Telephone:	-
Application number:	2014/93039
What is the application for?:	Outline application for residential development
Address of the site or building:	Land at, Ainley Top, Yew Tree Road and Burn Road, Huddersfield HD2 2EQ
Postcode if know:	-
Your comments:	<p>I am authorised to object most strongly to this application on behalf of Huddersfield Civic Society. This proposal would involve the loss of a very important green space which should have been designated Green Belt rather than Provisional Open Land in the UDP thus giving it more than temporary protection from volume housing developers such as these. The Civic Society encourages Kirklees Council to look at longer term, affordable housing on sustainable sites closer to the town centre. They should seek to create "urban villages" on sites such as that recently vacated by Kirklees College rather than destroying valuable green spaces. Any further development at Birchencliffe would place an intolerable burden on the already highly congested Halifax Road. Neither Burn Road nor Yew Tree Road is capable to handling the extra volume of traffic which the housing would engender, before entering Halifax Road or the Ainley Top roundabout. Frank O'Brien Society Planning Officer</p>

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**From:** Planning ContactCentre  
**Sent:** 22 October 2014 07:36  
**To:** DCAdmin  
**Subject:** FW: 2014/60/93039/W Land at, Ainley Top, Yew Tree Road and Burn Road, Huddersfield HD2 2EQ

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**From:** MCCARTNEY, Jason [<mailto:jason.mccartney.mp@parliament.uk>]  
**Sent:** 21 October 2014 16:46  
**To:** Planning ContactCentre  
**Subject:** 2014/60/93039/W Land at, Ainley Top, Yew Tree Road and Burn Road, Huddersfield HD2 2EQ

Dear Sirs,

I wish to register my objection in the strongest possible terms to the above planning application.

We have seen Lindley singled out for development over the last few years, to the point where the infrastructure; whether roads, schools or doctors' surgeries, just cannot cope. The green spaces that separate our towns are disappearing, replaced by urban sprawl and this has to be the point where this stops.

My main objections to this development are –

1. Local Schools. All schools in Lindley are all ready oversubscribed, with schools not even able to accept pupils in their catchment area. An additional 190 houses and the families they would bring into the area is just not sustainable.
2. Local Doctors. I have been contacted by the two local practices who cannot cope with the number of patients they currently have let alone more. One surgery is actually asking patients outside a strict radius to leave their practice. For this reason again this development is not sustainable.
3. Highways. The main arterial roads in Lindley are already over used creating dangerous rat runs through residential areas. While changes to Ainley Top Roundabout have been welcome, we still see massive tailbacks and this development will make the situation even worse.
4. Green spaces to stop urban sprawl. Grimescar Valley provides a well used haven from our busy lives. Dog walkers, horse riders and cyclists all come here to enjoy the beautiful surroundings. It is the duty of Kirklees to protect these areas so that Huddersfield does not just merge into Halifax without green space to separate these two conurbations.
5. Wildlife. Grimescar Valley is home to a variety of fauna and flora that deserves protecting; bats, roe deer, field mice and kestrels are just some of the many species that find a home here and this habitat should be protected for them as well.

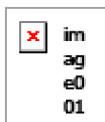
We should not just devastate this beautiful part of the borough in order to build yet more unsustainable housing. I urge the planning committee to do the right thing and reject this development.

Kind regards,

Jason

**Jason McCartney MP**


Member of Parliament for Colne Valley



Tel: 020 7219 7041 (Westminster)  
Tel: 01484 688364 or 688378 (Constituency)  
Email: [jason.mccartney.mp@parliament.uk](mailto:jason.mccartney.mp@parliament.uk)  
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**From:** Kirklees Council Planning [web.development@kirklees.gov.uk]  
**Sent:** 21 November 2014 12:40  
**To:** Nick Willock  
**Cc:** DCAdmin  
**Subject:** Comments on planning application: 2014/93039

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Friday 21 November 2014

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**Comment on planning application 2014/93039**

Field	Value
Name:	Barry Sheerman MP
Address:	The Media Centre, 7 Northumberland Street, Huddersfield
Postcode:	HD1 1RL
Email:	<a href="mailto:barry.sheerman.mp@parliament.uk">barry.sheerman.mp@parliament.uk</a>
Telephone:	01484 487970
Application number:	2014/93039
What is the application for?:	Outline application for residential development
Address of the site or building:	Land at, Ainley Top, Yew Tree Road and Burn Road, Huddersfield HD2 2EQ
Postcode if know:	-
Your comments:	Over the years I have been deeply concerned at the attitude of the major estates such as Thornhill Estates. At times when they see an opportunity for making a profit by obtaining commercial or residential planning permission, they pursue such opportunities ruthlessly. In my experience the Thornhill Estate lost any real interest in communities in which they have for many years owned great tracts of land. Therefore it should be understood that Thornhill Estates exists to maximise the profit in their land holdings. With ample resources they are able to hire the best lawyers and planning advisers to browbeat local authorities into giving the planning permission they seek. They can use appeal procedures which are horrendously expensive for local councils who oppose their planning applications to secure their goals. Many of these large landed estates are very well connected socially and politically which makes them formidable opponents. The Grimescar Valley is beautiful and should be preserved and subject to only a very small amount of development: approximately 10-15% of the presently applied for area. I am not a NIMBY and my constituents and their children need homes and housing, but these great estates offload plots of land once planning has been granted, and the subsequent developments fight ferociously against providing any Section 104 money for schools, the environment or the community because they have paid so much to the land owners! My experience is to say no to these estates and their planning applications. They care nothing for our local environment and the people who live there. Barry Sheerman

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## Patricia Hepworth

---

**From:** Planning ContactCentre  
**Sent:** 29 October 2014 07:12  
**To:** DCAdmin  
**Subject:** FW: Application Number 2014/93039

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

**From:** Cllr Cahal Burke  
**Sent:** 28 October 2014 19:02  
**To:** Planning ContactCentre; Nick Willock  
**Subject:** Application Number 2014/93039  
**Importance:** High

### OBJECTION

**Planning Application No:** 2014/60/93039/W

**Planning Proposal:** 190 New Homes in Grimescar Valley - Thornhill Estates

I strongly object to this application by Thornhill Estates Limited to destroy the Grimescar Valley.

The layout, scale and design of the proposed development would cause an adverse impact on the amenities of existing residents along with visual amenity and highway safety.

The issue of school places has not been resolved along with access to doctors, dentists and other facilities in the area. The cumulative impact of other developments and recent applications that have recently been granted planning permission is not being considered and should be, because not to consider the cumulative impact would be careless.

It would be Irresponsible & shameful for permission to be granted for this development in the Grimescar Valley, the Lindley ward area should not be the hub of all new housing in Kirklees, destroying a wonderful part of Huddersfield that is enjoyed by all residents in Kirklees, the area does not have the infrastructure to cope with such over development and thought should be given to the sustainability of an area in the future and not just reacting to applications.

Taking into account my comments above and the reasons below this application should be refused.

- Highways – detrimental impact on Highway safety
- Air Quality - unacceptable levels of noise and air pollution
- Environmental Impact – Grimescar Valley is an area of great beauty and has a richness of wildlife, this would be put at risk and lost

**Cllr Cahal Burke**

*Liberal Democrat, Lindley Ward*

☎ 07976 497980

✉ [cahal.burke@kirklees.gov.uk](mailto:cahal.burke@kirklees.gov.uk)

🌐 [www.cahalburke.co.uk](http://www.cahalburke.co.uk)

Follow me on Twitter: [@CahalBurke](https://twitter.com/CahalBurke)

Facebook: [Cllr Cahal Burke](https://www.facebook.com/CllrCahalBurke)

## Patricia Hepworth

**From:** Kirklees Council Planning <web.development@kirklees.gov.uk>  
**Sent:** 01 July 2015 12:32  
**To:** DCAdmin  
**Subject:** Comments on planning application: 2014/93039

## Kirklees Council West Yorkshire

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Wednesday 01 July 20

To acknowledge or update the status of this job, please use the following link:  
<http://intranet/frontline/callback/Details.asp?Jobid=1326150&Acknowledge=Yes>

### Comment on planning application 2014/93039

Field	Value
Name:	Cllr Gemma Wilson
Address:	
Postcode:	
Email:	<a href="mailto:gemma.wilson@kirklees.gov.uk">gemma.wilson@kirklees.gov.uk</a>
Telephone:	
Application number:	2014/93039
What is the application for?:	Outline application for residential development
Address of the site or building:	Land at, Ainley Top, Yew Tree Road and Burn Road, Huddersfield HD2 2EQ
Postcode if know:	-
Your comments:	<p>It is my belief that this application should be rejected. As a local resident and councillor, I know first hand how our area is being destroyed by inappropriate development due to the lack of this council to have a local plan. This development is unsuitable for our area due to our struggling infrastructure such as doctors, dentists and school places. This development will put more pressure on these affecting the lives of local people, local families and anyone who may buy these new houses. A huge concern is the air quality and the lack of transparency shown regarding the air quality statistics. The air quality is appalling where I live and these additional houses will bring with them 250 approx cars which will cause this situation to worsen quickly. In addition, the local congestion is awful and has become worse. This development will simply add to the pressure of the A629. The wide affect on the area and it's existing residents would be catastrophic if this was allowed to go ahead: we would lose of the last pieces of green space we have in our area, we will have more pressure on our schools, drainage, crumbling roads and if this is allowed, we will lose this forever. I object to this development.</p>

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**From:** Kirklees Council Planning [web.development@kirklees.gov.uk]  
**Sent:** 20 November 2014 10:53  
**To:** Nick Willock  
**Cc:** DCAdmin  
**Subject:** Comments on planning application: 2014/93039

 Kirklees Council alert

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Thursday 20 November 2014

To acknowledge or update the status of this job, please use the following link:

<http://intranet/frontline/callback/Details.asp?Jobid=1312319&Acknowledge=Yes>

**Comment on planning application 2014/93039**

Field	Value
Name:	Charles Greaves
Address:	
Postcode:	
Email:	
Telephone:	-
Application number:	2014/93039
What is the application for?:	Outline application for residential development
Address of the site or building:	Land at, Ainley Top, Yew Tree Road and Burn Road, Huddersfield HD2 2EQ
Postcode if know:	-
Your comments:	This is phase 1 of a much larger scheme. Without having a clear understanding of the total scheme it is not possible to ascertain the actual contribution that this scheme will deliver, or to fully assess the impact that it will have on the locality. It is important to retain The landowner promises that he will keep 85% of his holding as open land - but the only way to guarantee this would be for the landowner to enter into land law restrictive covenants. The scheme appears to be targetted at city commuters and it is unclear what real benefit this will bring in terms of providing new housing to the existing population as a development of this nature is likely to result in inward-migration. Thanks, Charles Greaves

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### Huddersfield Gateway Public Open Land (POL) Communications

This report covers statistics and interactions from the website [www.huddersfield-gateway.co.uk](http://www.huddersfield-gateway.co.uk) and the Huddersfield Gateway Facebook Page as part of the Gateway POL proposals 2014-15.

Both communication channels were set up to support face-to-face activities carried out by the team, local leaflet drops and press coverage. They were also created to update and provide information on the proposals and allow residents to submit their comments.

#### Key Statistics - Website

- The website was created on 23 June 2014. The total number of visits to the four main pages were as follows up until 28<sup>th</sup> May 2015:
  - Homepage = 2683
  - The Plan = 815
  - Consultation Information Page = 605
  - About the Gateway = 434
  - **Total Visits = 4537**

#### Key Interactions

- There were peaks in traffic following the leaflet-drop to 3000 households in the local area explaining the proposal, busting some myths and encouraging people to submit their comments
- Press coverage sign-posted readers to the website. Referrals were received from the Huddersfield Examiner with **363 page views**. It is also likely that referrals came from the Facebook page
- There were 4537 visits to the website. Through the website we received 27 submitted comments. Of those 27 comments there were 22 negative, 1 positive and 4 posed questions.
- There was a peak in traffic following the consultation event held on 14 July 2014 attended by over 100 people
- There were two downloads available to the public on the website.  
The first about the Gateway was **downloaded 657 times**  
The second about 2014-15 proposals was **downloaded 546 times**
- The 'Huddersfield Gateway' Facebook page was launched on 14 July 2014 and has received the support of 514 people in the form of **514 'Likes'** to date.

## **Bill Topping**

---

**From:** Robert Halstead [ ]  
**Sent:** 29 May 2014 16:09  
**To:** Bill Topping  
**Cc:** Mirfield Town Council - Administrator  
**Subject:** Woodward Court Hepworth Lane Mirfield 2014 91282 Erection of 135 residential properties etc  
**Attachments:** Woodward Court lett 29 May14 F.pdf; 2014\_05\_29\_15\_59\_05.pdf

Bill

**2014/91282**

**Woodward Court/Hepworth Lane Mirfield**

Attached letter making representations on behalf of my clients Mirfield Town Council.

There is a major issue with the lack of detail in Section 9 of the application form [see page 2 of pdf attached]. Please see my point 7. "To be agreed" does not specify the necessary detail required by the application form.

pdf also attached indicating hedgerow at page 1.

I am still working my way through the other aspects of the application and accompanying reports so there may be more issues to follow.

Regards

Robert

R Halstead

# Robert Halstead

Planning & Development Surveyor

R.J. Halstead MRICS

57 Bowers Mill Barkisland Halifax HX4 0AD

Tel 01422 379841. e mail: [roberthalstead@btconnect.com](mailto:roberthalstead@btconnect.com)

Planning    Development    Rights of Way

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29 May 2014

Mr B Topping  
Planning Services  
Kirklees Council  
Civic Centre 3  
Huddersfield  
HD1 2JR  
By e mail

Dear Mr Topping

**Planning Application 2014/91282**

**Erection of 135 Residential properties with associated access, parking etc  
Land off Woodward Court/Hepworth Lane Mirfield**

I refer to the above application. I have been instructed to act for Mirfield Town Council (MTC) and set out below a number of representations in respect of the application.

1. Departure from the Development Plan

It is noted that the application was advertised in the Spenborough Guardian on 23 May as a departure application. I agree that the proposal constitutes a departure from the development plan – the saved policies of the Kirklees Unitary Development Plan. Policy D5 is a saved policy and remains relevant in the assessment of whether the proposal accords with the development plan.

2. Highway Network & Highway Safety

UDP Policy T10 makes it clear that new development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, if it cannot be served adequately by the existing highway network and by public transport.

MTC's concern is that the local highway network, including Hepworth Lane and Wellhouse Lane would be unable to accommodate a significant major development of this type without materially adding to existing highway safety concerns. The local highway network is congested at certain times when traffic is generated by the nearby Crossley Fields J & I School.

Both Wellhouse Lane and Hepworth Lane are narrow and the addition of vehicular traffic generated by 135 new dwellings would add further pressure on the network leading to additional highway safety issues. The junction of Wellhouse lane and Flash Lane is an area of concern. Hepworth Lane is narrow and restricted in terms of the flow of traffic.

The whole of the development, including the proposed new car park for the school would be channelled from Woodward Court into the junction with Wellhouse Lane. That would place a significant amount of extra vehicular traffic onto that junction in close proximity to the existing school entrance/exit. Pupils and parents leaving school on foot who were heading southward along the footway to Wellhouse Lane would be required to negotiate the crossing with the junction of Woodward Court which would lead to a material conflict between pedestrians and motor vehicle traffic particularly at school start and finish times.

There are very real concerns amongst members of MTC that the impact of the development will have a detrimental effect on highway safety in the locality and that as a result the application would conflict with UDP Policy T10.

### 3. Space about dwellings

There is concern that the submitted layout does not appear to comply with UDP Policy BE12 – space about buildings. It is difficult to scale plans from the internet. The Council, in determining the application are requested to pay close attention to the issue of whether or not the development proposed complies with the requirements of BE12.

### 4. Impact on Public Footpaths

The proposed development has an impact on existing public footpaths on the northern, eastern & southern boundaries of the site. There is the potential for the development to create an undesirable corridor effect to the footpath along the northern boundary by such features as close-boarded fences giving rise to a feeling of enclosure when using the public footpath. The Council are invited to consider an amendment to the layout such that the boundary treatments would not give rise to an undesirable feeling of enclosure. The existing boundary fence to the northern boundary should be removed. It would also be desirable to consider the development making provision for additional width to the footpath – by making land available on the boundary of the application site.

The addition of 135 houses is likely to give rise to increased use of the existing public footpaths along the boundaries of the site. It would be in the public interest therefore for the development to provide for improvements to the surfacing of such paths (not necessarily impermeable surfacing but a more heavy duty permeable surface to cope with the likely increase in foot traffic). This could be achieved by way of a Section 106 Planning Obligation. The National Planning Policy Framework (NPPF) at Para 75 provides a policy basis for funds from the development to improve the footpath network: "Local Authorities should seek

opportunities to provide better facilities for users, ..." – in this case such better facilities would be the improvements to surfacing.

A link from the proposed school car park to the public footpath on the northern boundary is considered to be essential – secured by planning condition.

The green areas along the southern and eastern boundaries adjoining the public footpaths are welcomed to preserve the setting and public enjoyment of the paths. A further strip of undeveloped green land is required on the site boundary of proposed plots 98, 99 & 100 to prevent enclosure/narrowing/corridor effect along that section of the public footpath adjoining those three plots.

## 5. Public Open Space

UDP Policy H18 applies given the 4.7 Ha size of the site.

H18 starts with an initial presumption that measures will be provided within the site for the provision of public open space at a minimum rate of 30 Sq M per dwelling. The policy then refers to off-site provision and states that

Off-site provision to the same minimum standard or improvements to established public open space will be acceptable as an alternative where there is land with potential as public open space or established public open space readily accessible to the site. [emphasis added].

The key point in relation to off-site provision (where it is appropriate) is the requirement for it to be readily accessible whether new or improved.

I have noted what is stated at 7.60 -7.62 of the applicants' planning statement. However that does not deal with the policy issue in H18. There does not seem to be any reason why the requirements of 30 Sq M per dwelling cannot be met on this site. Within the terms of the policy it is not acceptable to simply default to a partial off-site payment, without first identifying the existing area(s) of off-site public open space which are proposed to be improved, identifying what those improvements might be and crucially assessing whether or not the area(s) proposed to be improved are 'readily accessible' to the application site. Absent such considerations it is submitted that the requirements of H18 are not met in the application as submitted. There is simply no reason why further on-site provision cannot be made and the development in its current form amounts to over-development of the site with dwellings.

Ideally a central area for play should be provided, suitably equipped. There are also concerns about the proposed linear narrow strips of public open space close to the boundaries of the site in terms of them being useful to residents for play areas. There is no doubt that such strips protect the setting of public rights of way and should be retained – given that the impact on public rights of way is an important material consideration. The issue is whether in terms of policy H18 these narrow linear strips can function as public open space?

The Council are invited to conclude that the layout does not accord with UDP Policy H18 in its present format.

## 6. Policy D5 Provisional Open Land and the NPPF

It is accepted that the first sentence of para 49 of NPPF applies. The second sentence of NPPF is relevant in the consideration of the presumption in para 14 – the second bullet of the decision-taking section. Arguably, applying principles derived recent case law, D5 is not a relevant policy for the supply of housing – it is a policy of restraint in relation to safeguarded land. Notwithstanding that point the preliminary issue is one of whether or not the development proposed constitutes sustainable development for the purposes of NPPF 14.

The applicant in considering the sustainable development question relies on the locational requirements in the now revoked RSS – but that is submitted to be the wrong approach for two reasons:

- The RSS has been revoked and its requirements cannot as a matter of law be relied upon. Once policies are revoked they are revoked.
- In this context sustainable development is that outlined in NPPF para 6: “The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system”.

It follows that in order to arrive at a conclusion on whether or not development is sustainable development one has to look at the NPPF policies as a whole and then (and only then) apply the ‘golden thread’ presumption in 14.

The concept of safeguarded land is not unknown to the NPPF – see for example, para 85 3<sup>rd</sup> & 4<sup>th</sup> bullets. That is not to say POL land should become NPPF 85 safeguarded land – for that is a matter for the forthcoming Local Plan.

NPPF para 32 is relevant in determining the ‘is this sustainable development’ question. The second bullet is relevant – can a safe and suitable access to the site be achieved for all people? The previous Inspector’s appeal decision for this site would suggest not in relation to the junction of Woodward Court and Wellhouse Lane. The third bullet is also relevant – the applicants’ proposed highway measures do not amount to improvements but are a series of measures designed not to improve the highway but control speeds and introduce obstacles to make the development and its highway impact appear acceptable. Such works do not amount to highway improvements but constitute artificial restrictions on the use of the highway network to the detriment of highway users. There are no powers for the highway authority or the developer to restrict the safe movement of vehicles on the highway network by the provision of such obstacles. It follows that the developer does not propose acceptable improvements to limit the significant impacts of the development. As such the development is not sustainable development.

## 7. Materials

The application is a full application (not outline). The application does not specify the materials to be used on the external elevations of the walls and roofs of the proposed 135 dwellings.

Article 6 (of Part 2) of The Town & Country Planning (Development Management Procedure) (England) Order 2010 requires that an application for planning permission shall-

[a] be made in writing to the LPA on a form published by the Secretary of State (or a form to substantially the like effect);

[b] include the particulars specified or referred to in the form.

The relevant part of the planning application form relating to materials is Section 9. The application form completed on behalf of the applicant, dated 17/04/2014<sup>1</sup>, is devoid of the detail required in respect of walls, roofs windows, doors and also vehicle access and hardstanding.

Section 327A of the Town & Country Planning Act 1990 under the heading 'Applications: compliance with requirements', states

(1) This section applies to any application in respect of which this Act or any provision made under it imposes a requirement as to –

(a) the form or manner in which the application must be made;

(b) the form or content of any document or other matter which accompanies the application.

(2) The local planning authority must not entertain such an application if it fails to comply with the requirement.

The failure to include the particulars in Section 9 of the form relating to materials and vehicle access/hardstanding means that the application fails to satisfy Article 6(b) of the 2010 DMPO<sup>2</sup> and as such Section 327A (2) is engaged as the failure contravenes 327A (1)(a).

Section 327A (2) is mandatory. It is not placed at the discretion of the Council whether the application complies or not. The simple fact is that the application form does not include the required particulars as to walls roofs doors and windows etc.

The reason that this is important is that such matters should appear on the public record so that the public have an opportunity to comment upon them. There is a public interest in such matters as external materials not being dealt with 'behind closed doors'. The purpose of the planning system is to act in the public interest.

How are the public and MTC to know if the development proposed complies with UDP Policy BE2 i ? For this type of major development there is an expectation that the materials will be clearly specified in the application.

The Council are requested not to entertain this application. Any fresh form supplying the details must, it is submitted, be the subject of a fresh public consultation and consultation with MTC.

<sup>1</sup> Accessed online 29/05/2014.

<sup>2</sup> The DMPO is made under powers conferred by The Town & Country Planning Act 1990 including, but not limited to Sections 61, 62, 65, 69, 71, 74 & 76A – see the list of powers in the DMPO cited immediately before Article 1.

## 8. Other

The existing mature hedgerow which crosses the site should be retained by a planning condition for its ecological value and amenity value. A 'green feature' is shown, in the same position as the hedgerow, on the application drawings, bisected by two estate roads. The Council are requested to ensure retention of this hedgerow as part of any development of the site, subject to the construction of the two estate roads.

## 9. Conclusion

There are real doubts about whether the development complies with the development plan in particular policies H18 and BE12. There are also concerns about the compliance of the development with policy T10. Other issues are suggestive of the need for changes to the layout.

There are doubts as to whether the development proposed amounts to 'sustainable development' for the purposes of NPPF.

The more fundamental issue is that of the lack of the information about materials on the application form. Section 327A of TCPA 1990 directs that the Council shall not entertain the application.

I would be grateful if the decision-maker could take into account the above representations. Please would you inform MTC of the dates for any consideration of the application by the relevant Planning Sub-Committee and the parent Planning & Highways Committee if the application were to be approved.

Yours sincerely

Robert Halstead

E mail: [roberthalstead@btconnect.com](mailto:roberthalstead@btconnect.com)

Copy to Mirfield Town Council



Overall, the concept layout blends a variety of dwelling types with good permeability, strong links to public transport, safe and secure access to public open space and a good variety of built form. These elements will hopefully ensure a pleasant environment to live. This Design and Access Statement has demonstrated how the scheme accords with relevant national and local planning policy and design best practice.

W. G. G. G.



hedgerow  
worthy of protection

29/5/14

**Development Summary**

**Amount of Development:** 136 dwellings

**Bedroom Range:** 2-4 bedroom properties

**Property Types:** detached, and terraced houses

**Parking Solutions:** Integral garages, detached garages, parking spaces

## 9. (Materials continued)

### Walls - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

To be agreed.

### Roof - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

To be agreed.

### Windows - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

To be agreed.

### Doors - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

To be agreed.

### Boundary treatments - description:

Description of existing materials and finishes:

Timber post and rail.

Description of proposed materials and finishes:

Please see:

- ☐ Steel Bow-Top Fence - 900mm High (P12:4606:07 Rev 0);
- ☐ Timber Post and Rail Fence - 1200mm High (P12:4606:06 Rev 0);
- ☐ Close-Boarded Timber Fence - 1800mm High (P12:4606:05 Rev 0);
- ☐ Masonary Screen Wall - 1800mm High (P12:4606:04 Rev 0).

### Vehicle access and hard standing - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

To be agreed.

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement? ☒ Yes ☐ No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

- ☐ Steel Bow-Top Fence - 900mm High (P12:4606:07 Rev 0);
- ☐ Timber Post and Rail Fence - 1200mm High (P12:4606:06 Rev 0);
- ☐ Close-Boarded Timber Fence - 1800mm High (P12:4606:05 Rev 0);
- ☐ Masonary Screen Wall - 1800mm High (P12:4606:04 Rev 0);
- ☐ Design and Access Statement (produced by JR Pailey Associates, reference: 12:4606 Design and Access, dated April 2014)

## 10. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	0	257	257
Light goods vehicles/public carrier vehicles	0	0	0
Motorcycles	0	0	0
Disability spaces	0	0	0
Cycle spaces	0	0	0
Other (e.g. Bus)	0	0	0
Short description of Other	257 residential and visitor parking plus 24 within the proposed Car Park.		

Planning Application Form dated 17/04/2014

downloaded

RH Page 244

# Save MIRFIELD

Mrs C Tyler  
Chairman  
Save Mirfield  
The Barn  
Primrose Lane  
Mirfield  
WF14 0DN  
11 June 2014

Kirklees Metropolitan Council  
Planning Service  
P.O. Box B93, Civic Centre 3  
Off Market Street  
Huddersfield  
HD1 2JR

**F.A.O. Mr Nick Willock**

**Your Ref: Planning Application: 2014/91282**  
**Bellway Homes, (Yorkshire) Ltd**  
**Proposed Residential Development Land off Woodward Court/ Hepworth Lane, Mirfield**

Dear Mr Willock

Please find attached the Save Mirfield response and objection to the above planning application. This document sets out our concerns relating to the proposed Bellway development on Balderstone Hall fields.

As you can see this document is supported by the 524 members of Save Mirfield (Ref Appendix 9) with all member's names and addresses attached. We understand that this is the accepted way for the members of an organisation to submit a large number of objections.

We request that you place on record the number of names associated with this response and for them to be recorded as objectors.

Our objections are as follows:

- The planning application does not constitute sustainable development as defined in The National Planning Policy Framework (NPPF) document of 2012. Deficiencies go to the point that the area is indeed *not* sustainable development; the consequence of this being the dis-application of the presumption of sustainability. The details are described by the letter by Compass Planning. (Ref. Appendix 1)
- The traffic and road safety impacts arising from the proposed development will be severe and will have a materially adverse impact on highway safety. The proposed development would not therefore be consistent with the policy guidance provided by

the NPPF and the Kirklees Unitary Plan. Our view is based on the report prepared by Northern Transport Planning. (Ref Appendix 2)

- Mirfield's infrastructure, namely roads, schools, health services and public services, is saturated. (Ref. Appendix 3)
- Comments from the health centre (ref Appendix 3)
- The application does not conform to UDP policy H18. (Ref. Appendix 4)
- There are some material breaches of BE12. (Ref. Appendix 5)
- Balderstone Hall Fields, by custom and practice over very many years is a valued amenity. The NPPF recognises that "open land can perform many functions such as for wildlife, recreation, flood risk mitigation....." It is our opinion that insufficient attention has been paid to the effects on the local community. (Ref. Appendix 6)
- The application does not take into consideration the increased pollution that it will generate because of the increased traffic and it's potential impact on the health of the community. (Ref. Appendix 7)
- The application does not provide the solution for on site drainage. The development would result in an increased risk of flooding of properties around Hepworth Lane and further south. (Ref. Appendix 8)
- There are a large number of homes for sale across all price ranges in Mirfield and a number under construction. The mean time to sale is quite long which shows that demand is not high.

Yours sincerely

Mrs C Tyler  
Chairman  
Save Mirfield

## **APPENDICES**

### **Appendix 1**

#### **Letter from Compass Planning**

Compass Planning. Letter dated 2 June 20014. Ref 54-14.05

Document separately bound

### **Appendix 2**

#### **Highway report**

Northern Transport Planning, May 2014 for Save Mirfield Group. Proposed residential development off Woodward Court, Mirfield, Objections to proposed development. Report Ref apk/14002/v1.

Document separately bound

### Appendix 3

#### Comments on Mirfield's Infrastructure.

##### The Mirfield Health Centre

The patient list is now at capacity and the existing site is fully developed. Further population pressure on the already stretched facility will necessitate the building of a new health centre, on a new site. A suitable site should be reserved. The medical staffs are very concerned about any additional vehicles in town, as they already find it increasingly difficult to reach their patients for home visits (see letter at end of this section)

##### Schools

Mirfield schools are fully subscribed and without further provision will be unable to cope with additional demands placed on those by large developments such as that proposed for Balderstone Hall fields. Children living on the new development would have to be taken to schools further afield, which will add to traffic at school times as they seek to leave the area, putting a further burden on roads such as Wellhouse Lane.



Exit from Woodward Court. 4 November 2013. 15.14 pm.



Wellhouse Lane, opposite Woodward Court. Parking on the yellow line. 21 January 2014. 15.44 pm.

##### Road Infrastructure.

Mirfield was a large village back in the 1950's that underwent a huge amount of house building in the boom of the mid 1960's. Mirfield has become a victim of its location and its proximity to the M62. It is now predominantly a commuter town or rather a dormitory town sandwiched between Dewsbury and Huddersfield. Much of the infrastructure remains as it was in the 19<sup>th</sup> century when the population was just 3700. This can readily be demonstrated by studying historical maps and noting how much infill housing there has been and how the



highway layout has changed little. The roads are more or less unchanged since the 50's and are now suffering as a result. They are unable to cope with the large increase in traffic volumes and simply do not have the capacity.

There are only three major access routes to and from Mirfield. These are the A62 north-east to Leeds, the A644 east to Dewsbury and the A644 / A62 (Three Nuns) corridor west to Cooper Bridge to access either Huddersfield or the M62 junction 25.

Traffic congestion is major problem with 'gridlock' occurring around Cooper Bridge at times. The present situation impacts severely on the quality of life and the predicted traffic growth will rapidly make the situation unsustainable. Already, for Mirfield residents at times, access to Huddersfield is effectively cut off due to gridlock at Cooper Bridge. Any proposed improvement / solution to the situation is compounded by the A644 / River Calder peninsula being in Calderdale MC (not Kirklees) and the potential for traffic to divert off the M62 traffic artery.

It is significant to note that bus services are similarly affected along the heavily over congested roads between Dewsbury and Huddersfield.

Sunnybank Road regularly suffers traffic backing up from the A62 Fountain junction all the way down to Old Bank Road and sometimes even beyond. Stocks bank road is also similarly affected.

In the locality of the proposed development, Wellhouse Lane, Hepworth Lane have traffic and safety issues.



Wellhouse lane, looking south. 15 January 2014. 15.24 pm.



Wellhouse lane, looking south. 14 March 2013. 15.44 pm.

The northern part of Hepworth Lane and the southern part of Wellhouse Lane are narrow and in places only allow a single vehicle to pass.

There are no footpath provisions along the following sections of road:

- Wellhouse Lane, west side from Woodward Court to Flash Lane
- Hepworth Lane, north east side
- Hepworth Lane, south east side from Grove Street to Flash Lane

Limited sightlines are present at:

- At the junction of Wellhouse Lane and Flash lane
- At the junction of Hepworth Lane and Wellhouse Lane
- At the junction of Woodward Court and Wellhouse lane
- At the junction of Jenny Lane and Wellhouse Lane

Wellhouse Lane is used by resident's cars, delivery vehicles, school traffic, church traffic, the Mirfield Parish Cricket Club and horse and riders.



Wellhouse Lane view to south. 11 May 2014. 12.26 pm.

The amount of on street parking in the area is highly variable and depends on the activities associated with the following organisation:



- Crossley Fields Junior & Infants School
- The Evangelical and Moravian Churches
- Mirfield Parish Cricket Club

During the school term, there are large increases in traffic flows and on street parking at start and end of the school day. There is increased traffic flows and on street parking outside the church, particularly at week ends.

There is also increased traffic flows and on street parking outside the Cricket Club particularly on evenings and at week ends. On street parking extends significantly along Wellhouse lane during the summer months, during cricket matches.



Wellhouse Lane view to north, next to cricket club. 31 May 2014. 13.20 pm.

The most significant traffic flows and parking problems are associated with the school drop off and pick up periods.



Wellhouse Lane view to south. 14 March 2013. 15.43pm

It is concluded that Wellhouse Lane suffers from extreme congestion at peak times. As a result there is a significant risk to pedestrians and particularly children. There are also periods where emergency vehicles would encounter serious delays should they have to access this area. It is apparent that residents find it difficult to leave their houses at particular times to keep important appointments.

Sunnybank Road is the main entry and exit route for north Mirfield and the proposed development by Bellway would have a further negative impact on this junction. The traffic problems at the Sunnybank / A62 junction also have further consequences to villages such as Roberttown when traffic seeks alternative routes.

The proposed development at Mirfield Moor by Taylor Wimpey would also cause further congestion. It should be noted that the Transport Assessment by Sanderson has failed to consider the Mirfield Moor proposal even though this application preceded that by Bellway.

Dr Eabry  
Dr Kohi  
Dr Pleske  
Dr Lukic

Mirfield Health Centre  
Doctor Lane  
Mirfield  
WF14 8DU

Mr P Morgan  
Lady Heton Action Group  
8 Lady Heton Drive  
Mirfield  
WF14 9DZ

2 December 2013

Dear Mr Heton

**LHAG 2013/93430**

I write in response to your letter dated 13 November 2013, in which you express your concerns about the proposed planning developments within Mirfield.

Having discussed the issues that you raise the Practice Partners are of the opinion that the additional traffic that will be inevitably generated will eventually cause the roads to become grid locked. This will become a problem when the Doctors are called out to see patients in their own homes. The Doctors have limited time in which they make their home visits between morning and afternoon surgery.

Should you require any further information please do not hesitate to contact me.

Yours sincerely

K White  
Practice Manager

**Appendix 4**  
**UDP Policy H18, Public Open Space**

The application does not conform to the UDP policy with respect to the area of Public Open Space

UDP Policy H18, States that:

*"Proposals for housing development of sites of more than 0.4 hectares will normally be required to include measures within the site for the provision of public open space at a minimum rate of 30sq.m per dwelling. The precise location nature and extent of this provision will be determined by reference to:*

- (i) The size of the site and type of dwelling proposed.*
- (ii) The physical characteristics of the site and requirements for access and drainage.*

*Off-site provision to the same minimum standard or improvements to established public open space will be acceptable as an alternative where there is land with potential as public open space or established public open space readily accessible to the site."*

**Appendix 5**  
**Kirklees Policy BE12, non-compliance**

A copy of the proposed development plan, showing areas of non compliance with Kirklees Policy BE12 is shown below.

# PLANNING LAYOUT LAYERS KEY

- BRICK WALL
- TIMBER FENCE
- PROPERTY DIVISION
- METAL RAILINGS
- SITE BOUNDARY
- PILLARS
- GATE
- AFFORDABLE
- RETAINED TREE
- REMOVED TREE
- ROOT PROTECTION

## SCHEDULE OF ACCOMMODATION

HOUSETYPE	BED No.	AMOUNT
Overcroft (722) 2 Storey Semi/Terrace	2 Bed	24 No.
Balfour (553) 2 Storey Detached	2 Bed	9 No.
Orpington (502) 2 Storey Detached	2 Bed	4 No.
Bromwich (551) 2 Storey Semi Detached	2 Bed	14 No.
Parkley (504) 2 Storey Semi/Terrace	3 Bed	20 No.
Shelton (1000) 2 Storey Semi Detached/Detached	4 Bed	5 No.
Addingham (1027) 3 Storey Detached	4 Bed	14 No.
Orpington + (1002) 2 Storey Detached	4 Bed	9 No.
Islay (1216) 2 Storey Detached	4 Bed	17 No.
Baffle (1400) 2 Storey Detached	4 Bed	17 No.
<b>TOTAL</b>		<b>139 No.</b>

## PROPOSED PLANNING LAYOUT

<b>John R Paley Associates</b>	
<b>CLIENT</b> <b>BELLHOUSE HOMES</b>	
<b>PROJECT</b> <b>PROPOSED RESIDENTIAL DEVELOPMENT</b> <b>WELLHOUSE ROAD, MIFIELD</b>	
<b>DRAWING OF</b> <b>PROPOSED PLANNING LAYOUT</b>	
<b>MARKETING NAME</b>	
drawing no <b>P12:4606:01</b>	rev <b>A</b>
scale @ A1 <b>1:500</b>	date <b>JAN 14</b>
drawn by <b>John R Paley</b>	checked by <b>John R Paley</b>
date <b>01/14</b>	data <b>01/14</b>



## **Appendix 6**

### **Loss of Balderstone Fields Amenity**

There is a shortage of open space across Mirfield and these are the areas which provide the essential "green lungs" of the community.

Access to open spaces for informal play should now be a planning priority. The National Playing Field Association NPFA '6-acre standard' for the provision of sport and recreational areas has a significant shortfall in Mirfield. Many areas are now only available for recognised organisations to use and informal use is not permitted.

The Every Child Matters agenda states that all children should have the opportunity to stay healthy and safe. Safe playing areas are essential to this and would help with the growing problem with obesity.

**The land is located on the edge a residential area and provides access to a rural setting for the local community. The area is currently used as grazing for horses and footpaths around the fields are used by ramblers and dog walkers. It also provides the habitat for nesting birds, bats, field mice and squirrels. The site is regularly visited by a pair of tawny owls. The western margins of the site are used as a feeding ground by pipistrelle bats in the warmer months.**

Balderstone Hall fields, through custom and practice for many years, have been used as a recreational space. The fields are an amenity and are highly valued by the local community and should be protected as Urban Green Space.



Balderstone Fields. 9 June 2014

## Appendix 7 Air Quality and Pollution

NPPF paragraph 109 states that, the planning system should contribute to and enhance the natural and local environment by:

Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and in preparing plans to meet development needs, it has been determined that to reduce adverse effects and to minimise pollution on the local environment, the planning process should sustain compliance with and contribute towards EU limit values or national objectives for pollutants taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas.

Mirfield is located in a concentrated area for the culmination of pollutants leading to poor air quality. Mirfield is trapped between three major roadways; the M62, A62 and the A644, Huddersfield Road. The town is positioned between two areas of concern with regards to the monitoring of air quality. These areas are Scout Hill and the Bradley /Cooper Bridge Intersection.

Studies conducted in the United States focused on potential mortality impacts due to airborne particulate matter. It was found that airborne particulate matter small enough to penetrate into the human respiratory tract, referred to as PM10 (particulate matter less than 10 microns in aerodynamic diameter) and more recently PM2.5 (even smaller size particles) which can penetrate deep into the lung.  
(Pollution Impacts on Infants and Children, UCLA Institute of the Environment and Sustainability, 2014)

From the Kirklees Council Air Quality Progress Report 2010 / 2011 it can be concluded that Mirfield is at risk from air pollution due to the increase in traffic.

Two Air Quality Management Areas (AQMA's) have been declared in Kirklees by the council and these are as follows:

- Leeds Rd, Bradley Rd junction for the exceedence of the annual mean air quality objective (AQO) for NO2.
- Scout Hill, Dewsbury for the exceedence of the daily average AQO for small particulates (PM10).

There are test results for Station Road, Mirfield and from the A62 at The Three Nuns.; the results from the latter being more onerous. There are no data for the A62 Fountain Traffic Lights.

Air Quality Management Area number 2 is in the Scout Hill area of the A644 Huddersfield Road to the west of Dewsbury and is due to exceedence of the daily average AQO for PM10. It was declared on 2nd March 2009 and contains 46 dwellings between Ravenswharfe Road and the Shepherds Boy public house, a distance of 0.65km. Queuing traffic is predominately westbound from Dewsbury to Huddersfield and mainly late afternoon onwards. Stationary traffic is frequently observed from Ravenswharfe Road to the Shepherds Boy (0.65km) and sometime as far back as Webster Hill in Dewsbury (1.3km)

It can be concluded that the air pollution is caused by the volume and low speed of the traffic on the A644.

The Council carry out monitoring works for a limited number of sites throughout Kirklees. Based on observed traffic flows it can be concluded that there will be many more sites which could suffer pollution problems and additional monitoring should be carried out.



Sunnybank Road in Mirfield suffers from traffic congestion during the early morning and late afternoon periods. Queues leading back from the junction with A62 are regularly present from the A62 Fountain traffic lights to the junction with Old Bank Road which is a distance of 1km.



Based on the distance of the slow moving and stationary traffic, it can be concluded that the residential properties will have air quality affects associated with Sunnybank Road.

## **Appendix 8 Flood Risk**

A Flood Risk Assessment report has been prepared by T Haigh, on behalf of the developer.

The ground investigation report, which should form the basis for drainage by infiltration methods, has not been issued with the application and should now be provided.

The following issues should be clarified in a revised Flood Risk report:

- The report suggests flows should be increased by 20% as an allowance for climate change (equivalent to a design life of 60 years) The rational for this should be given as an allowance of 30% (equivalent to a design life of 120 years) would normally be used for a residential development.
- A solution for highway drainage should be determined as the option to use soakaways or drainage by other means is not confirmed.
- Confirmation should be provided as to any agreement reached with Yorkshire Water to discharge to the public sewer.
- Confirmation should be provided as to any agreement reached with the Environment Agency and the Local Authority to discharge to a watercourse.
- The discussion of Flood Risks does not address the risk from sewers (private or adopted)

The Flood Risk Assessment report does not offer a solution for the drainage of the site, as would be expected from a report submitted as part of a full planning application. There is anecdotal evidence of blocked drains in Hepworth Lane which require regular maintenance. The problems relate to the capacity of the existing combined surface and foul water drains.

## Appendix 9

### List of Save Mirfield members supporting the objection.



Planning Application No 2014/91282

The listed residents of the Save Mirfield action group confirm their support of the Save Mirfield Objection Document dated 3 June 2014 submitted to Kirklees Planning Department

Name	Address
Riza Abbay	95 Field Lane, Ravensthorpe
Mr Sean Ambler	2 Redlands Close WF14 0HT
Lee Andrew	37 Pollard Avenue
Emma Andrew	119 Cross Lane, Newsham HD4 6DJ
Miss Louise Andrews	66 - 68 Greenside Road, Mirfield. WF14 0AR
Mr Keith Andrews	66 - 68 Greenside Road, Mirfield. WF14 0AR
Mrs Lindsay Andrews	66 - 68 Greenside Road, Mirfield. WF14 0AR
Mr Darren Aneyard	24 Lady Heton Drive, Mirfield. WF14 9DZ
Ms Elizabeth Armitage	140 Crossley Lane, Mirfield. WF14 0NX
Gill Ashman	7 Parkfield Croft. WF14 9HL
Mr Ashman	32 St Marys Walk. WF14 0QB
Mr David Ashton	2 Manor Drive, Battyford, Mirfield. WF14 0ER
Mrs Angela Ashton	2 Manor Drive, Battyford, Mirfield. WF14 0ER
Mrs Lesley Asquith	33 Wellhouse Lane, Mirfield. . WF140BE
Mr Simon Asquith	33 Wellhouse Lane, Mirfield. WF140BE
Mr Steven	66 Wellhouse Lane, Mirfield. WF14 0BE

Asquith	
Mr Alex Asquith	66 Wellhouse Lane, Mirfield. WF14 0BE
Mr Steven Asquith	66 Wellhouse Lane, Mirfield. WF14 0BE
Mr Alex Asquith	66 Wellhouse Lane, Mirfield. WF14 0BE
A Auty	23 Westfields Avenue. WF14 9PN
Mr J B Auty	91G Wellhouse Lane, Mirfield. WF14 0NS
Mrs P A Auty	91G Wellhouse Lane, Mirfield. WF14 0NS
Ms Lynn Avison	20 Moor View, Mirfield. WF14 0JH
Mrs Mollie Badminton	27 Station Road, Mirfield. WF14 8LN
Mr John Badminton	27 Station Road, Mirfield. WF14 8LN
Ms Sue Bagot	33 Quarryfields. WF14 0NT
Mr James Bagot	33 Quarryfields. WF14 0NT
Ms Carol Banks	29 Wellhouse Lane, Mirfield. WF14 0BE
Ms Lucy Banks	29 Wellhouse Lane, Mirfield. WF14 0BE
Mr Paul Bannon	46 Slipper Lane, Mirfield.
J Barker	35 Lady Heton Drive, Mirfield. WF14 9EQ
Mrs Lindsey Barron	21 Cross Bank Street, Mirfield. WF14 9JH
Mr Mark Barron	21 Cross Bank Street, Mirfield. WF14 9JH
Mrs Joyce Batley	1 Robin Royd Croft, Mirfield. WF14 0LE
Ms Susan Batley	17 Flash Lane, Mirfield. WF14 0PJ
Mr Eric Bell	16 St Mary's Avenue. WF 14 0PX
Mrs Lesley Bell	16 St Mary's Avenue. WF 14 0PX
Rosemary Bell	10 Springfield Park. WF14 9PD
Colin Bell	43 Old Bank Road, Mirfield. WF14 0HX
Jean Bell	43 Old Bank Road, Mirfield. WF14 0HX
Mr David Bennett	62 Wellhouse Lane, Mirfield. WF14 0PW
Mrs Deborah Bennett	62 Wellhouse Lane, Mirfield. WF14 0PW
Mr Colin Bennett	89 C Wellhouse Lane, Mirfield. WF14 0BG
Steve Benson	16 Hepworth Close. WF14 0PP
Mrs Maureen Bentley	24 The Embankment. WF14 8DW
Dennis Berk	Community of the Resurrection.
Jacqueline Bevan	1 Garforth Court. WF14 0ND
Andy Bey	34 St Pauls Road.
Annelese Bottomley	Malbeck, Granny Lane. WF14 8LA
Chris Bottomley	Malbeck, Granny Lane.
Ms Margaret Bould	51 Knowle Road. WF14 8DL
Ms Claire Bowyer	90 Ledgard Wharf. WF14 8NZ
Mrs Francesca	124 Priory Way, Mirfield. WF14 9EF



Brant	
Mr Scott Brant	124 Priory Way, Mirfield. WF14 9EF
R Brearley	35 Littlethorpe Hill, Hartshead. WF15 8AZ
Mr James Breeze	33, Park Drive. WF14 9NJ
Sarah Breeze	33, Park Drive. WF14 9NJ
Mrs Glenys Bretherick	5 Cheviot Way, Mirfield. WF14 8HW
Mr Jack Bretherick	5 Cheviot Way, Mirfield. WF14 8HW
A Bridle	4 Huddleston Court, Mirfield. WF14 8BD
Mrs Pamela Brindle	93 Wellhouse Lane, Mirfield. WF14 0NS
Mr Frank Brindle	93 Wellhouse Lane, Mirfield. WF14 0NS
Mr Tim Brook	11 Hepworth Lane.
Mr Clive Brook	45 St Mary's Walk. WF14 0QB
Mrs Rose Brook	45 St Mary's Walk. WF14 0QB
A Brook	22 South Brook Gardens, Mirfield. WF14 8LS
Jim Brook	11 Hepworth Lane, Mirfield. WF14 0PR
Jane Brook	38 The Crofts, Emley, Huddersfield. HD8 9RU
Karen Brooke	891 Huddersfield Road, Mirfield. WF14 9HS
Mr Malcom Brooke	91A Wellhouse Lane, Mirfield. WF14 0NS
Mrs Hilary Brooke	91A Wellhouse Lane, Mirfield. WF14 0NS
Mrs Broonhead	26 Crowlees Road, Mirfield. WF14 9PJ
Mrs Alison Brown	52K Wellhouse Lane, Mirfield. WF14 0PW
Mrs Paul Brown	52K Wellhouse Lane, Mirfield. WF14 0PW
Mary Bruce	30 Taylor Hall Lane. WF14 0HW
Mrs Pam Brundle	93 Wellhouse Lane, Mirfield.
Bernadette Bryson	8 Rosebury Avenue, Oldham. OL1 4DS
Mrs Mary Burnett	1B Pumphouse Lane, Mirfield. WF14 0AW
Mrs Lynne Burnley	7 Littlemoor Grove, Mirfield. WF14 9BT
Mr Fred Butler	57 Flash Lane. WF14 0PU
Gordon Cage	40 Leith Court, Thornhill Edge.
James Cairns	?
Mrs Sheila Carey	26 Deganwy Drive, Kirkheaton. HD5 0NG
Mr Brian Carey	26 Deganwy Drive, Kirkheaton. HD5 0NG
Caroyne Chamberlain	34 South Brook Gardens. WF14 8LS
Mrs Margaret Chamberlain	3 Park Drive Mirfield. WF14 9NQ
Mrs Shirley Chambers	16 Autumn Heights. WF14 9BY
Neil Cheetham	73 Crowlees Road. WF14 9PG

Mr Martin Chisem	335 Crossley Lane. WF14 0NR
Mrs Anne Clarke	140 Sunnybank Road. WF14 0JQ
Mr Alan Clarke	140 Sunnybank Road. WF14 0JQ
Matthew Clarke	3 Pratt Lane. WF14 9LX
Pam Clayton	4A Hepworth Lane, Mirfield. WF14 0PR
Mr Martyn Connell	6 Lady Heton Drive. WF14 9DZ
Mr Tim Conolly	7 Primrose Lane, Mirfield. WF14 0DN
Daniel Conway	12 Vicarage Meadows.
Ms Jennifer Crossland	2A Sands Lane, Mirfield. WF14 8HJ
Mr Kevin Crowe	School Bungalow Wellhouse Lane, Mirfield. WF14 0BE
L C Curran	4 Water Royd Crescent, Mirfield. WF14 9SX
Mrs Ketisha Dale	19 Wakefield Road, Tandem. HDS 0AN
Mr Tony Dale	The Hideaway, 387A Crossley Lane. WF14 0NU
Mr Peter Davies	56B Wellhouse Lane, Mirfield. WF14 0PW
Mrs Kath Davies	56B Wellhouse Lane, Mirfield. WF14 0PW
Shaun Dawson	49 Bradbury Street, Ravensthorpe.
Mr Andrew Dawson	10 Woodward Court, Mirfield. WF14 0PY
Mrs Kirsten Dawson	10 Woodward Court, Mirfield. WF14 0PY
Mr Steve Dawson	60 Wellhouse Lane, Mirfield. WF14 0PW
Mrs Stephanie Dawson	60 Wellhouse Lane, Mirfield. WF14 0PW
Miss P Denton	2 Hepworth Drive, Mirfield.
Mr Phillip Denton	1 Woodward Court, Mirfield. WF14 0PY
Mrs Gillian Denton	1 Woodward Court, Mirfield. WF14 0PY
Mrs Joyce Denton	26 Waste Lane, Mirfield. WF14 8NT
Megan Denton	89 Calder View, Lower Hopton, Mirfield. WF14 8JF
Mr Michael Derry	1 Boyfe Hall, Colnbridge, Huddersfield. HD5 0PY
Linda Deville	4 Bankfield Court. WF14 9BX
Maureen Didsbrey	53 Portal Crescent, Mirfield. WF14 0JJ
Mr Graham Dixon	49 Wellhouse Lane, Mirfield. WF14 0BD
Mr Trevor Donaghue	5 St Marys Walk, Mirfield. WF14 0QB
Mrs Arianne Donaghue	6 St Marys Walk, Mirfield. WF14 0QB
Sue Doubell	26, Leeds Road. WF14 0DA
Mr Harry Douglas	385 Crossley Lane, Mirfield. . WF140PW
Mrs Margaret Douglas	385 Crossley Lane, Mirfield. WF140PW

Margaret Drake	23 Trinity Street. WF14 8LT
Mr Michael Dransfield	2 Hepworth Close, Mirfield.
Mrs Gail Dransfield	2 Hepworth Close, Mirfield.
Lee Dransfield	36 Northway Gardens. WF14 0LP
Mr David Duncan	327 Crossley Lane, Mirfield.
E Dunwell	9 Park Field Avenue. WF14 9HJ
Mr Mark Eastwood	20 Moor Park Lane, Dewsbury.
Mrs Joan Eddings	5 Woodward Court, Mirfield. WF14 0PY
Jon Edon	18 Watwe Royd Crescent, Mirfield. WF14 9SY
Ms Liz Edgar	6 Lady Heton Drive. WF14 9DZ
Mr Richard Ellis	24 Hepworth Close.
Mr Richard Ellis	24 Hepworth Close, Mirfield.
Brian Ellis	44 Water Royd Avenue. WF14 9L
Margaret Ellis	44 Water Royd Avenue. WF14 9L
Mr A J Ellis	30 Woodend Road, Mirfield. WF14 8PR
Trudi Enright	4 Crossley View.
Michael Enright	4 Crossley View.
John Evanson	33 South Street, Lower Hopton.
Michael Evers	84 Stocks Bank Road, Mirfield. WF14 9QB
Helen Falkner	19 Crowlees Road.
Mrs Roesmarie Faulkner	91 E Wellhouse Lane, Mirfield.
Ms Kate Faulkner	75 Flash Lane, Mirfield.
Mrs Roesmarie Faulkner	91E Wellhouse Lane, Mirfield. WF14 0NS
Mr Peter Faulkner	91E Wellhouse Lane, Mirfield. WF14 0NS
Ms Carmel Fawcett	46 Far Bank, Shelley. HD8 8HT
Mr Matthew Firth	5 The Embankment, Mirfield. WF14 8DW
Ms Zoe Firth	5 The Embankment, Mirfield. WF14 8DW
Mr Russell Firth	5 The Embankment, Mirfield. WF14 8DW
Mr Ian Fitton	22 Child Lane, Liversedge. WF15 7LZ
Mr Richard Flammer	46 Blakehall Drive, Mirfield. WF14 9NL
Mr James Flauell	22 South Brook Gardens. WF14 8LS
Miss Carol Fleming	33 Park View Mirfield. WF14 9HG
Mr Andrew Flynn	56F Wellhouse Lane, Mirfield. WF14 0PW
Mrs Angela Flynn	56F Wellhouse Lane, Mirfield. WF14 0PW
Ms Claire Fox	22 Fenton Street, Mirfield. WF14 8DF
Ms Kadie Foxcroft	106 Ledgard Wharf, Mirfield. WF14 8LZ
Mr Peter	4 Top Meadow, Mirfield. WF14 8QA



Galloway	
Mrs Brenda Galloway	4 Top Meadow, Mirfield. WF14 8QA
Mr William Gardner	24 Meltham Road, Honley.
Mrs Shirley Gate	35 Northorpe Lane, Mirfield. WF14 0QJ
Mr John Gibbs	5 Dunbottle Lane, Mirfield. WF14 9HY
Mrs Betty Gibbs	5 Dunbottle Lane, Mirfield. WF14 9HY
Ms Sherran Grayshen	19 The Maltings, Mirfield. WF14 9PU
Mrs Deirdre Green	1 Priory Close, Mirfield. WF14 9EJ
Mr E Green	1 Priory Close, Mirfield. WF14 9EJ
Ms Debbie Green	17 Heathfield, Mirfield. WF14 9BL
Mrs Norma Hall	91H Wellhouse Lane, Mirfield. WF14 0NS
Mrs M Hallas	159 Eastway, Mirfield. WF14 0LU
Mr Darren Halmshaw	324 Crossley lane, Mirfield.
Mrs Pamela Halmshaw	324 Crossley lane, Mirfield.
Miss Eve Halmshaw	324 Crossley lane, Mirfield.
Mr Norman Hanson	52B Wellhouse Lane, Mirfield. WF14 0PW
Mrs Margaret Hanson	52B Wellhouse Lane, Mirfield. WF14 0PW
Mr Mark Hanson	52F Wellhouse Lane, Mirfield. WF14 0PW
Mrs Angela Hanson	52F Wellhouse Lane, Mirfield. WF14 0PW
T Hargreaves	28 Hepworth Close. WF14 0PP
Mr Paul Hargreaves	55 Northorpe Lane, Mirfield. WF14 0QN
Mrs Linda Hargreaves	55 Northorpe Lane, Mirfield. WF14 0QN
Thomas Hargreaves	28 Hepworth Close, Mirfield. WF14 0PP
Mr Paddy Hargreaves	12 Regency Road. WF14 8AJ
Ms Christina Harkin	124 Marsh Lane, Shepley, Huddersfield. HD8 8AX
Mrs Eileen Harpin	58 Wellhouse Lane, Mirfield. WF14 0PW
Mr Johnny Harpin	58 Wellhouse Lane, Mirfield. WF14 0PW
Barbara Harrison	17 Bankfield Court. WF14 9RX
Mrs Glennis Harrison	Haggwood House, Wood Bottom, Mirfield. WF14 8HF
Ms Philipa Hartley	13 Lady Heton Drive, Mirfield. WF14 9DZ
Jonathan Haycock	1 Station Road, Mirfield. WF14 8DJ
Rachel Haywood	9 Harefield Park, Lindley, Huddersfield. HD2 2AS
Mrs Christine	31 Wellhouse Lane, Mirfield. WF14 0BE



Hellewell		
Mr Michael Hellewell	31 Wellhouse Lane, Mirfield. WF14 0BE	
Mr Joe Hemingway	1A Pumphouse Lane, Mirfield. WF14 0AW	
Miss Millie Hemingway	1A Pumphouse Lane, Mirfield. WF14 0AW	
Mrs Diane Hemingway	12 Jenny Lane, Mirfield. WF14 0BD	
Mr John Hemingway	12 Jenny Lane, Mirfield. WF14 0BD	
Mrs Jean Hepworth	14 Heporth Drive, Mirfield. WF14 0PT	
Diane Hepworth-Brown	14 Crowlees Road, Mirfield. WF14 9PJ	
Mr Paul Hill	4 Woodward Court, Mirfield. WF14 0PY	
Mrs Anne Hill	4 Woodward Court, Mirfield. WF14 0PY	
Mr Ian Hinchcliffe	67 Flash Lane.	
Mr Ian Hinchcliffe	67 Flash Lane, Mirfield.	
Mrs Anne Hinchcliffe	67 Flash Lane, Mirfield.	
Mrs Krystyna Hinchcliffe	Apartment 29, 54 South Brook Gardens. WF14 8LS	
Mr Jake Hinchliffe	178 Crossley Lane Mirfield. WF14 0NY	
Mr Jonathan Hirst	30 Northorpe Lane, Mirfield. WF14 0QN	
Ms Sarah Hirst	19 Upperfold, Honley.	
Graham Hirst	24 Knowl Road.	
Mr John Hirst	23 Towngate Grove. WF14 9JF	
Mrs Eileen Hirst	23 Towngate Grove. WF14 9JF	
Ms Bianca Hirst	22 Littlemoor Road, Mirfield. WF14 9AL	
Mr Hirst	7 Wilson Terrace, Mirfield. WF14 9AR	
Mr Gery Holden	8 Briery Grove, Mirfield. WF14 8JX	
Elaine Holtom	53 Park View. WF14 9HG	
Sally Hooley	1 Hopton Lane. F14 8JT	
Ashley Hooley	1 Hopton Lane. F14 8JT	
Ms Tina Hopkin	95 Wellhouse Lane, Mirfield. WF14 0NS	
A Howard	Southway, Shillbank Lane. WF14 0PZ	
Nicholas Hudson	30 Crowlees Road, Mirfield. WF14 9PJ	
Simon Hudson	45 Priory Way. WF14 9EB	
J R Humphries	55 Priory Way, Mirfield. WF14 9EB	
S Humphries	55 Priory Way, Mirfield. WF14 9EB	
Mr Michael Hutchinson	26 GregorySprings Lane, Mirfield.	
Mr B Hutton	31 Hepworth Lane, Mirfield.	
Mr Martin Ibberson	Willow Cottage, The Clough. WF14 9DN	
Mrs Sylvia Idle	72B Wellhouse Lane. WF14 0BE	
Mr Keneth Idle	72B Wellhouse Lane, Mirfield. WF14 0BE	
Mrs B Ingham	1 North Place, Mirfield. WF14 0NP	
Miss Pam	Salon one, 1 Princess Street, Mirfield.	

Ingham	WF14 8AQ
Ms Kim Ingram	23 St Pauls Road, Mirfield. WF14 8AX
K Jackson	163 Sunnybank Road. WF14 0JG
Kevin Jackson	163 Sunnybank Road, Mirfield. WF14 0JG
Denise Jackson	163 Sunnybank Road, Mirfield. WF14 0JG
K Jackson	163, Sunnybank Road. WF14 0JG
D Jackson	163, Sunnybank Road. WF14 0JG
Mrs Barbara James	59, Wellhouse Lane. WF14 0BD
Ian Jenkinson	36 Bracken hill, Mirfield. WF14 0EZ
Mr Toby Jenkinson	22 Kingshead Road, Mirfield. WF14 9SL
Mrs Audry Johnson	11A Dunbottle Way, Mirfield. WF14 9JV
I Johnson	74 Ravensthorpe Road, Thornhill Lees, Dewsbury. WF12 9EE
D Johnson	74 Ravensthorpe Road, Thornhill Lees, Dewsbury. WF12 9EE
Rosemarie Jones	7 Lady Heton Grove. WF14 9DY
Nigel Jones	29 Vernon Road, Heckmondwike. WF16 9LU
Ms Janet Josiah	52 St Pauls Road, Mirfield. WF14 8AY
Michael Kelly	18 Wellhouse Close. WF14 0BQ
Ms Sue Kennerdale	School Bungalow Wellhouse Lane, Mirfield. WF14 0BE
S Kenny	2 Co-operative Street, Lower Hopton, Mirfield. WF14 8NU
Mrs Mell Kenny	40 Beech Street, Mirfield. WF14 9AE
Mr Shaun Kenny	40 Beech Street, Mirfield. WF14 9AE
Mr Peter King	5, Church Lane. WF14 9HU
Mr Steve King	21, Farrar Avenue. WF14 9ED
Lucy King	21, Farrar Avenue. WF14 9ED
Shane Kirby	53 Foxroyd Drive. WF14 9ET
Mr Liam Kitson	21 Parker Lane, Mirfield. WF14 9PA
L Laher	41 Crowlees Close, Mirfield. WF14 9JT
Gillian Lawrence	375 Crossley Lane.
Mrs Gillian Lawrence	375 Crossley lane, Mirfield.
John Ledgard	5 Lady Heton Drive. WF14 9D2
Clair Lee	19, Greenside Road. WF14 0AU
Mrs Helen Liley	18 Pumphouse Lane, Mirfield. WF14 0AW
Mr Andy Lister	3 Crossley View, Mirfield.
Mr Brian Lister	52C Wellhouse Lane, Mirfield. WF14 0PW
Mrs Beryl Lister	52C Wellhouse Lane, Mirfield. WF14 0PW
Rosie Lloyd	12 Co-operative Street, Mirfield. WF14 8NN
Mrs Sheila Lockwood	23 Hepworth Lane, Mirfield.
Mrs Vicky Lodge	52E Wellhouse Lane, Mirfield. WF14 0PW

Mr Mark Lodge	52E Wellhouse Lane, Mirfield. WF14 0PW
Mr Ronnie Lucas	16 Quaryside Road. WF14 9QQ
Peter Lucas	42 Heathfield, Mirfield. WF14 9BJ
Robert Lumb	23 Westroyd Park. WF14 9NA
Mr John Mackillop	52H Wellhouse Lane, Mirfield. WF14 0PW
Mrs Helen Mackillop	52H Wellhouse Lane, Mirfield. WF14 0PW
Emluh Malcolm	46 Church Lane. WF14 9HX
Helen Marshall	52 A Wellhouse Lane, Mirfield. WF14 0PW
Mrs Helen Marshall	52A Wellhouse Lane, Mirfield. WF14 0PW
Mr Andrew Marshall	52A Wellhouse Lane, Mirfield. WF14 0PW
Mr Jonathan Marshall	52A Wellhouse Lane, Mirfield. WF14 0PW
Tracy Martin	68 Huddersfield Road. WF14 9NE
Htin Maung	15 Vicarage Meadow.
Mrs Maureen Maureen	5A Fairway, Upper Hopton, Mirfield. WF14 8PY
Angela Mc Donald	24 Richmond Park, Liversedge. WF15 7NZ
Vickey McAlistey	33 Walkley Terrace, Heckmondwike.
Neil McAlistey	33 Walkley Terrace, Heckmondwike.
Kieran McCabe	21 Sunnybank Walk, Mirfield. WF14 0NQ
Mr Neil Mcmanus	Quarryfields. WF14 0NT
Mrs Christina Mcmanus	Quarryfields. WF14 0NT
Mr John Medlock	2 Woodward Court, Mirfield. WF14 0PY
Mrs Margaret Medlock	2 Woodward Court, Mirfield. WF14 0PY
Emma Metcalfe	32 Coppin Hall Lane. WF14 0EJ
Mr Malcom Middleton	91B Wellhouse Lane, Mirfield. WF14 0NS
Mrs Sheila Middleton	91B Wellhouse Lane, Mirfield. WF14 0NS
C Milek	20 Lady Heton Drive. WF14 9DZ
Anthony Milek	20 Lady Heton Drive. WF14 9DZ
Ms Sophie Millington	51 Ledgard Warfe, Mirfield. WF14 8NZ
Mrs Noreen Moizer	53 Wellhouse Lane, Mirfield. WF14 0BD
Deborah Morgan	15 Knowl Road. WF14 8DQ
Mr Peter Morgan	8 Lady Heton Drive, Mirfield. .
Mr Steve Morris	1 Crowlees Gardens, Mirfield. WF14 9NZ
Mrs Marie Morris	1 Crowlees Gardens, Mirfield. WF14 9NZ
Janet Mould	7 Fernhurst Crescent, Mirfield. WF14 9TE



Mr P Murgan	3 Lady Heton Drive, Mirfield. WF14 9DZ
Rob Murphy	11 Lunnet Close. B30 1XB
Gillian Murphy	4 Parkfield Avenue, Mirfield. WF14 9HJ
Anthony Murphy	4 Parkfield Avenue, Mirfield. WF14 9HJ
Mr David Musgrave	8 Lady Heton Grove, Mirfield. . WF149DX
Mrs B Myers	Flat 1 18 Parker Lane, Mirfield. WF14 9PA
Mr Patric Neal	12 Woodward Court, Mirfield. WF14 0PY
Mrs Gill Neal	12 Woodward Court, Mirfield. WF14 0PY
Ms Joanne Needham	11 St Pauls Road, Mirfield. WF14 8AX
Mr David Needham	11 St Pauls Road, Mirfield. WF14 8AX
Mr Chris Nero	22 Pumphouse Lane, Mirfield. WF14 0AW
Mrs Sally Nero	22 Pumphouse Lane, Mirfield. WF14 0AW
H J Nicholson	57 Park Drive, Mirfield. WF14 9NH
Daene North	11 Balderstone Hall Lane.
Mr Ian Nunn	34 Hepworth Close, Mirfield. . WF140PP
Mrs Joanna Nunn	34 Hepworth Close, Mirfield. WF140PP
Mr Donal O'Driscoll	2 Nettleton Avenue, Mirfield. WF14 9AN
Mrs Johanna Ogilvie	45 Water Royd Lane, Mirfield. WF14 9SF
Mr Martin Ogilvie	45 Water Royd Lane, Mirfield. WF14 9SF
Mr Paul Oldroyd	27 Ladt Heton Drive, Mirfield.
Mr Keith Ormond	52D Wellhouse Lane, Mirfield. WF14 0PW
Ruby Owen	15 Meadowbank Cresent. WF14 9QL
Mrs Sheila Parsons	33 Royd Court, Mirfield. WF14 9DJ
Mr Graham Pearson	43 Wellhouse Lane, Mirfield. WF14 0BE
Mr Lee Pearson	43 Wellhouse Lane, Mirfield. WF14 0BE
Audrey Piechura	10 Crossley Close. WF14 0JY
Mark Pinder	9 Parker Avenue. WF14 9PB
Gordon Pinder	9 Huddleston Court.
Christine Pinder	9 Huddleston Court.
Mrs Joan Poingdestre	4 Hepworth Drive, Mirfield.
Mrs Molly Pratt	3 Hepworth Lane, Mirfield.
Mr Tony Pratt	3 Hepworth Lane, Mirfield.
Mrs Denise Preston	52D Wellhouse Lane, Mirfield. WF14 0PW
Mr David Proctor	91D Wellhouse Lane, Mirfield. WF14 0NS
Mrs Dorathy Proverbs	16 Pumphouse Lane, Mirfield. WF14 0AW
Mr K Pype	3 Park Avenue, Mirfield. WF14 9PB
Mr Ian Rainbird	1 Primrose Lane, Mirfield.

David Ramsay	140A Huddersfield Road. WF14 8AN
Chris Ramsden	128 Huddersfield Road. WF14 8AB
Ms Angela Ramsden	33 Oakfield Drive, Mirfield. WF14 8PX
Mr Simon Reevel	House of Commonns. SW1A 0AA
Mr Peter Reynolds	56A Wellhouse Lane, Mirfield. WF14 0PW
Mrs Lesley Reynolds	56A Wellhouse Lane, Mirfield. WF14 0PW
Mrs Linda Rhodes	13 Blakehall Drive, Mirfield. WF14 9NL
Mr Alan Richardson	68 Wellhouse Lane, Mirfield. WF14 0BE
Mrs Janet Richardson	19 Granny Lane, Mirfield. WF14 8LD
Mr Mark Richardson	19 Granny Lane, Mirfield. WF14 8LD
Mr Authur Roberts	59 Fountain Drive, Liversedge. WF15 7PY
Ms Emma Roberts	59 Fountain Drive, Liversedge. WF15 7PY
Jeffrey Robinson	6 Green Street. WF14
Mrs Maria Rocket	10 Greenside Road, Mirfield. WF14 0AU
Mr John Rocket	10 Greenside Road, Mirfield. WF14 0AU
Marie Rodgers	26 Johnson Street, Mirfield. WF14 8PQ
Carol Rodwell	Park Avenue. WF14 9PB
J Rogerson	9 Northorpe Lane. WF14 0QQ
Mr Derek Rose	108 Westroyd Avenue, Mirfield. WF14 9LE
Phil Rothwell	7 Dunbottle Way. WF14 9JU
Luke Ruston	29 Vicarage Meadow.
Mrs Jean Ryan	5 Tannery Court, Mirfield. WF14 9DR
Mr T.M. Ryan	4 The Old School, Stocksbank Road, Mirfield. WF14 9QD
Malcolm Sandwith	Lynton, Hopton Lane. WF14 8JZ
Ms Laura Sarona-fox	30 Wateroyd Lane, Mirfield. WF14 9SG
Johanne Sayer	379, Crossley Lane. WF14 0NU
Mrs Janet Scargill	122 Priory Way, Mirfield. WF14 9EF
Ms Sally Scott	14 Pumphouse Lane, Mirfield. WF14 0AW
Mrs Ann Seabourne	45 Hopton Lane, Mirfield. WF14 8ER
Mr Vincent Seabourne	45 Hopton Lane, Mirfield. WF14 8ER
Bill Semple	89 West Royd Avenue. WF14 9LB
S M Senior	36 Bracken hill, Mirfield. WF14 0EZ
Mrs Jean Sharp	10 Bronte Grove, Mirfield. WF14 9NU
Mr Tony Shaw	Primrose Farm, Crossley Lane, Mirfield.
Denise Shaw	40 Sunny Bank Road, Mirfield. WF14 0NL
Andrew Shaw	40 Sunny Bank Road, Mirfield. WF14

	ONL
Mrs Joyce Sheard	6 Hepworth Close, Mirfield.
Maurice Sheard	4 Dunbottle Close. WF14 9JD
Mr Frank Sheard	23 Wellhouse Lane, Mirfield. WF14 0BE
Mrs Brenda Sheard	23 Wellhouse Lane, Mirfield. WF14 0BE
Ms Marie Sheard	Autumn Heights, 142 Kitson Hill Road, Mirfield. WF14 9BY
Mrs Barry Sheard	Autumn Heights, 142 Kitson Hill Road, Mirfield. WF14 9BY
Jan Shotton	5 Grove Street, Mirfield. WF14 0QY
N Shuttleworth	35 Littlethorpe Hill, Hartshead. WF15 8AZ
M Shuttleworth	The Mistel, Balderstone Hall Lane. WF14 0DW
D Shuttleworth	The Mistel, Balderstone Hall Lane. WF14 0DW
Julia Simpson	41 Knowl Road. WF14 8DJ
Mr Jim Sinclair	Rosscree, Shillbank Lane. WF14 0PZ
Mrs Joanne Sinclair	Rosscree, Shillbank Lane. WF14 0PZ
Mr & Mrs Singleton	Priory Way. WF14 9EB
Mr Alan Smirthwaite	6 Woodbottom, Mirfield. WF14 8HF
Mrs Amanda Smirthwaite	6 Woodbottom, Mirfield. WF14 8HF
Mr Geoff Smith	375 Crossley lane, Mirfield.
Steph Smith	7 Dunbottle Way. WF14 9JU
Mrs Susan Smith	91F Wellhouse Lane, Mirfield. WF14 0NS
Mr Malcom Smith	91F Wellhouse Lane, Mirfield. WF14 0NS
Ms Carole Smith	47 Dunbottle Way, Mirfield. WF14 9JU
Mr Ian Smith	91 Nab Lane, Mirfield. WF14 9Q8
Harry Smithson	34 Kitson Hill Road, Mirfield. WF14 9EL
Mr John Somers	7 Woodward Court, Mirfield. WF14 0PY
Mrs Leanne Somers	7 Woodward Court, Mirfield... WF14 0PY
Mr Ryan Sparks	106 Ledgard Wharf, Mirfield. WF14 8LZ
Barbara Squires	7 Park Drive, Mirfield. WF14 9NQ
Mrs Shirley Stanley	8 Hepworth Lane, Mirfield.
Mr Gordon Stanley	8 Hepworth Lane, Mirfield.
Netta Stead	57 Water Royd Avenue, Mirfield. WF14 9LU
E Steph	2 Hepworth Lane. WF14 0PR
Ms Marlene Stocks	34 Nettleton Road, Mirfield. WF14 9AP
David Strang	44 Fountain Street. WF15 7PT
Elizabeth Strang	44 Fountain Street. WF15 7PT
Mrs Heather Street	56C Wellhouse Lane, Mirfield. WF14 0PW
Mr Neil Street	56C Wellhouse Lane, Mirfield. WF14

	0PW
Jacky Stringer	2 Nettleton Avenue, Mirfield. WF14 9AN
F M Sullivan	16 Shepley Mount, Mirfield. WF14 0AX
S E Sullivan	16 Shepley Mount, Mirfield. WF14 0AX
Mr Tony Sutton	72C Wellhouse Lane, Mirfield. WF14 0BE
Mrs Norma Sutton	72C Wellhouse Lane, Mirfield. WF14 0BE
Miss Ellie Swales	85 Fall Lane, Hartshead. WF15 8AS
Susan Swayne	2 Norman Road, Mirfield. WF14 9SR
R M Sweeney	26B Saville Place, Mirfield. WF14 0AH
D J Sweeney	26B Saville Place, Mirfield. WF14 0AH
Mrs Pamela Swift	22 Autumn Heights. WF14 9BY
Derek Sykes	10 Regency Road. WF14 8AJ
Barbara Sykes	22 The Emankment, Mirfield. WF14 8DW
Mrs Christine Sykes	42 Church Lane, Mirfield. WF 14 9HX
CLLR Kath Taylor	38 Grove Street, Mirfield. WF14 0QY
Mrs Staphanie Teale	Sunny Bank Farm, Sunny Bank Road, Mirfield. WF14 0NL
Mrs Frances Thompson	30 Granny Lane, Mirfield. WF14 8LF
Lois Thornton	56 St Pauls Road.
Mr Rod Teale	Sunny Bank Farm, Sunny Bank Road, Mirfield. WF14 0NL
Mr Brian Thornton	3 Woodward Court, Mirfield. WF14 0PY
Mrs Moira Thornton	3 Woodward Court, Mirfield. WF14 0PY
Mr Michael Thornton	3 Woodward Court, Mirfield. WF14 0PY
S Thorpe	891 Huddersfield Road, Mirfield. WF14 9HS
Mr David Thorpe	1, Lady Heton Close. WF14 9EH
Mrs Barbara Thorpe	1, Lady Heton Close. WF14 9EH
Debbie Timmins	9 The Clough.
Mr R Tinker	5 Portal Crescent, Mirfield. WF14 0JJ
Mrs V Tinker	5 Portal Crescent, Mirfield. WF14 0JJ
Mr P Titchmarsh	12 Lady Heton Grove, Mirfield.
Chris Todd	16 Crowlees Road, Mirfield. WF14 9PJ
Sarah Townend	25 Norman Drive.
Pat Townend	28 Holmdene Drive. WF14 9SZ
David Townend	28 Holmdene Drive. WF14 9SZ
Mr Mike Townend	52L Wellhouse Lane, Mirfield. WF14 0PW
Mrs Wendy Townend	52L Wellhouse Lane, Mirfield. WF14 0PW
Fraser Turner	99 Sunnybank Road. WF14 0NL
Mr Edward Turner	45 Wellhouse Lane, Mirfield. WF14 0BE



Mrs Cheryl Tyler	The Barn, Primrose Lane, Mirfield. WF14 0DN
Mr Philip Tyler	The Barn, Primrose Lane, Mirfield. WF14 0DN
Doreen Tyrrell	13 Westfields Avenue. WF14 9PN
Mr Jack Tyrrell	7 Gregory Springs Lane, Mirfield. WF14 8LE
Mrs Kath Tyrrell	7 Gregory Springs Lane, Mirfield. WF14 8LE
Ms Frankie Tyrrell	7 Gregory Springs Lane, Mirfield. WF14 8LE
Janet Von Emloh	46 Church Lane, Mirfield. WF14 9HX
Mr Leah Wadsworth	124 Longwood Road, Huddersfield. HD3 4EJ
Mrs C Wailes	13 Hepworth Lane. WF14 0PR
Mr Kevin Waite	57 Northorpe Lane, Mirfield. WF14 0QN
Mrs Lisa Walker	Lower Croft Barn, Northorpe Lane, Mirfield. WF14 0QN
Mr Scott Walker	Lower Croft Barn, Northorpe Lane, Mirfield. WF14 0QN
Chris Walker	2, Dunbottle Lane. WF14 9JH
Ms Marian Walker	12 Covey Clough Court, Mirfield. WF14 8JH
Ms Judith Walker	2 Blakehall Drive, Mirfield. WF14 9NG
Peter Wallis	14 Royd Court, Mirfield. WF14 9DJ
M Walton	27 Farrar Drive.
Mrs Lesley Ward	Parish Rooms, Mirfield. WF14 9QT
Mrs Janet Waring	Hand Bank House, Hand Bank Lane, Mirfield. WF14 8XE
Mr Peter Watson	52G Wellhouse Lane, Mirfield. WF14 0PW
Mrs Janet Watson	52G Wellhouse Lane, Mirfield. WF14 0PW
Mrs Rita Watson	8 Woodward Court, Mirfield. WF14 0PY
Mrs Delia Webster	10 Queens Street, Mirfield. WF14 8AH
Mr Brendan Weir	9, Robin Royd Drive. WF14 0LA
Miss L Wells	39 Wellhouse Lane, Mirfield. WF14 0BE
Mr Craig Wells	39 Wellhouse Lane, Mirfield. WF14 0BE
Mrs Victoria Wells	39 Wellhouse Lane, Mirfield. WF14 0BE
Mr Sam Wells	39 Wellhouse Lane, Mirfield. WF14 0BE
Mr David Whiteley	22 Parkfield Crescent, Mirfield. WF14 9HQ
Mrs Joanne Whiteley	22 Parkfield Crescent, Mirfield. WF14 9HQ
Mr Andrew Whitworth	34 Blakehall Road, Mirfield. WF14 9NS
Kerry Widgery	8 Greenside Court. WF14 0DF
Miles Widgery	8 Greenside Court, Mirfield. WF14 0DF
Mr David Wilcock	54A Wellhouse Lane, Mirfield. WF14 0PW
Mrs Amanda Wilcock	54A Wellhouse Lane, Mirfield. WF14 0PW
Mrs Sheila Wilcock	55 Henley Avenue, Dewsbury. WF12 0LN



Mr David Wilcock	55 Henley Avenue, Dewsbury. WF12 0LN
Mrs Jean Williams	13 Jackroyd Lane, Mirfield. WF14 8HY
Mr Martyn Williams	13 Jackroyd Lane, Mirfield. WF14 8HY
Mrs M Wimpenny	20 Hepworth Close, Mirfield.
Mr Roy Wimpenny	20, Hepworth Close. WF14 0PP
Scott Winfield	49 Calder Road. WF14 8NP
Mrs Pauline Wood	171 Crossley Lane. WF 14 0NY
Mr Peter Wood	171 Crossley Lane. WF 14 0NY
John Wood	23 Greenside Estate, Mirfield. WF14 0BA
Jonathan Wood	7 Park Avenue, Mirfield. WF14 9PB
Sarah Wood	17, The Clough. WF14 9DN
Sandra Woodhouse	8 Elmwood Close. WF14 8HR
Mr J.Paul Woodward	4 Northway Gardens. WF14 0LP
Sarah Wright	30 The Coppice, Mirfield. WF14 0PG
R Yelland	3 Towngate Grove, Mirfield. WF14 9JF
T Yelland	3 Towngate Grove, Mirfield WF14 9JF



FAO Steve Hopwood

Kirklees Metropolitan Council  
Civic Centre 3  
Huddersfield  
HD1 2YZ

April 24<sup>th</sup>, 2015

Dear Sir

**Application ref 2014/62/91282/E – Land off Woodward Court/Hepworth Lane, Mirfield – on behalf of Bellway Homes.**

We refer to the additional documents submitted as part of the above application and in particular Technical Note 1 prepared by Sanderson Associates. The document seeks to address comments from KMC Highways Officers raised during June and September 2014.

Save Mirfield has employed Northern Transport Planning to review the revised proposal and they have prepared a letter report, a copy of which is attached.

In addition we have prepared further comments regarding the highway matters where these have severe impacts on the community.

Our Planning Lawyer Consultant from IOP has also prepared a letter indicating the statutory position as regards the application.

***Please note that these further comments on the application are supplementary to those already submitted to your department (via Nick Willock) on June 11<sup>th</sup> 2014, namely our Group Objection document, Compass Planning Report and letter and NTP report on highways. These comments are also supported by the Save Mirfield members as before.***

The Transport Assessment fails to address many of the concerns raised by Save Mirfield and the community. We would like to remind the Planning Department of some of our previous comments and make some specific comments regarding Technical Note.1 as follows:

Comment numbers are given so that they can be cross referenced to Technical Note 1.

2.7.1 The local community and Crossley Fields School are aware that the school 'Park and Walk' scheme is not effective. It should be noted that the Dusty public house is now closed and the car park is not in use. It is not clear what will happen to this site in future.

2.9.3 Initially, there will not be any places as the school is full and children living at the development will have to cross the school traffic.

2.9.3 The report states that the development will 'create a number of primary school aged children who are likely to attend the Crossley Fields School, as places become available for them. There will be a period where children from the development area will not be able to take up places at the school, as the school is full.

2.9.4 and 2.9.6 The proposed 'formal pedestrian links' through the development will not have a parking area which could be used by parents travelling from outside Mirfield.

The school is unlikely to take responsibility for the proposed car park adjacent to Woodward Court. The car park would increase the volume of traffic on Wellhouse Lane and Woodward Court.

The existing TRO does not work, as there are insufficient resources to enforce the parking restrictions. It is anticipated that the proposed additional TROs will only increase the problems at school drop off and pick up as follows:

- Increase the competition for parking on Wellhouse Lane
- Increase the number of vehicle movements as drivers search for parking spaces
- Increase the speed of traffic as parking restrictions reduce the numbers of parked cars
- Increase the risk to pedestrians particularly in the vicinity of the school and Woodward Court
- Increase parking across driveways to the serious inconvenience of residents
- Increase parking on roads further from the school

We conclude that the attempt to solve parking problems merely creates different problems.

2.11.4 The development does not have interconnected street patterns.

2.12.1 Where is the evidence for these changing patterns? KMC have previously stated that "The rationale and methodology relating to alternative traffic assignment and distribution is required". This should be the subject of further study with a report.

2.12.2 This is an unlikely scenario and we would expect traffic to try to use the south end of Wellhouse Lane.

2.12.4 As in 2.12.1, where is the evidence that residents will adjust their journeys? Most people do not work flexi hours and are therefore likely to want to leave the development at the normal peak times particularly if they have to take children to school. There are complaints from residents that they have been stuck in their homes due to traffic and have been unable to get to hospital appointments.

2.14 The information indicates that Sunnybank Road junction is already operating over capacity and that there is no reserve capacity. The figures suggest that by 2019, vehicles leaving Mirfield will join the queue 20 cars further back, than at present. Thereby increasing travel times and pollution.

2.14.6 The junction improvement works proposed and published by Taylor Wimpey for the Mirfield Moor development are minor and will not deal with those works, or assist with other developments such as Balderstone Fields. Peter Firth stated at the planning sub- committee meeting regarding the Mirfield Moor application that proposed highway works would not result in an improvement. Additional information contained within the transport assessment in Technical Note 1 indicates that the infrastructure in this part of Mirfield is operating at and above capacity.

2.18.3 The model confirms that the queueing traffic reduces the capacity of the minor road. It could be added that this junction is becoming an accident "black spot".

Technical Note 1 demonstrates that the local highways are struggling to manage with existing conditions, with many junctions operating over their capacity.

It is concluded that Sanderson have not properly addressed the adverse safety issues associated with the Bellway scheme and that the impacts will be severe.

The highway safety issues are the single most important issue faced by the community in relation to this scheme. Bellway and their consultants have failed to invest in adequate infrastructure which could protect the community.

UDP T10 states that *"New developments will not normally be permitted if it will create or materially add to Highway safety or environmental problems or, in the case of development which will generate a significant number of journeys, if it cannot be served adequately by the existing highway network and by public transport. Proposals will be expected to incorporate appropriate highway infrastructure designed to meet relevant safety standards and to complement the appearance of the development"*.

It should be noted, that the developer's responsibility for this scheme is for a limited duration, but that Kirklees Council and their Highway Department will have a lasting responsibility. This is a major responsibility which should not be taken lightly by all the Officers who contribute to the determination of this application.

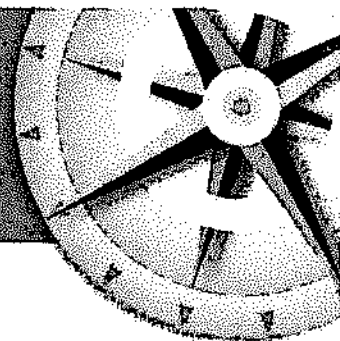
The application should be determined now and Save Mirfield and its consultants have given the grounds upon which the application should be rejected.

Yours faithfully

Cheryl Tyler  
Chairman SAVE MIRFIELD

# Compass Planning

South Acre House, 542 New Hey Road,  
Huddersfield, HD3 3XH  
Tel: 07850 561623



Our Ref: 54 – 14.05

2<sup>nd</sup> June 2014

Mr Bill Topping  
Planning  
Investment and Regeneration Service  
PO Box B93  
Civic Centre 3  
Huddersfield  
HD1 2JR

Dear Bill

**Application: 2014/91282**

**Erection of 135 residential properties with associated access, parking and landscaping and the creation of a car park to serve Crossley Fields Junior and Infant School.**

I write on behalf of a group of local residents from Woodward Court, Wellhouse Lane, Hepworth Close, Balderstone Hall, Crossley Lane, Pumphouse Lane and Grove Street to object to the above planning application.

The planning application is for 135 new residential properties on the edge of the settlement of Mirfield. Over recent years Mirfield has been subject to much new housing development with new applications for more housing being submitted each year. Understandably residents in the area have major concerns about the level of development coming forward, and whether the infrastructure of the area can cope. We set out below how these concerns are not personally motivated or vexatious but are based on sound planning arguments and clearly demonstrate that this planning application should be refused.



The applicant states that the proposed development lies within the urban area and that the site has been safeguarded by the Local Authority for development at a point of time in future. This statement is inaccurate. Whilst the site does not fall within the Green Belt the site is adjacent to the Green Belt, with the western and southern boundary of the site forming the edge of the urban area. The proposed development is clearly an extension to the urban area. The fact that the site is an urban extension immediately raises concerns about the site's suitability for development, particularly in relation to accessibility to services. The UDP allocation of the site as POL suggests that the site has been safeguarded by the Local Authority for development in the future. However, this is in the context that during the preparation of the UDP it was considered that this site would serve no purpose in terms of being Green Belt and therefore should be assessed for its suitability for development at a point of time in future. The statement by no means suggests that the site is suitable for development.

Much of the applicant's justification for developing the site relates to their argument that the housing policies in the UDP are out-of-date and that as the Council's Core Strategy has been withdrawn, in accordance with paragraph 14 of the National Planning Policy Framework (NPPF) there is a presumption in favour of sustainable development. Whilst at this stage we do not intend to comment on whether the UDP policies are out-of-date, we are familiar with the wording of paragraph 14 of the NPPF, and we strongly disagree that the proposed development can be considered to be sustainable development.

### **Sustainable Development**

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development, which are economic, social and environmental. Key elements within the three dimensions include: contributing to build a strong, responsive and competitive economy; ensuring that sufficient land of the right type is available in the right places; supporting strong, vibrant and healthy communities; creating high quality built environment with accessible local services; minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

With regard to these points we believe:-

The proposed development will increase levels of commuter traffic on the local and regional road network and will therefore detract rather than contribute towards a strong, responsive and competitive economy, as transport costs will increase with journey times.

For reasons set out elsewhere in this letter we do not believe the proposed development is on land in the right place for development.

The proposed development will increase the reliance on the private car, as well as there being a lack public open space and therefore the proposed development will not create strong, vibrant and healthy communities.

The proposed development is not in a location with accessible local services.

The reliance on the private car is not conducive to moving to a low carbon economy.

Many of the points raised above relate to the location of the site and the fact that it is on the edge of the settlement of Mirfield and is remote from shops and services, as well as jobs. People moving to the proposed new homes will be totally reliant on the private car.

The planning application is accompanied by a Travel Plan prepared by Sanderson Associates. The Travel Plan correctly states:-

*"Walking is an important mode of transport in the urban area; it can replace a large number of short car journeys which contribute to congestion and pollution, and the need for car parking. Walking is the most sustainable form of transport and provides one way of reducing pressure on the environment. People walking are also travelling at a pace that gives them a greater connection with their surroundings and can have positive benefits in relation to a community's security through increased surveillance."*

*"Walking stimulates both personal health and the health of communities and local economies. Government health improvement advice states that just 30 minutes brisk walking 5 times a week can bring about significant reductions in the risk of coronary heart disease, high blood pressure and diabetes"*

However, the proposed development does nothing to promote walking. The Travel Plan refers to the Manual for Streets as being the latest national guidance on such matters, stating that Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800 m) walking distance of residential areas, which residents may access comfortably on foot.

Within their Planning Policy Statement the applicant refers to the revoked RSS, which is the last plan to have been subject to public examination as providing a sound basis for assessing the sustainability of a site. This was in table 13.9. The applicant explains that the revoked RSS requires local services to be within 1200m walking distance of the new development.

The Council's withdrawn Core Strategy was developing a similar policy SCS1C which states that new housing should be within 800m walking distance of a local service centre.

Appendix 2 of the Travel Plan submitted with the application shows that the proposed development is approximately 1400m from the edge of Mirfield Town Centre, which is the nearest service centre. Whilst this is clearly further than is considered acceptable by any of the guidance set out above, we should also bear in mind that all the guidance refers to walking distance. The entrance to the site is approximately 2,000m on foot from the edge of Mirfield Town Centre, which is way beyond what can reasonably be considered to be a reasonable walking distance. We should also bear in mind that some houses within the proposed development are more than an additional 300m walk to the entrance of the site. So whilst Sanderson's report might wax lyrical about the virtues of walking, it is largely irrelevant because the majority of people living within the proposed development will **not** walk to Mirfield Town Centre. They will use their car, which means the proposed development cannot be considered to be a sustainable location.

In terms of accessibility by bus the applicant suggests that there are four bus services an hour that pass the application site. The 202 is the most frequent bus that passes the application site. There are four services an hour during peak hours, but during the middle of the day, when the Arriva bus timetable shows that there is only one bus an hour. This clearly does not comply with the requirements of table 13.9 of the revoked RSS which states that there should be a 15 min frequency to a major public transport interchange. No reference is made to the time of day.

In reality the development site is poorly served by public transport and the majority of people who move to the homes on the site will be totally reliant on the private car. Not only will this create highway safety issues covered later in this letter, but adds to the weight of traffic on the road, which increase journey times and detracts from the Council's and NPPF's aim to build a strong responsive and competitive economy. The traffic will also increase carbon emissions.

Whilst we have looked at access to service centres there are other services we have to consider such as access to local schools and health care facilities.

Whilst Crossley Fields Junior and Infant school is immediately adjacent to the site to the north, it is still 600m walking distance from homes at the southern end of the proposed development. The school is already over capacity and cannot cope with the demand for places. Children living in the locality already have to attend infant and junior schools elsewhere, once again increasing the use of the private car. Whilst the Crossley Fields School is within walking distance of the application site, it is likely that some pupils will have to attend schools further afield, or displace other pupils to schools further afield and therefore further increase the reliance on the private car, which can't be considered to be sustainable.



There are similar concerns regarding the capacity for more patients at Mirfield Heath Centre.

The site of the proposed development is currently used for informal recreational purposes. Local people have used the site for activities such as dog walking for over 20 years. The fact that the proposed development does not promote walking as a means of transport and that the development sees the loss of a facility that is used for recreational walking leads us to conclude that the proposed development does not support and promote the health of the community.

For the reasons outlined above the proposed development cannot be considered to be sustainable development and therefore it does not comply with paragraph 14 of the NPPF.

### **Provision of Public Open Space**

The Kirklees Council Open Space Assessment Report published in December 2010 identifies a shortage of amenity greenspace in the north of Mirfield. The Report demonstrates the proposed development is in an area that falls outside an amenity greenspace catchment. The report shows there is an even greater deficiency in the provision of children's play areas and there is a complete lack of civic spaces.

We have already touched on the loss of an informal recreational facility as people use the proposed development site for dog walking. Clearly there is already a demand for greater public open space and recreational facilities in the area. The proposed development would provide an opportunity for greater provision to be made to meet the shortfall in the area, however the proposed development fails even to provide the required 30 sq m per dwelling as prescribed by UDP policy H18, and for this reason alone the application should be refused.

### **Safeguarding Land for Development**

Whilst the applicant sets out that housing policies in the UDP are considered to be out-of-date, and therefore sites identified as POL may now be considered for development, the applicant fails to recognise that the principle of Policy D5 remains the same; i.e. land should be safeguarded for further development. Whilst part of the policy may not be relevant, it is still pertinent that the Policy only permits development which would *"not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term"* (my emphasis)

The site allocated as POL is larger than the application site as the POL extends to the south-east of the site. The proposed development pays no regard to this, and in fact prejudices the long-term development of the remainder of the POL site. An area of Urban Greenspace prevents access being taken off Crossley Lane, leaving the only access to this part of the site through the application site. The proposed layout of the proposed development prevents this from happening.

This issue is highlighted in paragraph 58 of the NPPF that sets out the requirement for developments to "*optimise the potential of the site to accommodate the development*". Given that the application site only contains part of a wider POL allocation, the application fails to achieve this at present, with potential to impact upon the future deliverability of the balance of the allocation.

For this reason alone the application should be refused.

### **Highways Safety**

Notwithstanding any of the points raised above our main concern relates to the impact on highway safety.

We believe that safe and suitable access to the site cannot be achieved for all people and that the cumulative impacts of the developments are severe and therefore the proposed development does not comply with paragraph 32 of the NPPF.

We do not believe the proposed development gives priority to pedestrian and cycle movement or has access to high quality public transport facilities. We do not believe the proposed development minimises conflict between traffic and cyclists or pedestrians and therefore does not comply with paragraph 35 of the NPPF.

We do not believe the proposed development encourages people to minimise journey lengths for employment, shopping, leisure, education and other activities for the reasons outlined above when we discuss the sustainability of the site and because Mirfield is unlikely to sustain jobs for everyone living within the new development and therefore does not comply with paragraph 37 of the NPPF.

As we have outlined above local shops and facilities are not within walking distance of the proposed development and therefore the planning application does not comply with paragraph 38 of the NPPF.

My client has commissioned a detailed report by a Highways Consultant who will examine all aspects of the impact upon the highway network; however we believe the main concern relates to highway safety around Crossley Fields Infant and Junior School.

Traffic around the school especially at drop off and pick up time is already very heavy. Vehicles dropping pupils off for the school stop the traffic on the road. Other drivers wishing to pass through the area already mount pavements to get through the area. Whilst such driving is unacceptable the level of traffic at key times leaves drivers frustrated and encourages them to take risks with safety. This creates a significant pedestrian hazard, especially for young children arriving or leaving the school. The level of traffic and parked cars means crossing the road is difficult. Frequently parents with children have to step out into the road, blind of oncoming traffic.

The proposed development will simply add to the weight of traffic on this already hazardous road. The new development is likely to generate over 100 extra trips on Wellhouse Lane during peak hours.

The applicant believes that the inclusion of a 24-space car park for the school will alleviate the problem, where as it will simply exacerbate the problem. This car park will fill up quickly and generate a flow of traffic into and out of Woodward Court as most cars will not find a space, turn round and look elsewhere in the area. This will add a further bottle-neck at the end of Woodward Court.

There are further concerns surrounding the increase in weight of traffic in the area. Concerns have been raised by Mirfield Health Centre about the ability for GPs to get out visiting patients as the weight of traffic in the area is so bad.

In summary there are a number of reasons outlined above where the application does not comply with the NPPF or saved UDP policies and should therefore be refused. I hope that you will consider the points I have made on behalf of my clients very seriously. If you require any further information on these issues, please do not hesitate to contact me.

Yours sincerely

**Hamish Gledhill** BSc (Hons), Dip TP, MRTPI  
Compass Planning Ltd

**SAVE MIRFIELD GROUP**

**PROPOSED RESIDENTIAL DEVELOPMENT OFF WOODWARD COURT,  
MIRFIELD, WEST YORKSHIRE**

**OBJECTIONS TO PROPOSED DEVELOPMENT**

**May 2014  
apk/14002/v1**

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## APPENDICES

### A Photographs Taken on 21 May 2014

# 1 INTRODUCTION

## 1.1 Introduction

1.1.1 This report sets out objections to a proposed development of 135 dwellings by Bellway Homes on land off Woodward Court, Mirfield in relation to traffic impact and responds to the matters set out in the submitted Transport Assessment (Planning Ref 2014/62/91282/E). The analysis provided in this report focuses on the impacts of traffic generated by the proposed development on Wellhouse Lane and Woodward Court, where the sole vehicular access to the site is proposed.

1.1.2 This report considers existing traffic conditions in the vicinity of the application site, the additional traffic movements generated by the proposed development and the likely impact of such additional traffic movements. The report then goes on to consider the effectiveness of the identified mitigation measures and residual traffic impacts, before considering the severity of any residual impacts and finally whether the granting of planning permission for the proposed development would be appropriate or not. In this context, guidance provided in paragraph 32 of the National Planning Policy Framework is recognised which indicates:

- *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*

1.1.3 At a local level, Kirklees UDP Policy T10 deals with highway safety considerations and is also relevant to the determination of planning application stating:

- *'New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, if it cannot be served adequately by the existing highway network and by public transport.'*

## 1.2 Scope of this Report

1.2.1 Subsequent sections consider the following matters:

- Section Two – considers existing traffic conditions in the vicinity of the site
- Section Three – considers traffic generation, distribution and assignment
- Section Four - considers the impact of traffic generated by the proposed development and the effectiveness of proposed mitigation measures before identifying residual impacts and providing an overall conclusion to the report.



## 2 EXISTING TRAFFIC CONDITIONS

### 2.1 Introduction

2.1.1 This section of the report considers existing traffic conditions in the vicinity of the site.

### 2.2 Highway Geometry

2.2.1 Woodward Court is a residential road that currently provides access to 12 dwellings which the applicant proposes as the sole means of vehicular access to the development. Woodward Court provides a 5.9 metre carriageway flanked by a 2.0 metre footway to each side (TA para 3.2.1). Woodward Court joins Wellhouse Lane at a simple priority junction. It is agreed that visibility to the right onto Wellhouse Lane is available to an appropriate standard (TA section 3.5). The applicants however conclude that visibility to the left onto Wellhouse Lane is currently sub-standard (TA table 3.5.1).

2.2.2 Whilst accepting that visibility to the left onto Wellhouse Lane is sub-standard at the junction with Woodward Court, the applicants seek to make an assessment of the visibility splay that could be made available if vegetation was removed, rather than considering what is actually available on site (TA para 3.5.2). The TA considers that a visibility splay of 2.4 x 29.3 metres could be made available (TA table 3.5.1) however the visibility splay actually available on site is limited to 2.4 x 26.5 metres. This compares with a visibility splay of 2.4 x 35.9 metres considered necessary by the applicant (TA table 3.5.1), demonstrating that the current junction layout is substantially sub-standard.

2.2.3 The TA recognises that traffic movements on Wellhouse Lane to the south of the site will be used by general traffic, however the report fails to consider the sub-standard nature of this section of Wellhouse Lane. As may be seen in the drawing provided as Appendix K of the submitted TA, the section of Wellhouse Lane between the junction with Hepworth Lane and Flash Lane is severely sub-standard (a length of around 200 metres). Carriageway is indicated on the drawing as varying from 3.14 metres, which is insufficient for two cars to pass, to 4.45 metres, which is insufficient for a car and HGV to pass.

- 2.2.4 Footway provision on this section of Wellhouse Lane is also sub-standard with only a single footway generally less than 1.0 metre in width available. Visibility for traffic emerging from Hepworth Lane onto Wellhouse Lane is also totally inadequate, traffic emerging from Hepworth Lane having effectively no perception of approaching traffic.

## 2.3 Car Parking

- 2.3.1 As noted in by the applicants (TA para 3.7.5) a significant level of on-street parking is evident on streets in the vicinity of the application site associated with the nearby schools and also fronting residential properties. The TA notes (in para 3.7.6) that parking associated with the primary school is 'widespread and intense at times', with 161 vehicles recorded parked on-street in the morning period at the start of the school day and 198 vehicles in the afternoon period at the end of the school day.
- 2.3.2 On-street parking in the vicinity of the Crossley Fields Junior and Infants School is controlled by Traffic Regulation Order. On-street waiting on the Wellhouse Lane frontage to the school at the beginning and end of the school day (Monday to Friday from 0800-0930 and from 1500-1600 hours) is prohibited with the exception of a 'drop and go' zone which can accommodate 4 cars and is available during the morning period only. As noted in the submitted TA (Appendix C) parking prohibition on Wellhouse Lane has recently been extended to beyond the junction with Woodward Court, also including an initial 10 metre length of Woodward Court.
- 2.3.3 The TRO extending the on-street parking controls described in the paragraph above was implemented on 23 December 2013. Observations on-site indicate that the TRO is generally effective in preventing on-street parking in areas closest to the school. As demonstrated in the results of the applicants' parking survey (Appendix J of the TA), Woodward Court is used extensively for school relate on-street parking with a maximum of 17 vehicles recorded in the pre-school period and 28 vehicles in the post-school period. Whilst this survey was undertaken by the applicants prior to the recent introduction the TRO, subsequent observations on site indicate generally similar levels of on-street parking.



- 2.3.4 The effect of school related on-street parking on Woodward Court is illustrated in the photographs included as Appendix A. It can be seen that on-street parking takes place on both sides of the carriageway such that Woodward Court is effectively reduced to one-way operation, with parked vehicles clearly preventing the free flow of traffic (photographs 1, 2 and 3). Photograph 4 illustrate the extent of on-street parking on Wellhouse Lane to the south of Woodward Court, which is similarly reduced to single track operation, with photograph 5 illustrating severely restricted visibility to the left at the junction of Woodward Court and Wellhouse Lane and the very limited perception of approaching traffic available to a driver emerging onto Woodward Court.

## 2.4 Pedestrian Movements

- 2.4.1 The submitted TA presents the results of a survey of pedestrian movement on Wellhouse Lane between Hepworth Lane and Flash Lane. The TA however fails to provide details of pedestrian activity on Wellhouse Lane in the vicinity of the Crossley Fields Schools, where much higher levels of pedestrian activity are evident at the beginning and end of the school day.
- 2.4.2 The applicants' parking surveys recorded 161 vehicles parked on-street in the morning period at the start of the school day and 198 vehicles in the afternoon period at the end of the school day. Clearly each recorded vehicle will generate at least 3 pedestrian trips (1 by a child from the car to the school and 1 by and adult to the school and return). In addition to these pedestrian movements there are significant number of parents, pupils (and siblings) who walk from home to school and return. With the schools providing the focus for this pedestrian activity, there is clearly significant potential for pedestrian vehicle conflict in areas adjoining the schools, such as Wellhouse Lane and Woodward Court.

## 2.5 Traffic Speed

- 2.5.1 The speed of northbound traffic on Wellhouse Lane, approaching the junction with Woodward Court is of particular relevance as the applicants accept in their TA that visibility is currently sub-standard (TA para 3.5.1). The applicants consider a visibility splay of 2.4 x 35.9 to be required to the left at this junction and as set out in paragraph 2.2.1 above that this visibility splay cannot be achieved.

- 2.5.2 The TA presents (in section 3.4) the results of short-term daytime traffic speed surveys undertaken on Wellhouse Lane using a radar speed gun (tables 3.4.3 and 3.4.5 of the TA). The TA is not specific regarding the derivation of the traffic speed input used to determine visibility however a visibility requirement of 35.9 metres equates to an 85<sup>th</sup> percentile wet weather approach speed of some 26.4mph (based on Manual for Streets criteria).
- 2.5.3 Appendix B of the TA contains correspondence between the applicants and the Council considering the scope of the required TA. In this correspondence dated 6 March 2013, Woodward Court is identified as the primary access to the development and the results of a traffic speed survey undertaken on Wellhouse Lane are provided. The data is clearly considered relevant to the proposed development as applicants indicate that the data:
- *'will be used to identify the visibility splays which will be required at the access(es) to the site'*
- 2.5.4 The survey referred to by the applicants was undertaken over a continuous 7-day period during August 2011 using an Automatic Traffic Counter (ATC) and will have recorded the speed of several thousand vehicles on Wellhouse Lane. The 85<sup>th</sup> percentile speeds recorded in this survey were as follows
- *Wellhouse Lane South Bound – 31.1mph*
  - *Wellhouse Lane North Bound – 32.0 mph*
- 2.5.5 The northbound traffic speed of 32.0 mph referred to TA Scoping discussions is clearly significantly higher than the values obtained by the short term radar speed surveys and based on MfS criteria would equate to a visibility requirement to the left at the junction of Wellhouse Lane of some 47.1 metres, which clearly is not available.
- 2.5.6 When considering visibility requirements at junctions, the visibility splay available should be appropriate for all reasonably foreseeable traffic conditions at all times of day and not just for specific daytime periods. The ATC data presented by the applicants in Appendix B of the TA implies that traffic speeds on Wellhouse Lane are significantly above the levels indicated in the manual surveys for significant weekday periods and also potentially at week-ends and during school holiday periods.

- 2.5.7 The submitted TA indicates in sections 3.4.3 and 3.4.7 that a plan is provided in the appendices showing the location of the enumerator when undertaking the manual traffic speed surveys. TA22/81 notes the potential for survey error if the enumerator is not inconspicuous or if vehicles are viewed at an inappropriate angle. The lack of information provided in the TA regarding survey methodology casts further doubt on the reliability of the manual traffic speed surveys and the resulting assessment of visibility requirements at the junction of Wellhouse Lane and Woodward Court.

## 2.6 Summary and Analysis

- 2.6.1 This section of the report considers existing traffic conditions in the vicinity of the site. The following findings are relevant:
- The applicants accept that visibility to the left at the junction of Wellhouse Lane and Woodward Court is below normal standards
  - Wellhouse Lane between the junction with Hepworth Lane and Flash Lane is severely sub-standard in terms of carriageway width and footway provision. Visibility onto Wellhouse Lane from Hepworth Lane is also well below normal standards.
  - Parking associated with the Crossley Fields Schools is widespread and intense at times. As demonstrated in photographic evidence, Woodward Court is used extensively for school related parking such that only single track movement is possible at the beginning and end of the school day.
  - The submitted TA does not properly consider pedestrian activity and the potential for pedestrian vehicle conflict on Wellhouse Lane in the vicinity of the Crossley Fields Schools.
  - The assessment of current visibility requirements provided in the TA is based on short term daytime surveys which do not have regard to higher traffic speeds evident on Wellhouse Lane during off-peak periods, as evidenced by further surveys provided in the TA.



### 3 THE GENERATION, DISTRIBUTION AND ASSIGNMENT

#### 3.1 Introduction

3.1.1 This section of the report considers issues relating to traffic generation, distribution and assignment.

#### 3.2 Traffic Generation, Distribution and Assignment

3.2.1 The TA assesses the volume of traffic likely to be generated by the proposed development by reference to the TRICS database. The volume of traffic indicated generated by the proposed development of 135 dwellings is set out in table 7.2.2 of the TA and reproduced below.

Period	ARRIVALS		DEPARTURES	
	Trip Rate (veh/dw)	Vehicles	Trip Rate (veh/dw)	Vehicles
Morning Peak	0.235	32	0.588	79
Evening Peak	0.545	74	0.273	37

**Table 3.1 Traffic Generation (135 dwellings)**

3.2.2 The distribution of generated traffic is assessed by applying the distribution of journeys to and from work by car drivers as recorded in the 2001 census (TA section 7.4). Generated traffic is assigned based on the most direct route between the site and specific locations. The traffic increase on particular sections of the local highway network during weekday peak hours in each assignment scenario has been taken from figures 13 and 14 of the submitted TA and is indicated in the table below. The TA also produces an 'alternative assignment' which allows for partial reassignment to avoid local 'hot spots' (TA para 7.4.4).

Location	Direction	PREDICTED DEVELOPMENT TRAFFIC		ALTERNATIVE PREDICTED DEVELOPMENT TRAFFIC	
		Morning Peak Hour	Evening Peak Hour	Morning Peak Hour	Evening Peak Hour
Wellhouse Lane – North of j/w Woodward Court	Northbound	38	18	58	27
	Southbound	15	36	24	55
Wellhouse Lane – South of j/w Woodward Court	Northbound	17	19	8	19
	Southbound	41	38	21	10
Wellhouse Lane – South of j/w Hepworth Lane	Northbound	12	27	6	13
	Southbound	41	19	21	10

**Table 3.2 Traffic Assignment (135 dwellings)**

### 3.3 Summary and Analysis

- 3.3.1 The trip rates used in the TA are considered generally acceptable as a means of assessing traffic generation. The use of car driver journey to work data from the census is also considered generally acceptable as a means of assessing traffic distribution.
- 3.3.2 The 'predicted development traffic' assignment and the 'alternative predicated development traffic' assignment differ in that traffic movements between the site and Flash Lane (east of the junction with Hepworth Lane) are assigned via the most direct route using Wellhouse Lane South in the former scenario and indirectly via Wellhouse Lane North, Jenny Lane and Greenside Road in the latter scenario.
- 3.3.3 The alternative assignment involves a diversion of approximately 900 metres from the most direct route (and would involve unnecessarily driving past Crossley Fields Schools). It is considered that the lengthy and tortuous route indicated in the alternative assignment is unrealistic and that the impact assessment should be based on the 'predicted development traffic' assignment identified in the TA.
- 3.3.4 When considering the traffic increase arising from the proposed development it is relevant to note that the reference in Government guidance (section 2.11 of 'Guidance on Transport Assessment' published in March 2007) which identifies a two-way traffic flows of 30 vehicles per hour as a 'materiality threshold' in relation to the impact of traffic generated by development. Based on the 'predicted traffic assignment the increase in traffic arising from the proposed development exceeds this threshold and is therefore a material issue on Woodward Court and sections of Wellhouse Lane to both the north and south of the junction with Woodward Court.

## 4 TRAFFIC IMPACT

### 4.1 Introduction

4.1.1 This section of the report considers the impact of traffic generated by the proposed development and the effectiveness of proposed mitigation measures before identifying residual impacts and providing an overall conclusion to the report.

### 4.2 Proposed Mitigation Measures

4.2.1 The applicants identify an extensive package of traffic management measures with a view to mitigating the impact of generated traffic. It is reasonable therefore to consider that the proposed development relies on the effectiveness of the specified measures to and that implementation of the mitigation measures would be required before the proposed development is brought into use.

4.2.2 The mitigation measures proposed by the applicants are detailed in paragraph 4.12 of the submitted TA and Appendix K of that report and described below:

#### **Wellhouse Lane/Flash Lane**

- *Amendments to the kerblines at the junction with Flash Lane to improve visibility to 2.4 metres by 43 metres in both directions in line with (and in excess of) recorded vehicle speeds.*
- *20mph speed limit for the length between Flash Lane and Jenny Lane.*
- *Carriageway roundels and coloured surfacing at the junction with Flash Lane as a "gateway feature".*
- *Repeater carriageway roundels and coloured surfacing to the north of the Hepworth Lane junction*
- *Raised table and associated kerbline adjustment at the junction of Woodward Court maintaining a 5.5 metre wide carriageway through the junction and providing visibility splays of 2.4m by 31m (tangential) to the north (right on exit) and 2.4m by 34m to the south (left on exit)*
- *Raised table adjacent to the existing vehicle access to the primary school maintaining existing road markings.*
- *Raised table at the junction of Lockwood Road to reinforce vehicle speeds in the vicinity of PROW MIR/16/20 and MIR/16/10 which are well used at school times.*
- *Carriageway roundels and coloured surfacing immediately south of the junction with Jenny Lane as a "gateway feature".*



#### **Hepworth Lane**

- 20mph speed limit for the full length between Flash Lane/Shillbank Lane and Wellhouse Lane.
- Carriageway roundels and coloured surfacing at the junction with Flash Lane/Shillbank Lane.
- Minor carriageway narrowing in the form of hatching adjacent to PROW MIR/12/30 and MIR12/40.
- Raised table including tactile paving to pedestrian route at the point where the emergency access is proposed into the site. The existing private driveway to No. 17A Hepworth Lane is retained and their existing visibility significantly improved. A 2.0 metre wide footway along the site frontage which ties-in to a new section of footway along the northern edge of Hepworth Lane between the site frontage and Hepworth Close retaining a minimum carriageway width of 4.8 metres. Visibility from Hepworth Close being improved as a result.
- Section of coloured surfacing at the commencement of the one-way section.
- Additional 20 roundel to reinforce the speed limit.
- Round top hump immediately prior to the junction with Wellhouse Lane to slow vehicle speeds on the approach to the junction.

- 4.2.3 It should be noted that a Traffic Regulation Order (TRO) would be required to implement the 20 mph speed limit proposed as part of the package of mitigation measures and that there is no obligation on Kirklees Council to promote or make such an Order. Even if the Council resolve to promote such an Order there is the potential for objections from statutory consultees, with the possibility that the Order may not be made. Should the Council be mindful to grant planning permission, a 'grampian' condition would therefore be required restricting development until the TRO was made.

#### **4.3 Visibility at the Junction of Wellhouse Lane and Woodward Court**

- 4.3.1 The proposed mitigation measures allow visibility to the left onto Wellhouse Lane to be improved to 2.4 x 34 metres. This is achieved by the provision of a raised table at the junction and slight narrowing of the carriageway on Wellhouse Lane. It is noted that achieving this visibility splay relies on vegetation within the adjoining garden area to be kept clear of the highway and is such is an optimistic outcome.

- 4.3.2 A visibility splay of 2.4 x 34 metres equates to an 85<sup>th</sup> percentile wet weather approach speed of 24.1 mph. When considering the adequacy of this visibility splay, the key issue to consider is therefore whether the proposed mitigation measures will be effective in constraining the speed of northbound traffic on Wellhouse Lane to the extent that the 85<sup>th</sup> percentile wet weather traffic speed at the start of the visibility splay will be 24.1 mph or less. Clearly, if the 85<sup>th</sup> percentile speed is greater than this value the visibility splay will be insufficient and road safety will be compromised.
- 4.3.3 In relation to northbound traffic on Wellhouse Lane approaching the junction with Woodward Court, the mitigation measures comprise '20' speed limit signs at the start of the proposed new speed limit, carriageway roundels adjacent to the junctions with Flash Lane and Hepworth Lane, and a 'road humps' warning sign. It is considered that the proposed mitigation measures will have only a limited effect on traffic speed and that the speed of northbound traffic at the start of the visibility splay indicated at the junction with Woodward Court will remain at around current levels.
- 4.3.4 The existing northbound approach speed of 32.0 mph recorded in the ATC survey (TA Appendix B), equates to a visibility requirement of 47.1 metres. As indicated in paragraph 4.3.2 above this would need to be reduced by 7.9 mph to 24.1 mph for the proposed 34 metre visibility splay to be sufficient. It is considered that the overall effect of the mitigation measures on northbound traffic speeds on Wellhouse Lane will be minimal and that the 85<sup>th</sup> percentile wet weather speed is likely to remain at around 30 mph and as such, the visibility splay to the left at the junction with Woodward Court will remain sub-standard, with a resulting increased risk of collision.

#### **4.4 Traffic Conditions on Woodward Court**

- 4.4.1 Parking surveys included in the submitted TA demonstrate significant levels of on-street parking on Woodward Court at the beginning and end of the school day. Photographs provided in Appendix A of this report demonstrate that on-street parking takes place on both side of the road such that only single track movement is possible on Woodward Court.



4.4.2 As noted in paragraph 3.7.8 of the TA, Woodward Court is perceived as a convenient location for school related parking (as it is only a short walk from the school), with drivers seeking to park in this location as a matter of choice if space is available and u-turning to park elsewhere if no space is available. Even if an off-street parking area is provided within the proposed development, Woodward Court is likely to remain extensively used as it is a popular location for school related parking.

4.4.3 The submitted TA indicates that the proposed development would generate some 111 traffic movements in the morning peak hour, which coincides with the start of the school day. Traffic generation at the end of the school day would be somewhat below this level. From Appendix M of the TA, traffic generation in the period 1430-1530 hours would be around 60 vehicles. It is clear however that access to the proposed development from Woodward Court when it is effectively restricted to single track operation by on-street parking would be totally inadequate for these levels of traffic.

#### 4.5 Traffic Conditions on Wellhouse Lane

4.5.1 The 'predicted development traffic' assignment provided in the TA indicates that 48% of generated traffic movements will take place via Wellhouse Lane to the north of the site, passing the Crossley Fields Schools. This equates to 53 additional vehicle movements in the morning peak hour at the start of the school day and 29 additional vehicle movements at the end of the school day (1430-1530 hours).

4.5.2 Whilst the TA does not provide details of pedestrian movements on the school frontage, observations on site indicate intense pedestrian activity, both along footways to and from the schools and across Wellhouse Lane. The increased pedestrian vehicle conflict arising from this additional traffic is therefore a significant road safety concern, which is not resolved by the mitigation measures proposed by the applicant.

4.5.3 The 'predicted development traffic' assignment indicates that 52% of generated traffic departing the site and 37% of arrivals using the single track section of Wellhouse Lane to the south of the site (south of Hepworth Lane). This equates to 53 additional traffic movements in the morning peak hour and 46 additional movements in the evening peak hour. It is considered that this intensification of use of the single track section of Wellhouse Lane, where footway provision is inadequate would be detrimental to highway safety. Intensification of use of the junction of Wellhouse Lane and Hepworth Lane, where visibility is severely restricted would also be undesirable from a road safety perspective.

## 4.6 Overall Conclusion

4.6.1 The analysis provided in the paragraphs above demonstrates that the package of mitigation measures identified by the applicant will not satisfactorily mitigate the impacts arising from traffic generated by the proposed development. The residual impacts indicated below have been identified:

- Visibility to the left at the junction of Wellhouse Lane and Woodward Court will remain sub-standard with the intensification of use arising from the proposed development resulting in increased risk of collision.
- Woodward Court is considered totally unsuitable as a means of access to the proposed development due to the current on-street congestion at the beginning and end of the school day, with such problems exacerbated by additional traffic generated by the proposed development.
- The proposed development would result in a undesirable increase in traffic on Wellhouse Lane, passing the Crossley Fields Schools, leading to increased pedestrian vehicle conflict and road safety concerns, which is not resolved by the mitigation measures proposed by the applicant.
- The proposed development would result in an undesirable intensification of the single track section of Wellhouse Lane, south of Hepworth Lane where footway provision is also inadequate and the junction with Hepworth Lane, where visibility is severely restricted, to the detriment of highway safety.

4.6.2 Having regard to the above, it is considered that the residual traffic and road safety impacts arising from the proposed development are severe and that the proposed development will have a materially adverse impact on highway safety. The proposed development would therefore not be consistent with the policy guidance provided by the National Planning Policy Framework and the Kirklees Unitary Development Plan and accordingly planning permission should therefore be refused on highway grounds.

# Appendix A

## On-Street Parking on Woodward Court and Wellhouse Lane

(All Photographs taken on Wednesday 21 May 2014, in the period from 0830-0900 hours)



Parking on Woodward Court (1 above and 2 below)







Parking on Woodward Court (3 above) and (4) below parking on Wellhouse Lane south of Woodward Court





**5. Visibility to the left at the Junction of Woodward Court and Wellhouse Lane**

Our Ref: apk/14002  
Your Ref: 2014/62/91282/E

Planning Department  
Kirklees Council  
Civic Centre 3  
Market Street  
Huddersfield  
HD1 2YZ

Northern Transport Planning Ltd  
Suite 7  
Wood House  
100 Cliffe Road  
WAKEFIELD  
WF2 9SR  
T 01924 667490  
E mail@northerntransport.co.uk  
W www.northerntransport.co.uk

24 April 2015

Dear Sir

**PROPOSED RESIDENTIAL DEVELOPMENT (135 DWELLINGS) AND CAR PARK  
TO SERVE CROSSLEY FIELDS JUNIOR AND INFANT SCHOOL, LAND OFF  
WOODWARD COURT, MIRFIELD 2014/62/91282/E**

I write on behalf of the Save Mirfield group to object to the above proposed development on highway grounds. This letter of objection supplements my report objecting to the proposed development submitted to the Council in June 2014 and follows submission by the applicant of further information regarding highway matters in February 2015 and a meeting with Messrs Hopwood and Sampson of the Council to elaborate our concerns on 31 March 2015.

As detailed in the applicants' Transport Assessment, the proposed development will generate major demands for movement in areas adjoining the site with more than 900 trips by vehicle occupants each day, with more than 100 additional vehicle movements in both the morning and evening peak hours.

I consider the means of access to the site via Woodward Court and Wellhouse to be unsuitable to accommodate these additional traffic flows and that the proposed development would be prejudicial to highway safety, for the following reasons:

- Visibility to the left at the junction of Wellhouse Lane and Woodward Court is sub-standard with the intensification of use arising from the proposed development resulting in increased risk of collision.
- Woodward Court is totally unsuitable as a means of access to the proposed development due to on-street congestion at the beginning and end of the school day, with such problems exacerbated by additional traffic generated by the proposed development.
- The proposed development would result in an undesirable increase in traffic on Wellhouse Lane, passing the Crossley Fields Schools, leading to increased pedestrian vehicle conflict and road safety concerns
- The proposed development would result in an undesirable intensification of the narrow single track section of Wellhouse Lane, south of Hepworth Lane where footway provision is also inadequate and the junction with Hepworth Lane, where visibility is severely restricted, to the detriment of highway safety.

With regard to the speed of traffic on Wellhouse Lane, the submitted Transport Assessment includes the results of three short-term manual traffic speed surveys (tables 3.4.3 and 3.4.5). The most recent survey undertaken in January 2014 over a 90 minute period, in which the speed of 59 southbound vehicles and 66 northbound vehicles is then used as a basis for assessing potential mitigation. However due to the small sample size and short term nature of the surveys, I do not consider the survey methodology to be consistent with relevant technical guidance (provided in TA22/81) or the results to be statistically reliable.

In relation to traffic speed, it is notable that Appendix B of the submitted TA which deals with pre-submission scoping discussions between the applicant and the Council refers to traffic speeds surveys undertaken over a continuous 7-day period in 2011, which the Scoping report indicates 'will be used' to identify visibility splays. The traffic speeds recorded on Wellhouse Lane in this survey are significantly higher than those used in the submitted TA:

- Wellhouse Lane Southbound – 31.1mph
- Wellhouse Lane Northbound – 32.0 mph

Whilst traffic conditions at the beginning and end of the school day are an important issue from a road safety viewpoint it is clearly necessary that the means of access to the proposed development operate satisfactorily in all reasonably foreseeable scenarios. Such scenarios should include off-peak periods when traffic speeds on Wellhouse Lane are likely to be at a higher level than at the beginning and end of the school day, when traffic flows are constrained by on-street congestion.

In terms of visibility at the junction of Woodward Court and Wellhouse Lane, a northbound approach speed of 32.0 mph equates to a visibility requirement of 47 metres (using Manual for Streets criteria) which clearly is not available. The availability of an appropriate visibility splay to the left at the junction of Woodward Court and Wellhouse Lane therefore relies on a consistent and significant reduction in traffic speed (to below 26.0 mph) which I am not convinced would be delivered by the traffic management measures proposed.

The applicant accepts that the proposed development relies on the successful implementation of a package of mitigation measures (para 9.18 of the submitted TA). The measures identified (in section 4 of the submitted TA) comprise Traffic Regulation Orders to control on-street parking at specified location and introduce a 20 mph speed limit on parts of Wellhouse Lane and Hepworth Lane, together with various other related measures. There is however no commitment by Kirklees Council or other key stakeholders, including local residents to accept and implement the identified measures.



Whilst as indicated above, the identified measures will not in my view deliver the mitigation sought by the applicant it should be noted that the proposed measures themselves are likely to have significant adverse implications for road safety and residential amenity, which have not been properly considered. The development proposals include Traffic Regulation Orders to prohibit on-street parking at the beginning and end of the school day on Woodward Court with similar prohibitions on numerous other streets in the locality. The main effect of such restrictions would be however to transfer school related on-street parking to other residential streets and prevent residents from parking on-street in locations where the new restrictions are imposed.

Having regard to the above, I consider the residual traffic and road safety impacts arising from the proposed development are severe and that the proposed development will have a materially adverse impact on highway safety on Woodward Court and Wellhouse Lane. The proposed development would therefore not be consistent with the policy guidance provided by the National Planning Policy Framework and the Kirklees Unitary Development Plan and accordingly planning permission should therefore be refused on highway grounds.

Yours Sincerely

Andrew Kirby  
for NORTHERN TRANSPORT PLANNING LTD  
E-Mail: [apk@ntpconsultants.co.uk](mailto:apk@ntpconsultants.co.uk)

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**KIRKLEES METROPOLITAN COUNCIL**

**PLANNING SERVICE**

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

**30 JULY 2015**

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**APPLICATION NO: 2014/93039**

**PAGE 9**

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT**

**LAND AT, AINLEY TOP, YEW TREE ROAD AND BURN ROAD,  
HUDDERSFIELD HD2 2EQ**

**Information**

It should be noted that Cllr Cahal Burke's name has been incorrectly spelt in the Committee report

**Representations**

Councillor Mark Hemmingway has written to register his objections to the proposed development:

I would like to register my objections to the proposed development at Birchencliffe.

There are some issues with the report that I wish to bring to the attention of the committee.

Problems with school places are well documented and have been raised with previous applications. This application proposes a contribution to school places though there is no information as to how this money will be spent. The nearest schools to this site have little scope for expansion, in fact recently at Lindley Junior School the planning committee was asked to pass an application for a fence which wasn't ideally situated but had to be done in a particular way because the school couldn't risk losing any of its outside play area because it is already overcrowded.

In my view the issues of air quality and transport are linked so I'll deal with these as one. The report considers traffic flows to be acceptable after lengthy discussions with the applicant though I consider the basis of the information to be flawed. Traffic flows from neighbouring developments have been used to give an indication as to the traffic flows from this development. Most of the other developments in the area have a well-established footpath network and are within walking distance of local amenities, this development is on the other side of the main A629 so car journeys will be far greater than estimated. The A629 is already extremely

busy and only has one suitable crossing point, the hill up to amenities in Lindley and the lack of footpaths along Burn Rd and Grimescar Road means that most journeys will be by car, many local people already have to use cars for very short journeys because of the traffic problems in the area. The A629 already causes horrendous traffic problems with hold-ups stretching as far as Huddersfield ring road on occasions and tailing back on the M62. There is already a problem with air quality in the area and this will development will push it to unacceptable levels.

In my view this application should be refused on highway grounds as the report doesn't give an accurate assessment of future traffic flows.

### **Recommendation**

Additional conditions are recommended in respect of layout and scale:

The net developable areas within the application site shall be as shown on the 'Development Parameters – Greenspace and Retained Features; Land Use & Development Heights' plans.

Details of layout submitted in respect of condition 2 shall provide for up to 190 houses distributed across the 3 net developable areas in accordance with the details shown on the Masterplan Strategy (Drawing no 004 Rev C). The number of units on each of the net developable areas shall not exceed 60, 50 and 80 respectively.

Details of scale submitted in respect of condition 2 shall provide for development that is no more than 2 storey in height.

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**APPLICATION NO: 2014/91282**

**PAGE 51**

### **ERECTION OF 135 RESIDENTIAL PROPERTIES WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AND THE CREATION OF A CAR PARK TO SERVE CROSSLEY FIELDS JUNIOR AND INFANT SCHOOL**

#### **LAND OFF, WOODWARD COURT/HEPWORTH LANE, MIRFIELD**

### **Representations**

Save Mirfield has submitted photographs of the local road network taken during school pick up/ drop off times and asked that they be circulated to Committee at the site visit.

One further letter of objection has been received which reiterates objections already detailed in the committee report.

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**ERECTION OF 29 DWELLINGS (AMENDED PLANS)****LOCATION: WOOD NOOK, DENBY DALE, HUDDERSFIELD, HD8 8RR**

Additional Condition recommended by Environmental Health.

"Prior to occupation of the dwellings in all residential units that have a dedicated parking area and/or a dedicate garage an electric vehicle charging point shall be installed. Cables and circuitry ratings shall be of an adequate size to ensure a minimum continuous current demand for 16 Amps and a maximum demand of 32 Amps. In residential units that have unallocated parking spaces then before occupation of at least one electric vehicle charging point per ten properties with the above specification shall be installed."

**OUTLINE APPLICATION FOR ERECTION OF 5 DWELLINGS****ADJ, 8, MIRY LANE, NETHERTHONG, HOLMFIRTH, HD9 3UQ**

A request is received from the agent stating:

"I refer to my client's previous undertaking to withdraw the 7 unit application accessed off St Mary's estate should the 5 unit application off Miry Lane be approved.

This undertaking remains on the table. Consequently, my client would prefer the 5 unit application to be heard first. Should this be approved the seven unit application could be deferred pending receipt of an approval notice when it would be withdrawn. If the 5 unit application is refused by members the 7 unit application should be presented for consideration".

Should Members be minded to approve the application, an additional condition as suggested by Environmental Health Officers, for charging points for electric and ultra low emission vehicles will be included on the decision notice.

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**OUTLINE APPLICATION FOR ERECTION OF 7 DWELLINGS AND  
FORMATION OF 2 SITE ACCESS POINTS****LAND TO REAR OF 8, MIRY LANE AND BETWEEN ST MARY'S RISE AND  
ST MARY'S WAY, NETHERTHONG, HOLMFIRTH, HD9 3UQ**

Should Members be minded to approve the application, an additional condition (below) as suggested by Environmental Health Officers, for charging points for electric and ultra low emission vehicles will be included on the decision notice.

Prior to occupation of the dwelling(s), in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps.

**OUTLINE APPLICATION FOR ERECTION OF 2 DWELLINGS****LAND TO REAR OF 191 HUDDERSFIELD ROAD, THONGSBRIDGE,  
HOLMFIRTH, HD9 3TT**

Should Members be minded to approve the application, one additional condition (below) as suggested by Environmental Health Officers, for charging points for electric and ultra low emission vehicles will be included on the decision notice.

Prior to occupation of the dwelling(s), in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps.

For clarity condition no. 10 has been amended to include plan no. 1402801E, showing the swept paths to be utilised by fire engines

10. The construction of the hereby approved dwellings shall not be begun until details of improvement works along Huddersfield Road and the access road serving the site as shown on drawing no. 1402801 Rev D, along with works to ensure the safe accessibility to the existing car park space serving no. 195 Huddersfield Road and vehicle swept paths as shown on drawing no. 1402801E have been submitted to and approved in writing with the Local Planning Authority. The dwellings shall not be occupied until these works have been completed in accordance with the Local Planning Authority's approval and have been certified in writing as complete by or on behalf of the Local Planning Authority and such works shall be retained thereafter.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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