

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

**14-Jul-2016**

**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**

**NOTE: For clarification the page numbering referred to  
shall be those set out in the contents page**



**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 Local Plan will provide the evidence base for all new and retained allocations including POL. The Local Plan process will assess whether sites should be allocated for development or protected from development including whether there are exceptional circumstances to return POL sites back to Green Belt. The Local Plan process is underway and the public consultation on the draft local plan took place between 9<sup>th</sup> November 2015 and 1<sup>st</sup> February 2016.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. At this point in time, the draft local plan policies and proposals are not considered to be at a sufficiently advanced stage to carry weight in decision making for individual planning applications. The Local Planning Authority must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.

### **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**

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter 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.**



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Applicant: Scott Waters, Alcuin Homes (Yorkshire) Limited	
Agent: Andrew Coldwell, Heppenstall Architects	
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Applicant: Paul Cryan, Hartley Property Trust Ltd	
Agent: Laura Mepham, John R Paley Associates	
Target Date: 26-Nov-2014	
Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL SUBJECT TO DELEGATION TO OFFICERS	





**Application No: 2016/90647**

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

**Proposal: Outline application for residential development (23 dwellings)**

**Location: former railway station and goods yard, Fold Farm, Netherton Fold, Netherton, Huddersfield, HD4 7HB**

**Grid Ref: 412263.0 412862.0**

**Ward: Crosland Moor and Netherton Ward**

**Applicant: Scott Waters, Alcuin Homes (Yorkshire) Limited**

**Agent: Andrew Coldwell, Heppenstall Architects**

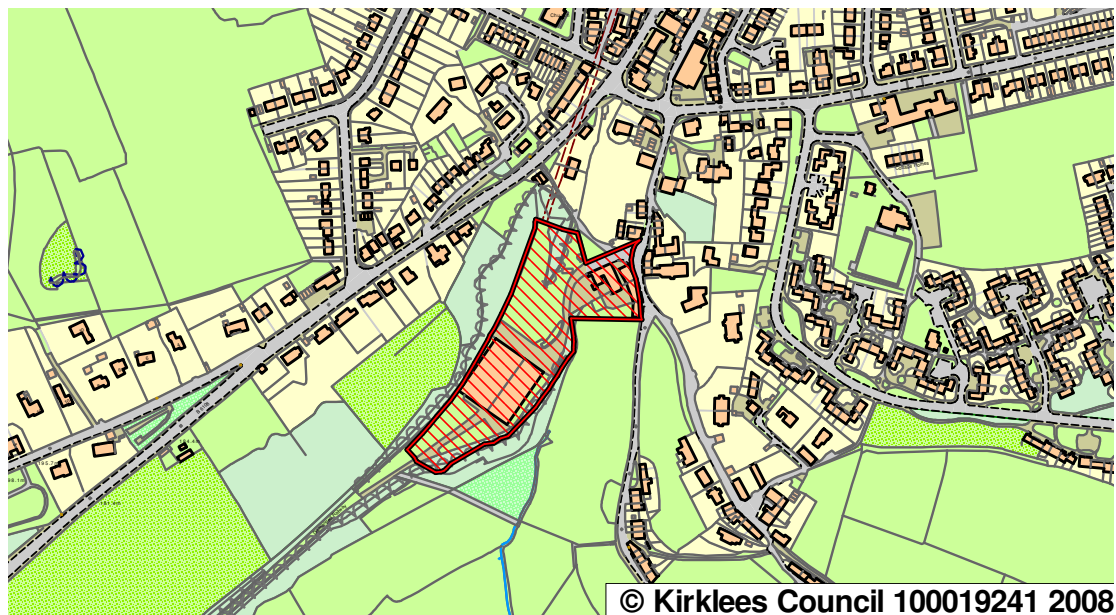
**Target Date: 26-May-2016**

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

**Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.**

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

## **LOCATION PLAN**



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

## 1. SUMMARY OF APPLICATION

<b>Application Details</b>		
Type of Development	Outline for Residential Development	
Scale of Development	23 Units	
No. Jobs Created or Retained	N/a	
<b>Policy</b>		
UDP allocation	Green Belt	
Independent Viability Required	No	
<b>Representation/Consultation</b>		
Individual Support (No.)	0	
Individual Objection (No.)	23	
Petition	No	
Ward Member Interest	Yes	
Statutory Consultee Objections	Drainage	
<b>Contributions</b>		
• <i>Affordable Housing</i>	Yes	By condition
• <i>Education</i>	Not required	
• <i>Public Open Space</i>	£37,950	By S106 obligation
• <i>Dedication of land as pedestrian/ cycleway</i>	Yes	By S106 obligation
• <i>Financial contribution towards cost of implementing pedestrian/ cycleway</i>	£58,000	By S106 obligation
• <i>Resident Metro Cards</i>	Nil	
<b>Other Issues</b>		
Any Council Interest	No	
Planning Pre-Application Advice	No	
Pre-App Consultation Undertaken?	No	
<b>Comment on Application</b>	<p>The development proposed is considered to be inappropriate development within the Green Belt. The resultant harm will be no greater than that which already exists. The applicant puts forward a case for very special circumstances based upon the opportunity to secure land for and a financial contribution towards the implementation of a significant section of cycleway that forms part of the Meltham Greenway. Realising a section of cycleway that is part of a strategic route linking Meltham with Netherton is considered to outweigh any resultant harm.</p>	

## **RECOMMENDATION:**

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

- i. RESOLVE THE OUTSTANDING DRAINAGE ISSUES**
- ii. REFERAL OF THE APPLICATION TO THE SECRETARY OF STATE UNDER THE PROVISIONS OF THE TOWN & COUNTRY PLANNING CONSULTATIONS DIRECTION 2009. SHOULD THE SECRETARY OF STATE NOT WISH TO INTERVENE THEN:**
- iii. ENTER INTO A SECTION 106 AGREEMENT TO SECURE THE DEDICATION OF LAND AND A CONTRIBUTION TOWARDS PROVISION OF AN EXTENSION TO THE MELTHAM GREENWAY**
- iv. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE SET OUT BELOW, AND**
- v. PROVIDED THAT THERE ARE NO NEW MATERIAL CHANGES, ISSUE THE DECISION.**

## **2. INFORMATION**

The application is brought forward to Strategic Committee for determination in accordance with the Council's Scheme of Delegation as it represents a departure from the Council's Unitary Development Plan Proposals Map.

## **3. SITE DESCRIPTION / PROPOSAL**

### **Site Description**

The application site comprises an area of approximately 1.5 hectares, located off Netherton Fold and Station Road, approximately 0.1 mile to the south of the local centre of Netherton. The site comprises of the former Fold Farm in the north-eastern corner, with the land to the south comprising a former railway station and goods yard. The station platform, sidings, hardstanding and crane bases remain together with an engineered tunnel, the entrance to which has been sealed off.

Within the site are two plateau areas connected by a cobbled / metalled roadway off Station Road. The upper plateau, adjacent to Netherton Fold comprises of a stone barn which directly abuts the boundary with Netherton Fold and a mix of now dilapidated buildings constructed with a mix of materials (breeze block, sheet cladding, stone and timber). On the lower plateau are three connected buildings clad in sheet steel, used for the accommodation of cattle, feed storage and implements. At the time of the site visits cattle were present in the buildings.

The site is bounded by extensive woodland to the north and mature trees to the west and south.

To the north, the site is bounded by the former railway line that formed a branch line from Huddersfield to Meltham.

The site is wholly within the Green Belt and adjoins the Netherton (Corn Bank) Conservation Area.

### **Proposal**

The application seeks permission for demolition of existing buildings and outline planning permission for residential development of 23 units with access and layout to be considered. All other matters (scale, appearance and landscaping) are reserved for subsequent consideration.

The development would be accessed off Station Road; the access that was originally constructed for Netherton Station goods yard and coal yard. The existing cobbled vehicular access off Station Road would be utilised, with improvements proposed.

The layout proposed is for the erection of three apartment blocks on the upper plateau; to accommodate a mix of 12 no one and two bedroom apartments. Block A1-A4 would front onto Station Road with blocks A5-A8 and A9-1A2 fronting onto Netherton Fold. An area of off-street parking with 19 spaces is proposed to serve the proposed apartments. Directly opposite this parking area to the north is a block of 6 spaces proposed for existing residents who currently park off Station Road.

On the lower plateau it is proposed to construct 11 large detached dwellings with integral garages and private amenity spaces.

The proposal facilitates the future extension of the Meltham Greenway.

### **4. BACKGROUND AND HISTORY**

94/90411 – Agricultural Notification for erection of extension to cattle housing / storage building – Withdrawn

2005/92997 – Change of use of existing barn to form 1 dwelling – Withdrawn

2005/93955 – Change of use of existing barn to form 1 no dwelling – Conditional Full Permission

2009/90182 – Conversion and extension of existing farm building to form 6 residential dwellings - Withdrawn

2009/93172 – Conversion and Extension to farm buildings to form 5 dwellings (part within a Conservation Area) – Sectional 106 Full Permission

### **Policy**

The site is located within the Green Belt on the Unitary Development Plan Proposals Map

## **Kirklees Unitary Development Plan:**

BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about buildings  
BE23 – Crime prevention  
T10 – Highway Safety  
H10 – Affordable housing  
H12 – Arrangements for securing affordable housing  
H18 – Provision of public open space  
T18 – Strategic Routes for Pedestrians and cyclists  
R13 – Potential for new links in the public right of way network

## **National Planning Policy Framework:**

Part 6 – Delivering a wide choice of high quality homes  
Part 7 – Requiring Good Design  
Part 9 – Protecting Green Belt Land  
Part 10 – Meeting the challenge of climate change, flooding and coastal change  
Part 11 – Conserving and Enhancing the Natural Environment

## **6. CONSULTATIONS**

The following is a brief summary of Consultee advice (more details are contained in the assessment section of the report, where appropriate):

**K.C Highway Services** – No objections

**KC Trees** – No objections

**KC Conservation and Design** – No objections

**K.C Environmental Services** – No objections subject to conditions in respect of contaminated land

**KC Ecologist** – No response

**KC Flood Management & Drainage** – Object to the proposal until further details are submitted to demonstrate that the site can be developed with a viable drainage solution and without increasing the risk of flooding to both the proposed development and the surrounding area.

**The Environment Agency** – No objections

**Yorkshire Water** – No objections

**KC Housing** – An affordable housing contribution is required

**KC Landscape** – No objections subject to securing a commuted sum to improve existing open space off site

## **7. REPRESENTATIONS**

As a result of the application publicity a total of 27 representations have been received (18 objections, 1 in support and 8 that offer comments for consideration).

### **Comments in Support**

- Development could enhance the appearance of an unattractive part of the village
- There would be benefits from the provision of additional housing.
- Support the possibility of the Meltham Greenway being extended.
- Commend the use of a brown field site. The current site is dilapidated and will benefit from having well-built housing providing the buildings are in-keeping with neighbouring properties.
- Support the redevelopment of this brown-field site, converting it from industrial railway yard to housing
- The proposal to extend the Meltham Greenway would be a great benefit to all. This should be a key condition of the new development.

### **Friends of Meltham Greenway**

- The layout shows the proposed greenway extension on what is now the Mate brothers land from Healey House to Netherton tunnel and Netherton village.
- Pleased to see an additional pavement alongside Station Road.
- We assume that the area around Netherton Tunnel will be suitably cleared and the basic route to the tunnel itself put in place. From our observation on the site visit this area needs some attention.
- The land owned by the Mates Brothers ends at the overbridge as shown on the South West End Plan. Kirklees Council own the land from the overbridge to Crosland Factory Lane. When this development proceeds we will need to coordinate the activity of the developer with that of Kirklees Council so that a through route to Crosland Factory Lane is possible. However, at this stage, termination will need to be to the road itself through the existing gate for it may be some time before the route across Crosland Factory Lane on an overbridge is achieved.

**The planning concerns raised are précised below:**

### **Highway Safety**

- Concern about the volume and speed of traffic using Lea Lane/ Netherton Fold as a 'cut through' from Honley to Netherton. Residents have campaigned for 10 years for traffic measures, with the only measure introduced being a 'slow down' sign on the bend at No's 37-63 Lea Lane, often obscured by tree growth. Kirklees council have stated that until fatalities occur, they could not provide traffic management, e.g. speed bumps or a 20mph zone.
- Daily altercations between drivers occur when people refuse to back up or cannot due to drivers behind them. Traffic inevitably backs up on

both sides. Reported 'repeat offenders' who use route daily and sound horns to avoid slowing down. Solutions could be 20mph, speed bumps, signage Suggest the Council and Police monitor traffic over the week and weekend.

- Concern about families with children of school / college age who walk. Narrow pavements and speeding motorists make children vulnerable. Walkers accessing the famous 'walkers points' – with access to 'Devil's Rock'. The walkers route publicised by the Council is precarious. Suggest traffic slowing measures, widening the road between 39 Lea Lane and Netherton Fold, or erecting barriers to protect pedestrians from speeding traffic from Rose Cottage to Netherton Fold.
- Suitable signage is required for parking for existing residents.
- The Junction of Netheron Fold/ Moor Lane / Meltham Road is difficult during weekdays. With two schools, a doctors and local businesses the hours of 8:30-9:15 and 2.50 to 3.40 are treacherous. Suggest box junction at junction of Netherton Fold. Traffic Management study should be done.
- Expected number of trips in the TA is underestimated. Trips will be generated by commuters, the school run, shopping and social trips. Some dwellings will have more than one car, and one person going to work, school or college. Netherton Fold will not be able to cope with increase in traffic. Provision of six spaces off Station Road for residents of Netherton Fold, will not reduce parking on Netherton Fold. No one will park in the six places unless every space on Netherton Fold has been filled. The pavements are partial, narrow and inadequate for pedestrians.
- Careful consideration given to impact of additional traffic. Needs to be sufficient room for vehicles to be accommodated. Access via Netherton Fold is narrow with parked cars causing congestion.
- Netherton Fold is narrow for a development of this size, should be double yellow lines on both sides to enable safe access. residents park on the road and pavements making it dangerous for pedestrians. An additional 23 units will make the road dangerous. Require humps and 20 mph speed limit enforced.
- Netherton Fold is narrow, cars park on the pavement and access is limited. traffic would make the situation worse. pavements are blocked for pedestrian use and an increase would make it difficult for access for emergency services.
- The Transport Statement author does not have local knowledge., the road is used as a rat run from Honley to Huddersfield. There are 49 parking spaces and more vehicles will park on the roads of the development. Concern about the number of trips which would be generated.
- Netherton Fold is narrow with parked cars. Cars travel fast especially in rush hour. Accidents and near misses where road turns into Lea lane. Concern about safety of children. Cars and vans mount the curb due to the road being narrow and unsafe speed limits. Residents have to park at the side of the road. Hair dressers at top of Netherton Fold attract

more parked cars plus drivers turning around in the farm drive or Corn bank when leaving shops. 23 dwellings is too many.

- Lea Lane/ Netherton Fold is a narrow single track road, drivers speed around blind corners. Need traffic management, for example a 20mph zone or speed humps.
- Concern about increase in traffic. Pedestrians are often forced to step onto the road because of lack of pavements and parked cars. Busy link to Honley with cars and commercial vehicles. Plus farm vehicles turning up Corn Bank to fields
- Netherton Fold to Moor Lane is narrow with residents parking. Difficult for lorries and large vehicles to pass. Residents will chose to park near to their house, not in the parking area.
- Netherton Fold is congested with cars parked and people using hairdressers. The farm entrance is full of cars so none of those that park on Netherton Fold can move there.
- Concern about increasing volume of traffic in Lea Lane/Netherton Fold during morning and evening periods. Possible 40-60 additional vehicles. Houses abut the roadway, and families of Lea Lane/ Corn Bank and Netherton Fold, walk children to schools. The entrance from Netherton Fold is tight, narrow and has limited visibility. With no provision for regulating traffic, there are likely to be vehicle accidents or accidents with pedestrians.
- Without traffic calming measures, Netherton Fold/Lea Lane will be a dangerous 'rat run' between Honley and Huddersfield/M62. Building and plant will overload the road. Average of 1.5-2 cars per household, together with visitors likely to park on Netherton Fold/Lea Lane, the resulting congestion will make residential access/safe passage along this route difficult. Emergency vehicles, tractors and large commercial vehicles struggle, whilst regular sized vehicles speed through. Suggest a traffic calming plan comprising: double yellow lines along the full length of Netherton Fold/Lea Lane, speed bumps, 20 MPH speed limit.
- Netherton Fold takes traffic from Corn Bank and Lea Lane which funnels into the narrow lane allowing only single line traffic to Moor Lane. Traffic is hampered by residents' parking. The three roads exit into Moor Lane carrying the majority of Netherton's traffic, takes additional traffic from Netherton Fold and New Street opposite. At Moor Lane's junction with Meltham Road vehicles have to wait, reliant on goodwill of drivers on Meltham Road allowing them in. junction is virtually a crossroad with Chapel Road on the other side. Meltham Road has a heavy traffic load, including lorries and buses. Need to resolve traffic problems at junction of Moor Lane and Chapel Road onto the Meltham Road, could be traffic lights, Chapel Road becomes one way allowing traffic to enter from Meltham Road and exit at Henry Frederick Avenue. A definitive plan should be agreed prior to commencement of site work.
- Concern about congestion and disruption to Corn Bank, Lea Lane and Moor Lane areas at peak times. Residents and local businesses will be impacted.



- Concern about increased volumes of traffic on narrow poorly maintained roads, speed of traffic and lack of traffic management.
- The roads are narrow and pavements not existing in some places. Pedestrians have been knocked down in the entrance of the farm building. Average of 46 new cars, delivery wagons and utilises

### **Drainage**

- The area of soakaway will be reduced with impermeable road surfaces or pavements on Station Road, on the widened footway, on the new parking areas, and on driveways and hard standing. The footprint of the 23 dwellings is less than that of the existing farm building, the total amount of impervious surface will be increased, and the area of soakaway decreased. More water will drain into the fields below the development and into Hall Dyke, the beck in the bottom of the valley. The fields are already very wet. Hall Dyke was very high in the winter of 2015/16. Flooding will increase.

### **Residential Amenity Issues**

- Concerned the new houses will have windows that face directly into bedrooms of neighbouring properties who only have windows at the front.

### **Heritage**

- This development is in a conservation area and is unsuitable for its surroundings.
- Materials must blend into the site and area; stone built houses with stone built walls.
- This is a conservation area and should not be changed or built upon. The plans are vague and I cannot see where the additional roads are being built.
- Listed buildings within the Our house is a grade 2 listed building.
- Concern about the standard of construction in keeping with nearby properties inclusive of a nearby Grade 2 Listed Mill and the standard of the access point.
- Apartment blocks are not in keeping in the conservation area.

### **Other**

- Concern about encroachment onto green-field land and a potential for applications on adjacent greenfield land. A development is under construction at the Pink Link site at Factory Lane. Concern about infill development between the developments.
- Development is too large, numbers needs to be substantially reduced.
- The development should contain itself to brownfield land or the area between Netherton and Magdale would start to merge. Green Belt needs to be preserved to prevent urban sprawl.
- The condition of some of the farm buildings is not a reason for developing a housing estate. This part of the village is mainly agricultural and proposal increases urbanisation of the area.
- Query if affordable homes are proposed.

- The Greenway should be discussed under a separate planning application.
- Oppose destruction of habitat – the route of the Greenway is an established wildlife habitat
- Concern if local residents would be informed about plans changing.
- Concern this is an overdevelopment of a site with previous permission for 5 units.
- Concern about shared ownership, rental interest and antisocial behaviour.
- Schools are oversubscribed and local services are stretched.
- Concern the proposal has not been adequately advertised.
- Having a cycle and walkway will destroy habitat. There are ample walks and paths and the valley would not benefit from expansion.
- Risk to local homeowners due to contaminants on the site.
- Risk to trees being felled and/or damaged during construction.
- Concern about light pollution.
- Loss of view for Corn Bank residents
- New homes within the area haven't sold. It would be great for an affordable housing scheme.
- Concern the proposed car park would be used by dog walkers. Access would have to be widened at the top of the entrance and cobbled roads to blend in with farm buildings and cope with 80 cars.
- Traffic congestion will depreciate the value of existing properties
- The valley has more than enough new development.

Councillor Erin Hill – Forwarded comments from a local resident which have been précised above.

## **8. ASSESSMENT**

### **Principle of development:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material consideration indicate otherwise. The development plan is made up of the proposals maps and saved policies within the UDP. The policies set out earlier in the report are relevant to the determination of the application. An assessment of other 'material considerations' and their consequences is also required in order to weigh any social, environmental, resource or economic considerations resulting from the development.

The application site is located in Green Belt where in accordance with paragraph 87 of the National Planning Policy Framework (NPPF) inappropriate development is by definition harmful and should not be approved except in very special circumstances. Paragraph 88 of the NPPF states 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. Paragraph 89 stipulates a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with exceptions to this including limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

#### Status of the land:

The red line boundary includes the former Fold Farm in the north-eastern corner of the site, with the land to the south comprising a former railway station and goods yard with associated railway infrastructure. Part of this brownfield site has subsequently been used for agricultural purposes and there is a large agricultural building sited centrally within the site. The part of the site which comprises the previous station, goods yard and its associated curtilage can be considered to be previously developed (brownfield) land when assessed against the definition in Annex 2 of the NPPF. The areas of the site that have subsequently been used for agricultural purposes however, are excluded from the definition of previously developed land.

#### Establishing the harm to the Green Belt:

The NPPF advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. 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 is clearly outweighed by other considerations.

The construction of new buildings within the Green Belt is inappropriate. The NPPF sets out exceptions to this general principle, including the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it.

In respect of that part of the site that is previously developed and hasn't subsequently been used for agriculture, the consideration is whether the redevelopment proposed would have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The potential harm to the Green Belt arises from the impact of development upon the purposes of including land within the Green Belt and the impact on openness.

### The purposes of including land within the Green Belt:

Paragraph 79 of the NPPF stipulates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.

Paragraph 80 sets out the five purposes of Green Belt:

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land

The main purpose of the Green Belt is to prevent urban sprawl. The containment of the residential development within a development footprint defined by the engineered railway envelope and by existing tree belts ensures that the development would not constitute urban sprawl.

The proposed development similarly does not have any adverse impact on the remaining four purposes or functions of the Green Belt in this area. There is no incremental development beyond that existing which would lead to the merging of towns or smaller settlements. The countryside is safeguarded from encroachment as the development does not go beyond the existing built envelope into open fields or woodland, indeed the development would make a positive contribution by recycling derelict land.

### The impact on Openness:

The existing development associated with the former use as a railway station and goods yard (i.e. the platforms, siding, hardstanding, crane bases and associated access) do already have an impact upon the openness of the Green Belt. However it would be difficult to argue that redevelopment of these parts of the site for housing would have no greater impact on the openness of the Green Belt and therefore the paragraph 89 test of the NPPF is not satisfied.

However, taking the site as a whole, including the buildings that are or have last been used for agriculture, the existing impact upon the openness of the Green Belt is considered to be much more significant. The site sits within the valley of Hall Dyke and Mag Brook and there are open views down the valley towards Meltham particularly when viewed from Netherton Fold. The existing buildings are of a scale and mass that is visually prominent within the landscape, they have a footprint of 3438 sq.m with a volume of 14082 cu.m and they are considered to impact adversely upon the openness of the Green Belt.

It is against this context that any harm to the openness of the Green Belt arising as a result of the development proposed and the case for very special circumstances will need to be considered.

Although it is noted that several of the existing buildings are in agricultural use which is not inappropriate development in the Green Belt and therefore cannot be counted against the requirement of Paragraph 89 of the NPPF the development proposed would result in a 40% reduction in footprint and a 12% reduction in volume from that which already exists. It would also remove the existing grouping of large, unsightly buildings and structures.

The development proposed would be contained within the envelope of the former station and goods yard and whilst appearing more linear in form, it would have less impact in terms of mass and scale.

It is considered that whilst the development proposed will inevitably have an impact upon the openness of the Green Belt, that impact will be at least no greater than that which exists from existing development as a whole.

#### Very Special Circumstances:

The very special circumstances presented by the applicant primarily relate to the opportunity to secure the dedication of land for and a financial contribution towards the implementation of a significant section of cycleway that forms part of the Meltham Greenway.

The route of the Meltham Greenway (pedestrian and cycle route) is to follow the disused Meltham branch railway line between Meltham and Lockwood. Whilst the adjacent disused rail corridor is not protected in the UDP, it is a Council aspiration to develop the line as a greenway. The Meltham Greenway route has been developed from Meltham town centre to Huddersfield Road at Meltham Mills and the aspiration is to develop the next section through to Netherton tunnel and Netherton village.

Policy T18 of the UDP refers to the Council's intention to provide a number of strategic cycle and pedestrian routes, either by the upgrading existing routes or by creating new rights of way. Policy R13 refers to the potential for new links in the public right of way network with opportunities for increased enjoyment of the countryside.

Substantial weight should therefore be given to realising a section of cycleway that is part of a strategic route linking Meltham with Netherton, with the wider benefits this delivers in terms of sustainability, accessibility, opportunities for recreation and access to open countryside.

The dedication of land required within the applicant's ownership and a financial contribution towards implementation of the works can be secured through a S106 obligation, heads of terms to deliver this have been submitted with the application.

The applicant is agreeable to transfer the land or to make it available with rights of access for the upgrade and extension of the Meltham Greenway prior to occupation of 50% of the dwellings, together with a financial contribution.

The Public Rights of Way section supports the provision of a greenway connectivity for multi-use. They sought clarification as to whether the indicated route was a usable physical route, as it appeared to terminate without connecting with the highway network. The extent of secured greenway should be maximised by securing land in the applicant's ownership but which is outside of the red line boundary. In addition Public footpath 227 would benefit from improvement works for use of proposed and existing residents.

### **Access Considerations**

Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. The proposal seeks approval for details of access and layout.

The site is a former railway station and goods yard with an existing access (Station Road) directly onto Netherton Fold, access into the site is currently unadopted. Netherton Fold has a connection to the north of the site onto Moor Lane via a standard priority junction. There have been 3 reported injury accidents at this junction in the last 16 years which indicates that the junction is performing within design parameters and has no underlying road safety issues. To the south Netherton Fold becomes Lea Lane which eventually connects to Honley. Both routes are narrow in character with an average carriageway width of around 5 metres with on street parking in clusters along Netherton Fold.

This application is supported by a Transport Statement (TS) prepared by Met Engineers on which the majority of highway comments will be made. In terms of traffic generation, the site has an existing use which has the potential to generate vehicle movements onto the highway network and in particular its use as a goods yard which could generate high number of heavy goods vehicle movements. Therefore the impact of this proposed development on the highway network must be weighed against any vehicle movements that would occur over and above what the current site could generate.

The TS indicated that the 23 dwelling development would generate 16 vehicle trips in the morning peak and 17 trips in the evening peak. Although this is slightly below the 18 trips in each period Highways would estimate the amount of traffic generated equates to an additional vehicle movement every 3 minutes in the peak periods. This amount is negligible and the traffic generated would not be discernible from the daily fluctuation in traffic flow on the highway network.

In consideration of any road safety impact the additional traffic generated by the development may have on the highways network. Colleagues in the Councils Road Safety Team have assessed any impact this may have and they have not raised any objection to the application. The accident record on

the junction of Netherton Lane and Moor Lane is low as is the accident record for the Netherton Lane/Lea Lane route.

In terms of location the site is in close proximity to Netherton and its local services and has good access to public transport. There are good footpath connections into the site which also borders the Meltham Greenway which has the potential to be extended through the development site into Netherton centre and should be delivered as part of the development proposals.

The development proposals include the adoption of the access road which includes junction realignment for Station Road and Netherton Lane. The junction currently is a wide sett paved arrangement with no standard footways etc. Resident parking takes place in this location so some of this may be lost, however alternative resident parking provision via a car park off the access road as part the development proposals. The new access road will become more “centralised” within the junction arrangement which improves visibility onto Netherton Fold.

At its southern end the access road has a turning head and from the layout it would appear that it can accommodate the turning requirements of both service and emergency access vehicles. The access road also appears to support a Manual for Streets layout which is a preference of this Council.

Parking provision for the development appears to be within Council standards in terms of layout and provision.

In conclusion the development would have no detrimental impact on the safe operation of the highways network, the access as proposed can accommodate the number of dwellings proposed and its layout is acceptable in terms of servicing. Therefore the Highways Development Management Team can see no sustainable highways reason to object to the application subject to the inclusion of a number of conditions. These include vehicle parking areas being appropriately surfaced and drained, details of the internal adoptable estate road, details of the junction and works at the junction of Station Road and Netherton and a scheme detailing measures to prevent mud and debris being deposited on the road. The provision of resident metro cards is also recommended.

## **Layout Considerations**

### Density of Development / Design:

The density of development would not be out of keeping with the wider village of Netherton. There is a mix of dwelling types and densities within the village and on balance it is considered the proposed density of development would be acceptable.

The site abuts the boundary of the Netherton (Corn Bank) Conservation Area. KC Conservation and Design note that the layout responds to the topography of the site and offers opportunities for well-designed dwellings. The

apartments onto Netherton Fold offer a sense of enclosure that is typical of the area. Blocks H1 to H4 form a tight grouping that resembles that of the fold and as such responds well to the context of the area. In terms of the remaining plots, the linear route is response to the site. Details will be important especially in elevation, along with materials.

A full hard and soft landscape plan will be required together with maintenance and management plans. There appears to be no footway for the greenway link beyond the smaller parking area to the northern end of the site near the entrance. The layout appears to retain a large extent of the existing vegetation and existing trees which can be enhanced by forming green corridors and links throughout the site through carefully designed planting in gardens along boundaries.

### Residential Amenity:

UDP policy BE12 recommends that new dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. UDP policy BE12 recommends minimum acceptable distances of:

- 21 metres between facing habitable room windows
- 12 metres between a habitable room window and a blank wall or a wall containing a non-habitable room window.
- 10.5 metres between a habitable room window and the boundary of any adjacent undeveloped land, and
- 1.5 metres between the wall of a new dwelling and the boundary of any adjacent land (other than a highway)

Distances less than these 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 or potential development land.

A full assessment of the scale and appearance of the dwellings, to include the positioning of windows would be assessed as reserved matters. The closest relationship would be with No's 13-19 Netherton Fold from the proposed apartment blocks.

It is considered an acceptable scheme could be brought forward at reserved matters stage which would meet the requirements of distances between dwellings as set out in policy BE12 of the UDP, and would ensure there would not be a detrimental loss of privacy or amenity to neighbouring properties, their habitable room windows or garden areas.

### **Heritage Considerations:**

The application site adjoins the Netherton (Corn Bank) Conservation Area with the access via Station Road from Netherton Fold falling within the Conservation Area.



The Conservation Area is characterised by three small late 18th, early 19th century clustered settlements within a hillside setting with later large 19th century houses set within spacious grounds being located in between the settlements.

There are a number of listed buildings within the Conservation Area. Stone walls predominate with mature trees being an important feature throughout the area. There is little public open space. On street parking predominates with little opportunity for improvement.

Whilst the development proposed would be visible within views out of the Conservation Area it is considered that the development proposed would not impact adversely upon its setting and character. The opportunity to provide off street parking for residents of Netherton Fold will help to reduce the extent of on street parking which will help to enhance the character of the area.

### **Ecological Issues:**

UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. An ecological appraisal has been undertaken that confirms the majority of the site is of low ecological value with hard standing surfaces and ephemeral vegetation. Areas of woodland to the north and adjacent to east and west provide high ecological value. Buildings on site have negligible potential for roosting bats. One tree was determined to have low potential for roosting bats. It is recommended this is inspected with an endoscope immediately prior to its removal.

### **Impact on the Protected Trees:**

A new TPO to protect trees around the site including the woodland areas has been served. The arboricultural officer supports the principle of development on the site and is satisfied with the amended layout plan. A detailed arboricultural method statement will be required by condition.

### **Flood Risk and Drainage Issues:**

The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach.

Yorkshire Water raises no objections. Suds may be a suitable solution for surface water disposal in this situation. Recommend a condition that no piped discharge of surface water shall take place until works to provide a satisfactory outfall for surface water, other than the existing public sewer have been completed to accordance with details to be approved.

The Environment Agency advises that the LPA should satisfy itself that there is capacity in the receiving sewer and sewage treatment works to accommodate the discharge proposed.

KC Flood Management & Drainage advise that the site is located within flood zone 1 and is over 1ha in size. A flood risk assessment is therefore required to address the risks from surface water flooding. The application form states surface water will be discharged via soakaway but no details have been provided. KC Flood Management & Drainage object until further details are provided to demonstrate the site can be developed with a viable drainage solution and without increasing the risk of flooding to the proposed development and surrounding area.

It is therefore recommended that if Committee is minded to support the principle of the development proposed, the application be delegated to Officers in order to resolve the outstanding drainage considerations. If a viable drainage solution cannot be found, the application will be brought back to Committee for further consideration.

#### **Contaminated Land:**

A phase 1 report has been submitted. The report identified the historical use of the site as an old railway station and for agriculture both of which have the potential to cause contamination. Therefore the report recommends that an intrusive site investigation be carried out to ascertain what, if any, contamination is present. Conditions are therefore recommended to require the submission of a phase 2 report and remediation strategy.

The Environmental Agency considers that the controlled waters at this site are of low environmental sensitivity and will not be providing detailed site-specific advice or comments with regards to land contamination.

#### **Viability / Section 106 Contributions:**

##### Public Open Space

The site being over 0.4 ha triggers the requirement for the provision of public open space. It is proposed that an off-site contribution be made to improve existing open space within the vicinity of the site at Lightenfield rec and play area in Netherton. KC Landscape advises that the value of contribution in lieu of a formal equipped provision on site is £37,950.

##### Affordable Housing

UDP Policies H10 and H12 together with the Councils Supplementary Planning Document set out the requirement for affordable housing.

The development proposed exceeds the 10 dwelling threshold advocated by Government advice.

As the application is in outline the provision affordable housing as part of the development will be required by condition.

### Education

The number of dwellings proposed is below the threshold for an education contribution.

### Meltham Greenway Contribution

The estimated cost of providing a section of cycleway on land within the applicants control is in the order of £100K.

A contribution of £42K towards this cost has already been secured from the redevelopment of the former Pink Link site, off Crosland Factory Lane, Netherton, leaving a balance of £58K.

It is proposed that a contribution of £47K be secured from this development and whilst the provision of resident metro cards would be desirable, it is considered that such a contribution (£11K) would be better used towards meeting the costs of implementing the section of cycleway.

### **Representations:**

27 representations have been received that are detailed in the Representations section of the report.

Representations in support focus on the opportunity to enhance the appearance of the site, the reuse of a brownfield site, delivering an extension to the Meltham Greenway and the benefit of delivering new housing.

Objections to the proposed development focus on concerns about highway safety, drainage, heritage considerations, ecology and wildlife, impact on Green Belt, loss of amenity and impact on local infrastructure.

These matters are considered within the assessment of the application.

KC Highway Safety comment specifically on the request for traffic calming:

- Lea Lane / Netherton Fold is the subject of occasional complaint about narrow roads / blind bends / sub-standard or non-existent footways / excess speeds. The injury accident stats for the last 5 years show a collision in 2011 between 2 cars outside house no 53 and a head-on collision in 2013 outside Magdale House, near Wood Bottom Road. This is a low accident level, and we have to accept that accidents will occur to some extent on routes of this nature. It certainly wouldn't be classed as a priority site for any sort of engineering measures from the Council's Highway Safety budget. There are occasional complaints about obstructive on-street parking on Lea Lane. On a positive note, this will act as 'traffic calming', although some drivers will always drive

faster than is ideal for the conditions. KC Highway Safety aren't convinced that any physical measures will make an appreciable difference to the speeds that residents are witnessing and it is also debatable as to how far a traffic calming scheme should extend along the route. The footway here is narrow and it is not possible to install any measure which separates pedestrians from vehicles without blocking the footway itself. The 20mph limit on Magdale was imposed following much complaint about driver behaviour and property damage. However, complaints are still being received (more than for Netherton Fold) which reinforces the belief that 20mph limits are not an effective speed reduction measure. Certainly, the comments we receive are that the 20mph limit is ignored.

### **Conclusion:**

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

The development proposed is considered to be inappropriate development within the Green Belt. However, the harm to the openness of the Green Belt as a result of the development proposed is tempered by the fact that existing development within the site is considered to already have a harmful impact upon openness and that overall the resultant harm will be no greater than that which already exists.

The applicant puts forward a case for very special circumstances based upon the opportunity to secure land for and a financial contribution towards the implementation of a significant section of cycleway that forms part of the Meltham greenway. Realising a section of cycleway that is part of a strategic route linking Meltham with Netherton, with the wider benefits this delivers in terms of sustainability, accessibility, opportunities for recreation and access to open countryside are considered to outweigh any resultant harm.

The opportunity to deliver new housing at a time of general need when the Council is unable to demonstrate a 5 year supply of housing land whilst not being part of the very special circumstances does in itself weigh in favour of development.

The application has been assessed against relevant policies in the development plan and other material considerations. The proposals are considered to be acceptable.

As the application represents inappropriate development within the Green Belt, with the buildings to be created being more than 1,000 sqm it is necessary to refer the application to the Secretary of State under the provisions of the Town & Country Planning Consultations Direction 2009.

## **9. RECOMMENDATION**

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

- i. RESOLVE THE OUTSTANDING DRAINAGE ISSUES**
- ii. REFERAL OF THE APPLICATION TO THE SECRETARY OF STATE UNDER THE PROVISIONS OF THE TOWN & COUNTRY PLANNING CONSULTATIONS DIRECTION 2009. SHOULD THE SECRETARY OF STATE NOT WISH TO INTERVENE THEN:**
- iii. ENTER INTO A SECTION 106 AGREEMENT TO SECURE THE DEDICATION OF LAND AND A CONTRIBUTION TOWARDS PROVISION OF AN EXTENSION TO THE MELTHAM GREENWAY**
- iv. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE SET OUT BELOW, AND**
- v. PROVIDED THAT THERE ARE NO NEW MATERIAL CHANGES, ISSUE THE DECISION.**

### **Conditions**

1. Approval of the details of the appearance, scale, 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, 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 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 submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837 shall be submitted to and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.
6. The development shall not be brought into use until the vehicle parking areas shown on the approved plans have been 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.

7. No development, except for the demolition of buildings approved by this permission shall take place until a scheme detailing the proposed internal adoptable estate roads has 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.

8. No development shall take place until the details of the junction and associated highway works at the junction of Station Road and Netherton Fold have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works to provide the junction have been completed in accordance with the approved plans.

9. Prior to the first occupation of the development hereby approved, the developer shall subsidise the cost of a Metro travel card for the benefit of future occupiers in accordance with the Residential Metrocard scheme

10. Development shall not commence until a scheme detailing measures to prevent mud and debris being brought from the site onto the public highway during construction works has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the construction period.

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. 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.

#### **FOOTNOTE (Highways)**

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, Civic Centre 3, Market Street, Huddersfield (Kirklees Highway Design: 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.

#### **FOOTNOTE (Contamination)**

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

**Application No: 2016/90973**

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

**Proposal: *Erection of two storey school and two storey modular building and demolition of existing school***

**Location: *Mount Pleasant Junior Infant And Nursery School, Mount Street, Lockwood, Huddersfield, HD1 3QP***

**Grid Ref: 413718.0 415412.0**

**Ward: *Crosland Moor and Netherton Ward***

**Applicant: *C Blanshard, Kier Construction***

**Agent: *Matthew Bradshaw***

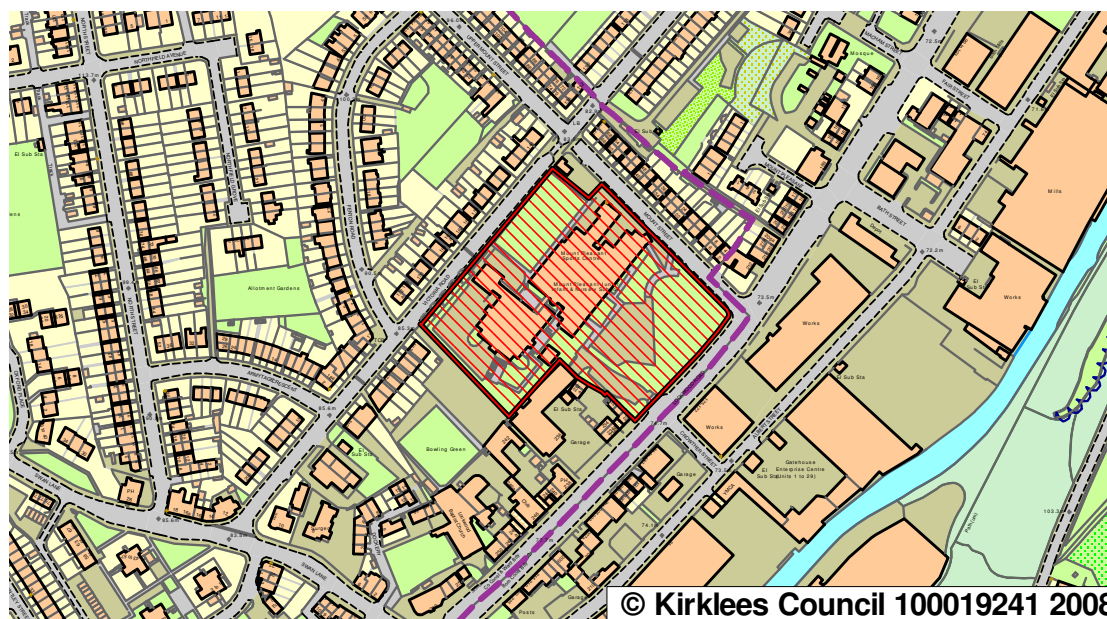
**Target Date: *22-Jul-2016***

**Recommendation: *FC - CONDITIONAL FULL PERMISSION***

**Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.**

**<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>**

## **LOCATION PLAN**



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



## 1. SUMMARY OF APPLICATION

<b>Application Details</b>		
Type of Development	Erection of two storey school and two storey modular building and demolition of existing school	
Scale of Development	Site area: 1.4ha	units/m <sup>2</sup> : N/A
No. Jobs Created or Retained	N/A	
<b>Policy</b>		
UDP allocation	Unallocated	
Independent Viability Required	No	
<b>Representation/Consultation</b>		
Individual Support (No.)	0	
Individual Objection (No.)	0	
Petition		
Ward Member Interest	No	
Statutory Consultee Objections	No	
<b>Contributions</b>		
• Affordable Housing	N/A	
• Education	N/A	
• Public Open Space	N/A	
• Other	N/A	
<b>Other Issues</b>		
Any Council Interest?	Yes	The site is owned by the Council
Planning Pre-application advice?	Yes	
Pre-App Consultation Undertaken?	Yes	
<b>Comment on Application</b>	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 the National Planning Policy Framework taken as a whole, or that specific NPPF policies indicate development should be restricted. In such circumstances the application is recommended for approval.	

**RECOMMENDATION: GRANT CONDITIONAL FULL PERMISSION**

## **2. INFORMATION**

The application is brought before the Strategic Planning Committee in accordance with the Council's delegation agreement as the application relates to the provision of non-residential floor space on a site exceeding 0.5ha in area.

The application has been submitted under the Priority School Building Programme (PSBP) which is a centrally managed Government programme set up with the aim of addressing the needs of schools most in need of urgent repair.

## **3. PROPOSAL/SITE DESCRIPTION**

The application site comprises a Local Authority Primary School bordered by Lockwood Road to the south, Mount Street to the east, and Victoria Road to the north. The main teaching block is centrally located on the site with sports hall and Multi Use Games Area (MUGA) to the north of this. A further hard surfaced play area is positioned to the south of the school buildings.

Permission is sought for the demolition of the existing school buildings and the erection of a two storey school and two storey modular building. The existing clock tower will be retained.

## **4. BACKGROUND AND HISTORY**

2012/90898 – Erection of modular classroom – Granted

2009/92595 – Erection of fence – Approved

## **5. PLANNING POLICY**

### **Unitary Development Plan:**

The site is unallocated on the Unitary Development Plan proposals map:

D2 – Unallocated Land  
BE1 – General Design Principles  
BE2 – Quality of Design  
BE22 – Parking Facilities for People with Disabilities  
EP4 – Noise Sensitive Developments  
EP6 – Noise levels  
T10 - Highway Safety  
T16 – Provision of safe pedestrian routes in new development  
T17 – Consideration of the needs of cyclists in new development  
T19 – Parking Standards  
NE9 – Retention of mature trees  
BE23 – Crime prevention  
G6 – Land Contamination

## **National Planning Policy Framework**

Core Planning Principles

Chapter 4 – Promoting Sustainable Transport

Chapter 7 – Requiring Good Design

Chapter 8 – Promoting Healthy Communities

Chapter 11 – Conserving and enhancing the natural environment

Chapter 10 – Meeting the challenge of climate change, flooding and coastal change

Chapter 12 – Conserving and enhancing the historic environment

## **6. CONSULTATIONS**

The following is a brief summary of Consultee advice (more details are contained in the assessment section of the report, where appropriate):

**K.C Highways DM** - No objections subject to imposition of conditions

**K.C Environmental Services** - No objections subject to imposition of conditions

**K.C Flood Management Drainage** - No objections

**K.C Conservation and Design** - No objection

**K.C Arboricultural Officer** - No objections subject to imposition of condition

**Yorkshire Water** - Recommend imposition of conditions, should planning permission be granted

**Sport England (Non- Statutory)** - No objection, however advise that the Local Planning Authority should be satisfied that the proposed development accords with Paragraph 74 of the NPPF

**West Yorkshire Police Architectural Liaison Officer:** Recommend that the development accords with the requirements of *Secured by Design New Schools Guidance*

## **7. REPRESENTATIONS**

The application has been advertised by neighbour notification letter, site notices and notice in the press. No representations have been received as a result of site publicity.

## **8. ASSESSMENT**

### **General principle:**

The school has a defined built envelope bordered by the existing road network to the north, east and south and commercial development to the west. The site is unallocated on the Unitary Development Plan proposals map. Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

Paragraphs 72 and 74 of the NPPF are also applicable to the proposed development and are an important factor in the assessment of such an application. Para. 72 states that:

*“...the Government attaches **great importance** to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- **Give great weight** to the need to create, expand and alter schools; and
- *Work with schools promoters to identify and resolve key planning issues before applications are submitted”.*

Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land should not be built on unless:

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

As can be seen from the wording of Para. 72, the NPPF gives great weight and importance to school based proposals. From a decision making perspective, this should weigh considerably in favour of this proposal. With regard to Para. 74, a full assessment is set out later in this report.

### **Design and Layout:**

The site is located adjacent high density residential development to the north and east and lower density industrial uses to the south and west. The site slopes from north to south.

The existing school buildings comprise a series of two storey and single storey buildings of varying age and condition, located across the site. Hard play areas and an existing Multi Use Games Area (MUGA) are located to the north and south of the main block of teaching accommodation, and the existing car park is sited to the south west, accessed from Lockwood Road.

The proposed development would result in the creation of one two storey building; the location of this is informed primarily by the topographical constraints of the site, in addition to the requirements of a phased construction to retain pupils on-site during the works. The proposed building would consist of classrooms running east-west with hall and kitchen orientated north-south.

The proposed school building would be located on a plateau with grass seeded landscape between the existing MUGA and new ground floor level of the new school building. A further soft and hard informal/social area would be provided to the north-west part of the site, whilst the existing soft informal/social area within the south east corner would be retained.

The proposed development would be delivered through a phasing strategy which would ensure a safe working environment for the construction team and maintain safety and security for the school, its staff, pupils and the general public:

Part 1: Site set up, erection of temporary classrooms and decant

Part 2a: Demolish low level school (during this phase, the temporary school will be operational)

Part 2b: Construction of new build school and decant including construction of some associated hard play areas to low level areas

Part 3a: Removal of temporary classrooms and demolition of remaining school

Part 3b: External works and reinstatement of MUGA

### **Impact on Amenity:**

#### Visual Amenity

The design of the proposed development, as indicated above, is considered to be functional and of a modern appearance which would not detract from the character of the area. The main entrance to the new school would be referenced using locally sourced sandstone (taking into account the use of stone as the predominant material within the immediate locality), whilst the remaining part of the building would be faced in grey brick to the ground floor level with cream coloured render above. In addition the hall block would be faced in a profile metal cladding.

The proposed temporary building would be two storeys in scale and of a standard modular building with openings to the north and south elevations.

Consequently, it is considered that the proposals would accord with Policies BE1 and BE2 of the Unitary Development and guidance contained within Chapter 7 of the NPPF with respect to the impact on visual amenity.

### Residential Amenity

By virtue of the layout of the development as set out above, this would result in the proposed buildings being located a similar distance from residential development as the existing school buildings. As such, the proposals would not result in a loss of privacy to the adjoining occupiers on Mount Street and Victoria Road. Furthermore, due to the extent of separation between the new buildings and existing residential properties the development would not result in overshadowing to these dwellings, nor would it have an overbearing impact, in accordance with Policies D2, BE1 and BE2 of the Unitary Development Plan.

A Noise Assessment has been submitted as part of the application which focuses on the quality of the internal acoustic environment within the School. As little detail is provided regarding the proposed plant associated with the school, it would be necessary for a further report to be submitted detailing external plant and any mitigation measures proposed, in order to protect the amenity of occupants of the adjacent noise sensitive properties on Mount Street and Victoria Road. This would ensure that the proposed development would accord with Policy EP4 of the Unitary Development Plan.

### **Heritage Impact:**

The original school (former community centre) dates from 1875. The school building is typical of its time in terms of detailing, however the clock tower is of interest in terms of its design. The building is not listed nor in a Conservation Area, however due to its design could be considered to constitute a Non Designated Heritage Asset as described by the NPPF, due to its importance in the local area, in terms of architectural quality and the design being that of a local architect. Para. 135 of the NPPF states that the effect on the significance of the Non Designated Heritage Asset should be taken into account in determining any application for planning permission. In weighing such decisions a balanced judgement is required, having regard to the scale of harm caused and the significance of the asset.

A Heritage Impact Assessment has been submitted by the applicant to assess the harm as a result of the proposed development and the overall significance of the building. This notes that some harm will result to the heritage assets on the site from the removal of the former community centre, both in the loss of the community centre itself and the effect that this will have on the remaining clock tower. The proposed development includes the retention of the clock tower in order to provide an opportunity to secure its sustainable future and ensure its upkeep.

Officers have assessed the submitted Heritage Impact Assessment and would concur with the conclusions set out within it, that any harm resulting from the loss of the original school building would be less than substantial and that the public benefit of developing a fit for purpose school mitigates this impact.

On the above basis, the proposed development is considered to accord with the guidance set out within Part 12 of the NPPF.

### **Highway issues:**

The site is located on land between the A616 Lockwood Road and Victoria Road. The school grounds are bounded by Lockwood Road to the south, commercial properties and a bowling green to the west, Victoria Road to the north and residential dwellings to the east.

A Transport Statement has been provided by Curtins which informs all traffic and transportation matters associated with the application.

### Access Arrangements

The existing school has three separate pedestrian accesses on Mount Street which are used for different purposes. The most northerly access is open only during the morning and is then locked throughout the day, although is also used for out of hours access to the sports centre and MUGA. To the front of this access is a gate recess which is used as a turning head by vehicles using Mount Street.

The central access on Mount Street forms the main pedestrian access to the school and is open throughout the school day. All deliveries and visitors to the site are required to utilise this access. The third, most southerly access on Mount Street is open at the start and finish of the school day, although locked outside of these periods. This offers the most direct access to the bus services on Lockwood Road.

The pedestrian access on Victoria Road offers only access to the nursery and this is via a steep ramp. This access is not available throughout the school day as it is locked.

### Drop off provision and parking provision

There is no on site drop off provision for pupils. Site observations demonstrate that students are dropped off by the school entrances on Mount Street, Victoria Road or Lockwood Road.

The staff car park is located to the south of the existing school building and is accessed from Lockwood Road. This provides spaces for 31 vehicles with no disabled parking as there is currently no disabled access to the school from the car park.

It is proposed that the existing car park access will be retained for staff with the car park capacity increased to 36 spaces including one car charging space and one disabled space.

#### Access to the site by all modes of travel

The road network surrounding the site has footways available for pedestrian use and the carriageways are well lit by street lighting. There is already a relatively high pedestrian footfall in the area due to the school being located within an existing established residential area and the site being established for educational purposes.

There are bus stops located outside the school on Lockwood Road. Services run between Huddersfield and various destinations. The closest rail stations to the site are Lockwood and Huddersfield which can be connected to by the bus services outlined above, or by walking and cycling. Lockwood Station is on the Huddersfield to Sheffield rail line and offers one service per hour in each direction. Huddersfield Station is on the main Transpennine rail link which offers five trains per hour.

#### Accident Records

There have been no recorded injury accidents in the vicinity of the site at school start and finish times.

#### Existing and Proposed Staff and Pupil Numbers

The school is currently operating at capacity. There are 630 pupils in addition to 39 nursery pupils, ranging between the ages of 3 and 11. The proposed development would result in the capacity of the school to remain at the present levels.

There are currently 105 staff employed at the site. This includes both part time and full time staff and both teaching and non-teaching staff. This number of staff would be retained as a result of the new development.

Pupil surveys included within the submitted Travel Plan accompanying the application indicate that the school is very sustainable in terms of green travel with 61% of pupils travelling by sustainable modes (walking, cycling, Public Transport) and only 39% using a car to travel to the school.

On the basis of the above, the proposals will result in no increase in staff or pupils at the site.

To summarise, therefore, there would be additional vehicle trips as a result of the proposed development. Given that it is not proposed to increase the capacity of the school and existing pedestrian and vehicular accesses are to be retained, Officers considered that there would be no detrimental impact upon highway safety as a result of the proposals, in accordance with policies D2, T10 and T19 of the Unitary Development Plan.



## **Other Matters:**

### Trees

The application is accompanied by an Arboricultural Report and tree removal plan. This indicates the removal of 11 trees across the site as a whole. The Council's Arboricultural Officer has confirmed that they have no objections to the extent of this tree removal.

There is a band of trees to the south east corner of the site which is considered by Officers to have a degree of public amenity value. These trees would not be affected by the proposals. As such, the proposals are considered to be in accordance with Policy NE9 of the Unitary Development Plan.

### Drainage and Flood Risk

The site is located within Flood Zone 1 and the Environment Agency raises no objection to the proposed development.

A Drainage Strategy has been submitted as part of the proposals and through the course of the application, drainage calculations have been submitted by the applicant to support this. The Council's Flood Management and Drainage Team have confirmed that the submitted information is acceptable, in accordance with government guidance contained within Part 10 of the NPPF.

Yorkshire Water records indicate that a 4" water main and 375mm public combined sewer cross the site. As such, conditions are recommended to ensure an adequate stand-off distance to adequately protect this infrastructure.

### Crime Prevention

The West Yorkshire Police Architectural Liaison Officer recommends that the development accords with the requirements of *Secured by Design New Schools Guidance* and has invited further information from the applicant on this basis. Notwithstanding this, the applicant has confirmed that the design of the building would adhere to an equivalent standard, and on this basis, Officers consider that no further details are required.

### Sport England

Sport England does not consider the proposed development to fall within their statutory or non-statutory remit, however, they state that if the proposal involves the loss of any sports facility, then full consideration should be given to whether the proposals meet the requirements of Para. 74 of the NPPF.

The proposed development would involve the erection of the two storey modular building on the existing MUGA. Once the new school is occupied,

the modular building would be removed and the MUGA would receive a new surface finish. During the construction period, alternative outdoor play provision would be provided on the south west part of the site, however it is noted that there would be some short periods when no outdoor play provision would be available. During these times, the school proposes to use the sports hall.

The proposals would result in the loss of the existing MUGA provision throughout the construction period, however this loss would be temporary, and Officers consider that this would be outweighed by the unique opportunity to obtain sufficient and substantial funding to secure the comprehensive redevelopment of this school site. This will result in much needed modern facilities designed to deliver the best possible educational outcomes for the community. This, in turn, will have long term benefits by creating the social, recreational and cultural facilities that this community needs for a healthy future.

### Contaminated Land

A contaminated land assessment has been undertaken which indicates that there are some contaminants present associated with the historic made ground at the site. However, the submitted information recommends proposals which will adequately deal with the risks, in accordance with policy G6 of the Unitary Development Plan.

### **Objections:**

None received

### **Conclusion:**

The proposals represent a form of development which is afforded great weight and importance within the NPPF; the application would result in proposals to upgrade the existing educational facilities on the site.

The design of this development is considered to be acceptable and sustainable and the proposal would not result in any significant detrimental impact to local amenity, local ecology/biodiversity, and heritage assets in the immediate vicinity or the local highway network.

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**

Approve subject to the following 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. No development of the superstructure of the new (permanent) school building shall take place until samples of all facing and roofing materials has been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.
4. No building or other obstruction including landscape features shall be located over or within 4.0 (four) metres either side of the centre line of the public sewer i.e. a protected strip width of (8 metres) located within the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.
5. No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the water mains i.e. protected strip widths of (6) metres, located within the site. If the required stand-off distance is to be achieved via diversion or closure of the water mains the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.
6. The proposed car park hereby approved shall be laid out, surfaced, marked out into bays and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority before the new (permanent) school is brought into use.
7. A schedule of the means of access to the site for construction traffic shall be submitted and approved in writing by the Local Planning Authority prior to construction commencing. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing construction traffic to and from the site, temporary TROs to restrict parking on Mount Street, 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.
8. A scheme detailing measures to manage parking on Mount Street and all associated works, together with the appropriate Safety Audits shall be

submitted to and approved in writing by the Local Planning Authority before the development is brought in use. No part of the development shall be brought into use until the approved scheme has been implemented.

9. The development shall be carried out in accordance with the submitted Travel Plan (produced by Curtins, Ref: TPLE1158/TP dated 13 April 2016). The approved Travel Plan shall be operated at all times that the development is occupied and shall be reviewed and updated on an annual basis in accordance with the details that are outlined in the approved plan. The Travel Plan and all updates shall be produced in accordance with current national, regional and local best practice guidance and shall include details of operation, Travel Plan Coordinator/s, targets, infrastructure to be provided, measures that will be implemented, monitoring and review mechanisms, procedures for remedial action that may be required and a timetable for implementing the plan.

10. Remediation of the site shall be carried out and completed in accordance with the submitted Remediation Strategy. 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. 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.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures 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 have been approved in writing by the Local Planning Authority.

12. A report specifying the measures to be taken to protect the occupants of nearby noise sensitive premises on Mount Street and Victoria Road from noise from the proposed development shall be submitted to and approved in writing by the Local Planning Authority before development of the superstructure of the new (permanent) school building commences. The report shall include:

1. an assessment of noise emissions from the proposed development;
2. details of background and predicted noise levels at the boundary of the site;
3. a written scheme of how the occupants of Mount Street and Victoria Road will be protected from noise from the proposed development with noise attenuation measures as appropriate

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan	MMD-332309-C-DR-00-XX-0813		22.04.16
Proposed External Lighting	4.2.8	P1	22.04.16
Design and Access Statement	BDP_MPP_(PL)REP101	A	22.04.16
Fencing Proposals	1.2.7.1	03	22.04.16
Travel Plan	TPLE1158/TP	01	22.04.16
Site Plan – Temporary Accommodation	BDP_MPP_A(SK)120	B	16.06.16
Temporary Accommodation – Ground Floor Plan	402 15 01	S-11	16.06.16
Temporary Accommodation – Services Layout	402 15 06	S-2	16.06.16
Temporary Accommodation – First Floor Plan	402 15 02	S-11	16.06.16
Temporary Accommodation – Elevations	402 15 03	S-4	16.06.16
Transport Assessment	TPLE1158/TA	01	22.04.16
Proposed Site Sections	1.1.2.1	02	22.04.16
Phase 2 Ground Investigation	EB1612	A	22.04.16
Geo-Environmental Desk Study	November 2013		22.04.16
Site Masterplan	1.1.1	03	22.04.16
Flood Risk Assessment and Drainage Strategy	75653-MP-FRA-SB	02	22.04.16
Swept Path Arrangement of Temporary Arrangement used by Fire Tender	75653-MP-TP-001	0	22.04.16
Swept Path Analysis of Temporary	75653-MP-TP-003	0	22.04.16

Arrangement used by Delivery Lorry			
Swept Path Analysis of Temporary Arrangement used by Refuse Vehicle	75653_MP-TP-002	0	22.04.16
Fire Tender Swept Path Analysis	Appendix C	A	22.04.16
Proposed Elevations – Axonometric views	BDP_MPP_A(PL)107		22.04.16
GA – Sections	BDP_MPP_A(PL)106		22.04.16
GA Elevations – North and South	BDP_MPP_A(PL)104		22.04.16
GA Elevations – East and West	BDP_MPP_A(PL)105		22.04.16
Main Entrance view	BDP_MPP_A(PL)109		22.04.16
Aerial view from South East	BDP_MPP_A(PL)108		22.04.16
Roof Plan	BDP_MPP_A(PL)103		22.04.16
Proposed First Floor Plan	BDP_MPP_A(PL)102		22.04.16
Proposed Ground Floor Plan	BDP_MPP_A(PL)101		22.04.16
Arboricultural Report	February 2014		22.04.16
Tree Removal Plan	MP_PLI_S3_94_001	01	22.04.16
Bat Survey Report	September 2014		22.04.16
Ventilation and Extraction Statement	3654_DN_P_03	01	22.04.16
Heritage Impact Assessment	BDP-MPP(PL)REP102		22.04.16
Ecological Appraisal	January 2014		22.04.16
Drainage Strategy	75653-MP-DR-001	T3	22.04.16
Drainage Enabling Works	75653-MP-DR-003	T2	22.04.16
Drainage Details Sheet 1 of 2	75653-MP-DR-401	T1	22.04.16
Acoustic Feasibility Study	January 2014		22.04.16
Sustainability Report	3654_DN_P_01	01	22.04.16
Utilities Statement	3654_DN_P_02	01	22.04.16

**Application No: 2014/91831**

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

**Proposal: Outline application for erection of 60 dwellings, formation of access public space and associated infrastructure**

**Location: Cockley Hill Lane, Kirkheaton, Huddersfield, HD5 0HH**

**Grid Ref: 418289.0 418029.0**

**Ward: Dalton Ward**

**Applicant: P Cryan, Hartley Quality Homes**

**Agent: Laura Mephram, John R Paley Associates**

**Target Date: 15-Sep-2014**

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

**Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.**

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

## **LOCATION PLAN**



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

## 1. SUMMARY OF APPLICATION

<b>Application Details</b>		
Type of Development	Residential	
Scale of Development	1.99ha	
No. Jobs Created or Retained	N/a	
<b>Policy</b>		
UDP allocation	Provisional Open Land (POL).	
Independent Viability Required	Yes	
<b>Representation/Consultation</b>		
Individual Support (No.)	Nil	
Individual Objection (No.)	84	
Petition	Yes	130 signatures.
Ward Member Interest	No	
Statutory Consultee Objections	None	
<b>Contributions</b>		
• Affordable Housing	12 units (20% of number of units)	
• Education	£160,349	
• Public Open Space	On site POS + £28,545 to improve POS off site	
• Other		
<b>Other Issues</b>		
Any Council Interest?	No	
Planning Pre-application advice?	Yes	
Pre-App Consultation Undertaken?	Yes	
<b>Comment on Application</b>	The application site is allocated as POL, given that the Council is unable to demonstrate a 5 year supply of deliverable housing land there is no objection in principle to the residential use of the site access to the site is also satisfactory.	

### RECOMMENDATION:

#### GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

1. REFER THE APPLICATION TO THE HEALTH AND SAFETY EXECUTIVE UNDER SECTION 9 OF THE PLANNING PRACTICE GUIDANCE NOTE. SHOULD THE HEALTH AND SAFETY EXECUTIVE NOT INTERVENE THEN:
2. SECURE A SECTION 106 OBLIGATION TO DELIVER:
  - THE PROVISION OF AFFORDABLE HOUSING
  - AN EDUCATION CONTRIBUTION
  - POS ON SITE AND A FINANCIAL CONTRIBUTION TO IMPROVE OFF SITE POS



**3. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE BELOW; AND**

**4. SUBJECT TO THERE BEING NO CHANGES WHICH MATERIALLY AFFECT THIS RECOMMENDATION ISSUE THE DECISION NOTICE**

## **2. INFORMATION**

The application is brought to Strategic Planning Committee in accordance with the Councils Scheme of Delegation as the proposal represents a departure from the Council's Unitary Development Plan and the number of dwellings proposed is 60.

## **3. PROPOSAL/SITE DESCRIPTION**

### **Site Description**

The site comprises an area of 1.99 ha and is located to the west of Cockley Hill Lane. It is flanked on 3 sides by existing dwellings on Cockley Hill Lane and Town Road.

The site has frontage onto Cockley Hill Lane and slopes down from Cockley Hill Lane to the Western boundary. The site is green field and there are a significant number of trees particularly along the western edge of the site. These trees are protected by a Tree Preservation Order.

The site is allocated as Provisional Open Land (POL) in the Councils Unitary Development Plan. The open land to the south of the site is allocated as Green Belt.

### **Proposal**

Outline planning permission is sought for residential development with access applied for. The application is supported by an indicative layout illustrating how 60 dwellings could be accommodated, with a mix of detached, semi-detached and terrace properties. The access is proposed off Cockley Hill Lane, with the indicative layout showing a loop system and a cul de sac, with an area of public open space to the bottom end of the site i.e. close to and incorporating the majority of the protected trees.

## **4. BACKGROUND AND HISTORY**

2014/60/92535: Outline application for 49 dwellings and access and associated infra structure. Land off Shop Lane, Kirkheaton (this includes the former Huddersfield Fine Worsteds site)

- Application still to be determined and is on this agenda.

2015/60/90430: Outline application for residential development (indicative no of dwellings 126), formation of access and associated infra structure. Land to the north and south of Crossley lane, Dalton.

- Committee resolution to grant outline planning permission subject to S106 obligation.

## **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  
NE9 – Retention of mature trees  
G6 – Land contamination  
H10 – Affordable housing  
H18 – Provision of open space  
T10 – Highway safety  
T19 – Parking standards

### 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 Considerations:

SPD 2 Affordable Housing

## **6. CONSULTATIONS**

**KC Highways** – No objections recommend conditions should permission be granted

**KC Environmental Health** – Recommend conditions should permission be granted

**KC Trees** – No objections in principle. Recommend conditions; a number of the units illustrated will need to be re sited to avoid the crown spreads of 2 of the protected trees.

**KC Environment Unit** – The ecology survey has established that the majority of the site is agriculturally improved grassland of limited ecological value;

there is a marshy area in the bottom of the field and a number of mature trees that aside from being protected, would have some foraging value for bats and possibly bat roost potential; the development is unlikely to impact on great crested newts. The survey also identifies a series of recommendations intended to avoid adverse impacts and provide enhancements for biodiversity. The conclusions of the report are accepted. Whilst this is an outline application, the marshy area and mature trees should be retained within any future layout as they represent the area with most biodiversity value and potential.

**KC Strategic Drainage** – There will need to be conditions imposed to ensure that there is no increase in surface water run-off and sustainable drainage options will need to be considered in preparing the drainage strategy for the site. This will need to be adequately informed by a comprehensive survey of the existing drainage systems within and surrounding the site. These matters will be the subject of condition.

**KC Strategic Housing** – There is a demonstrable need for affordable housing in the area, and as a green field site would recommend that 30% of floor space be provided.

**KC Recreation and Parks** – the area of POS shown within the illustrative layout is satisfactory. This together with a financial contribution of £28,545, towards improving existing POS in the area would satisfy policy H18. This area of POS and any financial contribution should be secured would need to be secured and maintained as part of a Section 106 Agreement

**KC Education Services** – An education contribution is required in this case. The required amount is £160,349

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

**Yorkshire Water Authority** – No objections subject to conditions.  
(Warn that the illustrative layout conflicts with some of the sewer alignments on the site. NB This application is for access only; layout will have to be considered as a reserved matter.)

**Coal Authority** – the site has been identified as having been subject to previous mining activity, as such this is a Material Consideration. Raise no objection subject to the imposition of conditions

**Police Architectural Liaison Officer** – No adverse comments to the granting of permission. This is an outline application and a Reserved Matters application will be scrutinised when received.

**Health and Safety Executive** – As the site is within the middle zone of the Syngenta Hazardous Substance Installation, advise against the development on health and safety grounds.

**Note:** Should the Council seek to approve this application, it will need to be referred to the Health and Safety Executive to see if they wish to call the application in.

## **7. REPRESENTATIONS**

The application has been publicised by site notices and neighbour letters. 84 letters of objection have been received together with a petition of 130 signatures. The main points of concern being:

1. The site is allocated a Provisional Open Land on the Unitary Development Plan, and therefore the proposal is contrary to policy D5
2. There are other brownfield sites within the area that are owned by the applicant that should be brought forward before any green field sites are developed. This is in accordance with the guidance contained in the NPPF, which recommends the recycling of brown field sites in advance of green field.
3. The local infrastructure is unable to cope with any additional development. The local schools are oversubscribed and there are difficulties obtaining doctors and dentist appointments.
4. The application fails to make any provision for affordable housing, which is contrary to Council policy H10 and SPD 2 which requires 30% provision on a greenfield site.
5. There are on site problems regarding drainage, and underground coal deposits.
6. The site is an important area for wildlife, containing bat colonies, and great crested newts. The development of this site would be harmful to these habitats.
7. The development of the site would result in an adverse effect on the appearance and distinctive character of the village, and be contrary to Policy BE1 of the Unitary Development Plan.
8. The development of the site would result in adverse effect on the residential amenities of the adjoining properties, including loss of privacy and nuisance
9. Concerns at the access arrangements. The proposed access is unacceptable, and the level of traffic using the access off Cockley Hill Lane is excessive, and will result in traffic hazard. There have been a number of accidents in the last few years close to this proposed access point.
10. The surrounding road network is full to capacity already, and the additional development, together with neighbouring sites that are also the subject of applications, is not sustainable in traffic terms and will result in extra congestion and traffic delays.
11. The density proposed ie 60 units is excessive and does not accord with the level of development deemed to be acceptable by the Health and Safety Executive.

## YETTON Together:

YT has produced a community plan following public consultation with the support of Rural Action Yorkshire and the Parish Council:

1. The majority view of respondents (26% response rate) was that any new development should be biased towards starter homes / affordable housing, with little desire or identified need for any further executive housing.
2. Concern was expressed about the 3 derelict brown field sites within the village especially Huddersfield Fine Worsteds and that these sites should be prioritised before any other development is considered.
3. The proposed siting is particularly ill-considered. This is a site of considerable historic importance and cannot be replaced, or compensated for when considered from a viewing point on Cockley Hill Lane seating area.
4. The proposed design and layout is out of character with Kirkheaton.
5. There are flooding and drainage problems on this site.
6. There is a large colony of great crested newts just 450m away.
7. There would appear to be no concern shown for the important visual aspects of the tree line at the bottom of the site.

As an alternative to this proposal YT would support the redevelopment of the Shop Lane site, and have raised no objections to the development of the Crossley Lane sites at the bottom of the village (both brownfield sites).

## Barry Sheerman MP:

I am objecting to this application on behalf of several of my constituents as MP for Huddersfield. Where there are more suitable sites, i.e. brownfield development sites available to meet housing needs, these should be developed in the first instance. It is my understanding that the applicant actually owns a brownfield site close to the green field site.

The site itself is former pasture land where cattle still graze on occasion. Additionally there are ground nesting birds and a colony of bats, whom inhabit the space. I hope that a full Environmental Impact survey will be sought in order that the extent of the sites bio diversity can be considered fully at such time as the scheme is brought to Committee.

## **8. ASSESSMENT**

### **General principle/Policy**

The application site is 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 attributed 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 (Ref: 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”*.

(Footnote 9: lists examples of restrictive policies but this does not include policies concerning safeguard land.)

Paragraph 14 of the NPPF indicates a presumption in favour of sustainable development, and paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development, if the Council is unable to identify a 5 year supply of deliverable housing sites.

The Council is currently unable to identify a 5 year supply of deliverable housing sites.

Assessing the policies in the NPPF as a whole in accordance with the paragraph 14 test, the benefit of providing housing on this green field site is considered to outweigh the environmental harm arising from this development.

The development proposed will represent a significant housing offer for the village and it is also eligible for the consideration and provision of affordable housing.

The Strategic Housing Market Assessment ('SHMA', October 2015) provides an analysis of the objective need for housing in Kirklees as required by the Government. The SHMA concludes that 1049 new affordable homes per year are required to 2031 and it has provided an assessment of the need for general needs and specialist housing. This site has relevance to the south Huddersfield and rural south east market areas and the scheme provides a broad mix for the commercial market.

The local need is for larger (3+) bedroom homes and for smaller homes, which can help smaller households and older people; this older persons' sector is forecast to grow by 44% by 2031. Consequently this development could provide an opportunity to secure an element of affordable rented/intermediate housing.

The development provides an opportunity to consider an affordable housing arrangement which could be developed at a specific point or phase in relation to the principal development site, and thus development could be structured to secure predicted cash-flow, delivery and partnering arrangements to minimise the impact on the principal development scheme.

### **Viability**

This application has been submitted with a viability appraisal. In accordance with the Councils agreed procedure the appraisal has been independently assessed on behalf of the Council.

For information given the size of the site and the number of dwellings envisaged, policy compliant Section 106 contributions would comprise:

- Affordable Housing at 30% of gross floor space
- Provision and maintenance of public open space as indicated on the illustrative layout in accordance with Policy H18; and
- Education Contribution of £160,349

The viability appraisal identifies significant abnormal costs associated with the development of the site, in particular the cost of addressing the coal mining legacy and remediation on site, such that the development could not support the provision of affordable housing and deliver an acceptable land value to the landowner.

Notwithstanding, the applicant offered a contribution of £100,000 towards meeting the above policy requirements.

The appraisal has been independently assessed and the Council has also sought further advice from the District Valuer (DV) in relation to the viability position. The DV concludes that the development can sustain contributions towards affordable housing, education, and POS.

Negotiations have been undertaken with the applicant and an amended offer has been made which is:

- A 20% affordable housing provision. This equates to 12 units with a mix of 55% (7units) for social rent and 45% (5 units) for intermediate dwellings;
- An Education contribution of £160,349;
- POS provision on site and a contribution of £28,545 to improve existing off-site POS

The DV has considered the amended offer and advises that it has improved significantly from the original position. Assuming a developer profit of 20% GDV the development can afford to deliver the new offer which has been justified through the development appraisal.

As such acceptance of the amended /improved offer is recommended, with the contributions to be secured via a Section 106 agreement.

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

The illustrative layout shows a development of 60 units on a site of 1.99ha, (i.e. a density of 30 dwellings per ha). This is considered to be an efficient use of the site and represents a density that is appropriate for this area and comparable with neighbouring developments. The indicative layout shows a mix of 3 and 4 bed dwellings, semi-detached, terrace and detached properties, between 2 and 2.5 storey in height. The mix of dwellings and the scale / height envisaged are considered to be satisfactory within this location.

This application is in outline with layout, appearance, scale and landscaping reserved for subsequent consideration. However the indicative layout shows how a scheme which respects the residential amenity of neighbouring properties on Cockley Hill Lane and Town Road can be achieved, respecting the change in level across the site and delivering new frontage onto Cockley Hill Road. Indeed the levels of the site and the fact that that it slopes down from Cockley Hill Lane reduces any impact the dwellings would have on those properties.

The area indicated as public open space incorporates the majority of the sites feature trees which are also covered by a Tree Preservation Order, this area is naturally overlooked by the adjoining dwellings.

#### **Highway issues:**

The application seeks outline permission for residential development of 60 dwellings, formation of access, public space and associated infrastructure, at Cockley Hill Lane, Kirkheaton, with the access point the only matter for consideration at this stage while all other matters including internal layout, parking and servicing arrangements reserved.



## **Access**

Access to the site is proposed via a new priority junction from Cockley Hill Lane. Drawing 702A/01 prepared by PAH Highway Consultants shows a proposed access road of 5.5m width and 2.0m footways at either flank of the site access with the one at the southern flank extending to the site frontage in a southeasterly direction thereby providing a footway at Cockley Hill Lane, whilst that to the north links into the existing footway at Cockley Hill Lane. Cockley Hill Lane is indicated on the drawing to have a carrieway width of circa 7m.

Drawing 702A/01 indicates that visibility splays of 2.4m x 48.5m and 2.4m x 46.6m in the northwest and southeast direction at Cockley Hill Lane can be achieved. These visibility splays are commensurate with 32.7mph and 31.8mph speeds that were recorded during the traffic survey. In addition, drawing 702A/01 indicates that the finished gradient for the initial 10 m is 1 in 20, followed by a 1 in 8 gradient over approximately 25m which includes vertical curves.

Junction spacing between Cockley Meadows and the proposed site access is circa 20m. Highways Development Management (HDM) considers that junction spacing is dependent on the number of crossing movements between the two minor arms at a stagger junction, the distance required for vehicles to be positioned for turning movements and the restriction of through traffic among others.

It is unlikely that there will be cross movements between Cockley Meadows and the proposed site access and in addition Cockley Hill Lane has low traffic volumes. On this basis the proposed junction spacing is not considered to result in highway safety concerns.

The site access 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 49 and 54 two-way vehicle movements respectively in the AM peak and PM peak periods.

The two-way vehicle flows along Cockley Hill Lane are circa 170 and 200 two-way vehicles during the AM peak and PM peak hours respectively. Forecast arrivals and departures associated with the proposed development are set out in **Table 1** below.

**Table 1: Peak Hour Vehicle Trips**

<b>Total</b>	<b>Weekday AM Peak</b>		<b>Weekday PM Peak</b>	
	<b>Arrivals</b>	<b>Departures</b>	<b>Arrivals</b>	<b>Departures</b>
	15	34	33	21
	<b>49</b>		<b>54</b>	

HDM considers that this level of traffic generation can be accommodated on the local highway network.

### **Cumulative Impact**

An assessment of the potential cumulative effect of this development plus neighbouring proposals and existing commitments, on the distribution of traffic and the capacity of the local highway network was requested by HDM, supplement this application.

In addition to this application 2 other sites have been considered including development already recommended for approval on Crossley Lane (2015/90430) , and a current application on Shop Lane, Kirkheaton (2014/92535)

This further analyses carried out in preparing this Technical Note demonstrate that the anticipated increase in the level of traffic generated by any one of the three developments would not be discernible from the daily fluctuations in flows that could be expected on the strategic highway network. The same can be said of the cumulative impact of all three developments. Therefore the level of traffic generated by all three proposals can be accommodated and will have no material impact on the safe operation of the local highway and will not significantly add to any congestion at the peak times on the local network.

### ***Accessibility***

#### **Bus**

The nearest bus stop is located approximately 200m away from the site at Cockley Hill Lane. The bus stop is served by bus service 262, providing a combined two-way weekday frequency of circa 8 buses per hour in the daytime operating between Huddersfield, Kirkheaton, Upper Heaton and Dewsbury.

To encourage the use of public transport the developer will be required to implement a Residential Metro Card Scheme, the funding for which shall be secured via a Section 106 Agreement.

### Pedestrians

The proposals include extension of a 2.0m footway at the site frontage along Cockley Hill Lane. There are footways along Cockley Hill Lane and Town Road to enable pedestrians' access to local facilities.

### **Accidents**

A review of the recorded accidents shows that there have been two recorded accidents in the site vicinity within the last five years, which resulted in slight injuries. The recorded accidents did not occur as a result of the road geometry but were due to driver behaviour.

### **Drainage Issues**

The site is located within Flood Zone 1 (i.e. the area least likely to flood). As the site area is in excess of 1Ha a Flood Risk Assessment has been undertaken.

The Environment Agency has accepted the conclusions of the FRA and recommends conditions which would restrict site run off to the green field rate (i.e. 5l/s).

This is a green field site and as such the option of SUDS drainage systems should be explored. However there are some areas of the site that attract standing water, therefore some attenuation within the site to achieve the 5/ls run off rate may be required. These details are proposed to be covered by appropriate conditions.

### **Bio Diversity**

The application is accompanied by an Ecological Survey. Further survey work has been undertaken within the March–June period as requested.

The site consists of pasture with some mature trees to the perimeter of the site. The trees are clearly of ecological value as well as amenity value and these are shown to be retained. In addition a landscaping scheme and bio diversity enhancement (i.e. provision of bat tubes and bird boxes).will be required by condition as part of any permission.

It is considered that there are significant opportunities to deliver bio diversity enhancement on this site in accordance with the guidance contained in paragraph 118 of the National Planning Policy Framework.

### **Environment Issues (Contamination, remediation, Noise and Air Quality)**

The site is capable of being satisfactorily remediated and made fit to receive new residential development, conditions are recommended.

The site is surrounded by existing residential properties. It is considered that new residential development will not give rise to significant noise or

disturbance to existing residents to justify refusal, nor is there considered to be any need for noise attenuation.

The site is not within an area which experiences problems with air quality, however in accordance with the guidance contained in paragraph 97 of the NPPF a condition is recommended requiring the provision of electric charging points to new dwellings to serve electric cars or other low emission vehicles.

### **Crime Prevention**

The application is in outline and is supported by an indicative layout to show how the site may be developed. The detailed layout will be considered at reserved matters stage, however the area identified for POS within the indicative layout is considered to be logical, with the benefit of natural surveillance. Connectivity from within the site to existing footpaths will need to be considered at reserved matters stage, but there is no reason to raise any objection to the principle of residential development from a crime prevention perspective.

### **Representations**

A large number of representations and a petition have been received with a number of common themes expressed. The detail of representations and Officer responses are detailed below:

*This is a greenfield site; development would be contrary to Policy D5 of the UDP. Also there are are brownfield sites within the vicinity that should be developed in advance of this and other greenfield sites.*

The Council is currently unable to demonstrate a 5 year supply of deliverable housing sites and as such in accordance with par 49 of the NPPF the Councils Housing policies in the UDP are considered to be out of date. This matter has been tested at appeal twice and on both occasions the appeals were allowed. It is not reasonable for the Council to refuse permission for the principle of residential development on POL sites or on the grounds that brownfield sites should be brought forwards first.

(NB: The neighbouring brown field site - the former Huddersfield Fine Worsteds on Shop Lane is on this same agenda, recommended for approval. Neighbouring brownfield sites have also been granted planning permission.

*The local infrastructure is unable to cope with the additional houses i.e. the schools are full to capacity as are local doctors surgeries.*

The application makes provision for a financial contribution towards education that accord with the Councils policy for education provision. The delivery of health/ dental facilities is not a material planning consideration for the Planning Authority, being the remit of the Local Health Authority.

*The local road network is unable to accommodate the extra traffic, this will lead to congestion, traffic problems and potentially hazard. The scheme proposes a dangerous access.*

The application has been accompanied by a Transport Assessment together with supplementary information covering the cumulative impact of development. The surrounding road network is considered capable of accommodating the proposed development and neighbouring developments. The proposed access off Cockley Hill Lane is acceptable and conditions are recommended.

*The site is a haven for wildlife and the information provided in the ecological report is substandard.*

An updated ecological report has been provided and assessed by the Councils biodiversity Officer, who accepts its conclusions. The area of the site of most value and potential is the area at the bottom of the site surrounded by the protected trees. This area is identified as potential open space. The remainder of the site is improved agricultural land of little ecological value.

*The bottom end of the site is marshy; any development of this greenfield site will lead to run off increasing and causing surface water flooding issues downstream.*

The application has been accompanied by a Flood Risk Assessment. The Environment Agency and Yorkshire Water have raised no objection subject to conditions. The Environment Agency conditions seek to limit the run off from the site to existing greenfield rates. It is accepted that drainage conditions are necessary and that these will need to be satisfactorily discharged.

There are a number of specific objections relating to matters of design, loss of privacy, provision of affordable housing provision (detailed in the representations section above) that have been considered as part of the assessment.

## **Conclusion**

The site is allocated as Provisional Open Land on the UDP, and as such is subject to Policy D5, which presumes against the development of POL land (other than for other open land uses) for the lifetime of UDP. However given that the Council is unable to demonstrate a 5 year supply of deliverable housing sites, the UDP housing policies, including D5 are considered to be out of date. In this context paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. This site is considered to be in a sustainable location, and as such there is no objection to releasing it for housing at this time.

The access is considered to be satisfactory and the surrounding road network can accommodate the additional development. Issues such as drainage and remediation are capable of being dealt with by conditions.

The application was accompanied by a viability appraisal which has been independently assessed. Through negotiation an affordable housing offer of 20% of the number of units with full contributions towards POS (on and off

site) and Education has been secured. These offers are considered acceptable and will be secured via a Section 106 agreement.

It is therefore recommended that outline planning permission be granted subject to the delegation of authority to Officers to address the matters set out below.

## **9. RECOMMENDATION.**

### **RECOMMENDATION:**

#### **GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:**

- 1. REFER THE APPLICATION TO THE HEALTH AND SAFETY EXECUTIVE UNDER SECTION 9 OF THE PLANNING PRACTICE GUIDANCE NOTE. SHOULD THE HEALTH AND SAFETY EXECUTIVE NOT INTERVENE THEN:**
- 2. SECURE A SECTION 106 OBLIGATION TO DELIVER:**
  - THE PROVISION OF AFFORDABLE HOUSING**
  - AN EDUCATION CONTRIBUTION**
  - POS ON SITE AND A FINANCIAL CONTRIBUTION TO IMPROVE OFF SITE POS**
- 3. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE BELOW; AND**
- 4. SUBJECT TO THERE BEING NO CHANGES WHICH MATERIALLY AFFECT THIS RECOMMENDATION ISSUE THE DECISION NOTICE**

### **Conditions**

1. Approval of the details of the layout, scale, appearance and the 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 layout, scale and the 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 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. 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.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5, 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.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. 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.

8. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. 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.

9. Development shall not commence until a scheme detailing the layout, construction and specification of the highway works; at the site access junction with Cockley Hill Lane (with reference to drawing no. 702A/01) and all associated highway works, and the appropriate Road Safety Audit, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all the works under the approved scheme have been carried out and completed in accordance with the approved scheme and thereafter retained throughout the lifetime of the development.

10. The development shall not be brought into use until visibility splays of 2.4m x 48.5m and 2.4m x 46.6m in the northwest and southeast direction at

Cockley Hill Lane at the site access junction in which there shall be no obstruction to visibility above the level of the adjacent footway as indicated on the approved plan have been completed. Thereafter, the visibility splays shall be retained throughout the lifetime of the development.

11. 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.

12. The development shall not commence until an assessment of the effects of 1 in 100 years storm events, with an additional allowance for climate change, upon drainage infrastructure and surface water run off pre and post development between the development and the surrounding area in all directions shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and the approved scheme shall be retained throughout the lifetime of the development.

13. Notwithstanding the submitted detail, no development shall commence until details of the on-site surface water attenuation have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the scheme.

14. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the sewer (i.e. a total protected strip width of 6 metres that crosses the site).

15. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

16. 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

17. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. Furthermore, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.



18. Prior to the commencement of development, details of a bio-diversity habitat enhancement scheme shall be submitted for the written approval of the LPA. The scheme shall include details and potential locations for bat / bird roost opportunities within the new development and surrounding retained trees. The approved scheme shall be implemented prior to the first occupation of any dwellings / plots containing such opportunities.

19. Prior to occupation of any dwellings, electric vehicle recharging points shall be installed for each dwelling with a garage and / or 1 point for every 10 dwellings with communal car parking in accordance with a specification which shall first have been submitted to and agreed in writing by the LPA.

This recommendation is based on the following plans and specification schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	P12.4618.02		15/9/14
Block layout plan	P12.4618.01		15/9/14
Site features including salient geological features	C15120/02		15/9/14
Preliminary conceptual model	C15120/03		15/9/14
Design and Access Statement			15/9/14
Tree/ Arboricultural Survey	10961/AJB		15/9/14
Ecological Appraisal (update)	R-1481-02.1		July 2015
Phase 1(Desk Top) Survey	C5120		15/9/14
Flood Risk Assessment	E13/5770/FRA.001		15/9/14
Transport Assessment	702/June 2014		15/9/14
Supplementary Transport information	702	B	August 2015

**Application No: 2014/92535**

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

**Proposal: Outline application for erection of 48 dwellings, formation of access and associated infrastructure**

**Location: Shop Lane, Kirkheaton, Huddersfield, HD5 0DB**

**Grid Ref: 418024.0 417856.0**

**Ward: Dalton Ward**

**Applicant: Paul Cryan, Hartley Property Trust Ltd**

**Agent: Laura Mephram, John R Paley Associates**

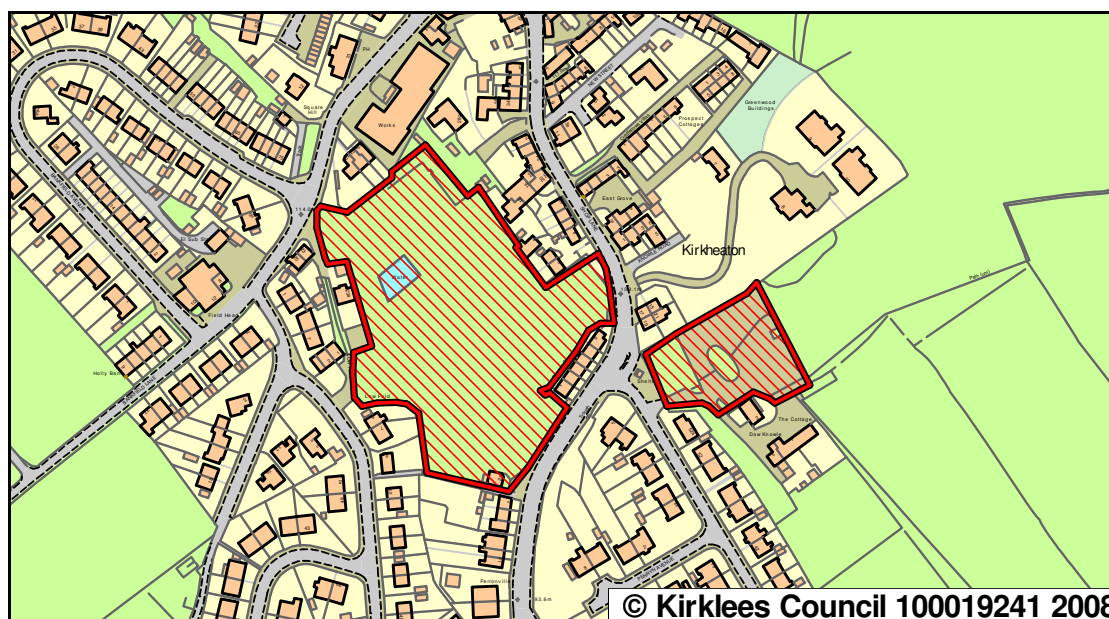
**Target Date: 26-Nov-2014**

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

**Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.**

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

## **LOCATION PLAN**



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

## 1. SUMMARY OF APPLICATION

<b>Application Details</b>		
Type of Development	Residential	
Scale of Development	1.76ha	48 dwellings
No. Jobs Created or Retained	N/a	
<b>Policy</b>		
UDP allocation	Unallocated	
Independent viability assessment required	Yes	
<b>Representation/Consultation</b>		
Individual Support (No.)	Nil	
Individual Objection (No.)		
Petition	No	
Ward Member Interest	No	
Statutory Consultee Objections	None	
<b>Contributions</b>		
• <i>Affordable Housing</i>	10 units (20% of number of units as starter homes)	
• <i>Education</i>	£113,891	
• <i>Public Open Space</i>	POS on site and £129,950 contribution to improve off site POS	
• <i>Other</i>	Resident METRO cards £22,000 Bus stop improvements and real time information £30,000	
<b>Other Issues</b>		
Any Council Interest?	No	
Planning Pre-application advice?	Yes	
Pre-App Consultation Undertaken?	Yes	
<b>Comment on Application</b>	The application seeks to deliver housing on a vacant brown field site. The site was last used for employment, but has been cleared for a number of years. It is considered that the site would not be suitable for re use for employment and as such an alternative residential use is acceptable in principle	

### RECOMMENDATION:

**Grant conditional outline planning permission subject to delegation of authority to Officers to:**

- i. **Referral of the application to the Health and Safety Executive under Section 9 of the Planning and Practice Guidance Notes. Should the Health and Safety Executive not intervene then;**
- ii. **Secure a S106 obligation to provide:**

- **Affordable Housing of 10 starter homes**
  - **An Education contribution of £113,891**
  - **POS on site and a financial contribution of £129,950 to improve off site POS**
  - **Resident Metro cards and bus stop improvements**
- iii. **Impose appropriate conditions which may include those detailed below; and**
- iv. **Subject to there being no material change in circumstances, to issue the decision**

## **2. INFORMATION**

The application is brought to Strategic Planning Committee with the agreement of the Director of Place and the Chair of the Committee in accordance with the Councils agreed scheme of delegated authority.

## **3. PROPOSAL/SITE DESCRIPTION**

### **Site Description**

The site comprises two parcels of land which total 1.76 ha in area.

The larger parcel of land is located on the western side of Shop Lane and was formerly occupied by the Huddersfield Fine Worsteds (HFW) factory. The factory buildings have been demolished and the site is currently fenced off and in a neglected state. The only building that remains is the lodge house (no 2(a) Shop Lane), located in the southern part of the site. The site is flanked on all sides by dwellings, including properties on Doctors Row, Shop Lane, Bankfield Lane and St Pauls Lane. The site slopes steeply upwards from Shop Lane towards Bankfield Lane. There is a public right of way that adjoins the site on the western boundary.

The smaller of the two sites is located on the eastern side of Shop Lane with frontage onto Orchard Road, adjacent a bus stop. The site also backs onto Daw Knowle. This site was used unofficially as parking for the HFW factory and contains some areas of hard standing as well as a number of mature trees that are protected by a Tree Preservation Order. There is a public footpath which runs adjacent to this site along its northern boundary. This site is relatively flat.

Both sites are considered to be brownfield previously developed land and are unallocated on the Kirklees Unitary Development Plan.

Also both sites fall within the middle zone of the Syngenta Hazardous Substances Installation.

## **Proposal**

Outline planning permission is sought for residential development with access applied for. An indicative layout has been provided illustrating how a total of 48 dwellings could be accommodated across the two sites.

On the larger site, access is taken off Shop Lane, in the same location as that which used to serve the HFW factory. The indicative layout shows a mix of dwellings, semi and detached properties, all 2 no storeys in height. A total of 42 dwellings are indicated on this site, which includes a traditional estate road arrangement within the site, as well as two terraces fronting onto Shop Lane. At the northern end of the site is an area of open space with a footpath link to Bankfield Lane.

On the smaller parcel of land the proposed access is taken off Orchard Road and the layout shows 6 no dwellings; terraced, semi-detached and detached served off a private drive.

## **4. BACKGROUND AND HISTORY**

2014/91831: Outline application for the erection of 60 dwellings with access and associated infra structure- Land off Cockley Hill Lane, Kirkheaton (this is a site allocated as Provisional Open Land).

- Application still to be determined and is on this agenda.

2015/90430: Outline application for residential development (indicative layout 126 dwellings) Land to the North and South of Crossley Lane, Dalton.

- Outline planning permission granted

## **5. PLANNING POLICY**

### **Kirklees Unitary Development Plan**

D2 – Unallocated land  
BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about buildings  
BE23 – Crime prevention  
G6 – Land contamination  
H10 – Affordable housing  
H18 – Provision of open space  
B4 – Change of use of land and buildings last used for business or industry  
T10 – Highway safety  
T19 – Parking standards

### **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 Considerations

SPD 2 Affordable Housing

National Planning Policy Guidance Practice Notes

KMC Policy Guidance “Providing for education needs generate from new development”.

## **6. CONSULTATIONS**

**KC Highways** - No objections in principle, recommend conditions in the event of an approval

**KC Environmental Health** - Recommend conditions

**KC Trees** - On the smaller site, siting and road surface materials will need careful consideration at reserved matters stage. No objections on the larger site.

**KC Ecology** - An amended Ecological Report was received and this identified little of any merit on the site. The conclusions are accepted and the opportunity for bio diversity enhancement should be taken, and this is covered by condition.

**KC Strategic Housing** - There is a demonstrable need for affordable housing in this area. As a brown field site an affordable housing provision at 15% of gross floor area should be sought.

**KC Recreation and Parks** - An off-site payment in lieu of the balance of POS that would be required on site is acceptable in this case. The required payment is £129,950

**KC Education Services**- An education contribution is appropriate in this case. The required amount is £113,891.

**KC Strategic Drainage** - This is a brownfield site in a heavily built up area. As such there would need to be a reduction in the surface water run off rate (a minimum of 30% betterment is usually required). Given its location any future drainage scheme will need to be adequately informed by a comprehensive survey of existing drainage systems within and surrounding the site to ensure the site does not result in problems further down-stream. These matters are covered by condition.

**Environment Agency** - Originally objected to the application, but has since withdrawn their objection based upon a revised flood risk assessment. Recommend conditions if approved

**Yorkshire Water Authority** - Recommend conditions should permission be granted

**Police Architectural Liaison Officer** - No comments that would adversely affect this permission. This is an outline application so more detailed comments will be made on any subsequent Reserved Matters application. The position of the 2 footpaths adjacent the sites are important and strong robust boundary treatments will be needed along the boundaries.

**Health and Safety Executive** - As the site is within the middle zone of Syngenta (a hazardous substances installation) advise against the application on grounds of health and safety.

Note: Should the Council seek to approve the application, then in accordance with section 9 of the Planning Practice Guidance Notes, the application would need to be referred to the Health and Safety Executive to consider whether to call the application in.

## **7. REPRESENTATIONS**

The application has been publicised by site notice and neighbour letters. To date there have been 10 letters of objection the main points of concern being:

1. Shop Lane is a very busy road with inadequate parking and footpaths. This scheme will add to existing traffic problems in the area. This scheme will make the roads in the village a “nightmare” for local residents.
2. The village cannot cope with any additional housing .The local infrastructure cannot cope with local schools being oversubscribed and doctors surgeries and dentists not being able to take extra patients.
3. Some detailed comments are given regarding Doctors Row having parking and access rights to the rear of those properties which must be respected. Properties on Shop Lane claim hanging rights.
4. There are houses in close proximity to this development that will suffer severe disruption and nuisance should the development go ahead.
5. The application should provide for a one way road between Shop Lane and Bankfield Lane, with appropriate parking controls/ provisions.
6. Village parking and road safety should have first priority.

## **8. ASSESSMENT**

### **General Principle/Policy**

This site was last used for employment purposes (formerly occupied by Huddersfield Fine Worsteds). Buildings within the site have been demolished

and the site is now a vacant brownfield site, centrally located within the village of Kirkheaton.

As the site was last used for employment purposes the development proposed needs to be considered in accordance with guidance contained in the National Planning Policy Framework (NPPF), and Policy B4 of the Unitary Development Plan.

Paragraphs 14 and 17 of the NPPF indicate a presumption in favour of sustainable development, and support economic development to meet the demands of both new business and new homes.

Paragraph 22 of the NPPF indicates that Local Planning Authorities should avoid the long term protection of sites where there is no reasonable prospect of the site being reused for that purpose. Also paragraph 51 indicates a presumption in favour of change of use from business to residential where there is no strong economic argument to retain the site for employment purposes.

The former factory was demolished a number of years ago and the site is now cleared and fenced off. The applicant has submitted a policy B4 statement which indicates the difficulties associated with bringing this site back into employment use, for example, the proximity to residential properties, limited room for expansion, a historic difficulty with deliveries and despatches to and from the site given the nature of the surrounding road network, together with the very steep topography. It is therefore accepted there is sufficient evidence to demonstrate that this site is unlikely to be reused for employment purposes.

As such it is appropriate to consider alternative uses for the site. Given the thrust of national policy outlined above residential use would be an appropriate alternative use in this location.

Paragraph 49 of the NPPF should be considered in the context of a presumption in favour of sustainable development, and that the Local Planning Authority should have a 5 year supply of deliverable housing sites. At this time the Council is unable to demonstrate a 5 year supply.

In addition to the recycling of brownfield land, this site is within the Kirkheaton settlement area, in close proximity to services and public transport routes, and is considered to be a sustainable location.

Given the size of the site and the number of units involved the following policies are relevant:

Policy H10 Affordable Housing;  
Policy H18 Provision of Public Open Space: and  
The Councils policy for meeting education need



## Viability

The applicant has submitted a viability appraisal with the application and in accordance with the Councils agreed procedure the appraisal has been independently assessed. The independent assessment in this case has been undertaken by the District Valuer.

For information, on this site, given the numbers of units envisaged a policy compliant Section 106 Agreement would comprise:

- Affordable Housing at 15% of gross floor area of housing (as a brownfield site).
- Public Open Space provision on site, together with a contribution of £129,950 to improve existing open space off site.
- An Education contribution of £113,891.

The viability appraisal identifies significant abnormal costs associated with the development of the site, in particular the cost of remediation, drainage infrastructure and retaining structures within the site such that the development could not support any level of affordable housing and deliver an acceptable land value to the landowner. A financial contribution of £200,000 was offered towards all 106 contributions.

The Council has sought advice from the District Valuer (DV) in relation to the viability position. The DV concludes that the development can sustain contributions towards the provision of affordable housing, POS and Education.

Negotiations have taken place with the developer and an amended offer is tabled for consideration:

- 10 affordable dwellings (20% of number of units as starter homes);
- Education contribution £113,891;
- POS on site and a financial contribution of £129,950 to improve off site POS
- Resident METRO cards and bus stop enhancements to deliver improve shelters with real time information. These contributions would total £52,000.

The amended offer has been considered by the DV. The DV advises that with a developer profit of 20% GDV the improved offer has been justified through the appraisal.

As a brownfield site the policy requirement for affordable housing is 15% of floor area which would deliver no more than 5/6 dwellings with a tenure split between intermediate and social rented. The offer of 10 starter homes is considered a positive contribution and in line with emerging national policy.

## **Impact on Amenity**

The application site comprises two areas of land to either side of Shop Lane. The larger area to the northern side of Shop Lane is a cleared brown field site which accommodated the former Huddersfield Fine Worsteds factory. The surrounding area is predominantly residential with some commercial use to the NE corner of the site.

The smaller area to the south of Shop Lane was an associated car park with areas of hardstanding. There are also some mature trees on this site. This area of land is abutted by housing on three sides with green belt to the east.

It is considered that residential development of the two sites is consistent and compatible with the surrounding area. The sites are currently vacant and fenced off and their redevelopment would provide a significant visual enhancement for this part of Kirkheaton

Together the two sites comprise an area of 1.76 ha and whilst the layout is indicative, it shows how a total of 48 no dwellings could be accommodated with a density of just over 27 per ha. This is not considered to be an excessive density and the nature of the sites (particularly the steepness and the presence of large step half way across the larger site) make these difficult sites to develop and accordingly the density is considered to be an efficient use of the land.

## **Highway Issues:**

The application is for a residential development comprising 48 dwellings and formation of access and associated infrastructure at Shop Lane, Kirkheaton. The site layout is shown in drawing number P09:4266.01 Rev A, which was prepared by JRP Associates. For the avoidance of doubt the only matter for consideration is the access points from Shop Lane and from Orchard Road, with all other elements within the site to be considered at reserved matters stage which includes the internal road layout. Therefore, drawing number P09:4266.01Rev A prepared by JRP Associates is considered as an indicative layout.

### Access

Drawing number P09:4266.01 Rev A shows the proposed access arrangements. Forty two dwellings would be served off Shop Lane via a new priority junction, while six dwellings would be served via a new access off Orchard Road.

#### *Access off Shop Lane*

The proposed site access is 5.5 m wide with a 2 m wide footway at either flank. The junction radii should be reduced from 10m to 6m. Visibility splays of 2.4m x 43m (commensurate for 30mph speed limit) should be indicated on the site layout plan. Swept path analysis for all manoeuvres of an 11.6m long

refuse vehicle at the site access junction with Shop Lane should be shown on the site layout plan.

*Access off Orchard Lane*

The proposed site access is 5.5m wide with a 2m wide footway at either flank. The proposed new site access junction is approximately 20m east of Shop Lane/Orchard Road junction. The approach speed of vehicles along Orchard Road is likely to be lower than the link speed and therefore visibility splay requirements at the site access junction with Orchard Road are likely to be less than for 30 mph speed limit.

In the absence of observed vehicle speeds along Orchard Road, a visibility splay of 2.4m x 43m (commensurate for 30mph speed limit) should be indicated on the site layout plan to the left of the site access along Orchard Road and to the right as far as is possible given the close proximity to the Shop Lane/Orchard Road junction. Swept path analysis for all manoeuvres of an 11.6m long refuse vehicles at the site access junction with Orchard Road should be shown on the site layout plan.

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 27 and 30 two-way vehicle movements respectively in the morning and evening peak periods.

The two-way vehicle flows along Shop Lane are circa xxx 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
	7	20	19	11
	<b>27</b>		<b>30</b>	

Cumulative Impact

An assessment of the potential cumulative effect of this development plus neighbouring proposals and existing commitments, on the distribution of traffic and the capacity of the local highway network was requested by HDM, supplement this application.

In addition to this application 2 other sites have been considered including development already recommended for approval on Crossley Lane (2015/90430) and a current application on Cockley Hill Lane (2014/91831)

This further analyses carried out in preparing this Technical Note demonstrate that the anticipated increase in the level of traffic generated by any one of the three developments would not be discernible from the daily fluctuations in flows that could be expected on the strategic highway network. The same can be said of the cumulative impact of all three developments. Therefore the level of traffic generated by all three proposals can be accommodated and will have no material impact on the safe operation of the local highway and will not significantly add to any congestion at the peak times on the local network.

### Accessibility

#### Bus

The nearest bus stops are located within the recommended distance from the proposed site access at Shop Lane. The bus stops are served by bus services 262 and 371, providing a combined two-way weekday frequency of circa 5 buses per hour in the daytime.

To encourage the use of public transport the developer will be required to implement some bus improvements and in addition implement a Residential Metro Card Scheme, the funding for which shall be secured via a Section 106 Agreement.

#### Pedestrians

The Public Rights of Way officer notes that Public footpath Kirkburton 8 is not shown in the application and in addition, concerns have been raised about the condition of walls on the southern boundary of the site adjacent to public footpath Kirkburton 255, with stone falling onto the path. Offsite highway improvements (PROW) may be requested at a later stage of the planning process.

#### Parking

Parking provision within the site layout accords to Kirklees Council's parking standards.

#### Accidents

A review of the recorded accidents shows that there have been three recorded accidents in the site vicinity within the last five years, which resulted in slight injuries. The recorded accidents did not happen as a result of the road geometry but were due to driver behaviour.

### **Flood Risk and Drainage**

This site is within Flood Zone 1 i.e. the area least likely to flood. However given the size of the site a Flood Risk Assessment has been submitted to

consider the issue of surface water run-off and the potential impact downstream. The FRA was amended and updated in line with requirements from the Environment Agency who have now withdrawn their objection to the scheme, recommending the imposition of conditions should approval be forthcoming. Yorkshire Water also recommended conditions.

The site was formerly occupied by Huddersfield Fine Worsteds (a substantial textiles factory) and has now been largely cleared and fenced off. As is to be expected on such a site, the predominant area is hard standing or similar, with any trees or green areas being to the periphery of the site. The site is steeply sloping, and there is a natural “step” approx. half way down the site, as such the potential for surface water run-off to impact downstream needs to be considered. Any detailed scheme or discharge of conditions application on this site will need to demonstrate a significant reduction in site run off (usually a minimum of 30% betterment is aimed for).

Any future drainage scheme will need to be adequately informed by a detailed survey of the existing drainage systems within and surrounding the site. This information would then enable the preparation of a drainage scheme with meaningful targets for storage, capacity and targeted run off rates to not only deliver satisfactory drainage for this site, but prevent problems further downstream. As this is an outline application these matters can be covered by condition.

## **Biodiversity**

The application is accompanied by an Ecological Report which identifies that the bulk of the site comprises hardstanding with overgrown areas, little of which is of ecological value. There are some invasive species that would need to be eradicated prior to any development commencing.

There is an area of standing water that is of no habitat value. The mature trees on the periphery of the larger site are of value and offer foraging opportunities for bats. The trees on the smaller site are of significant value and are protected by a Tree Preservation Order. The trees are shown to be retained on the indicative layout, supported by an Arboricultural Survey.

There are only two remaining buildings on the site, i.e. the lodge house, which is to be retained and a partially demolished storage building. The storage building has some limited potential for bat roost, a bat emergence survey has been undertaken and this identified one bat roost in the storage building. As such prior to any development commencing a full method statement indicating agreed mitigation will be required as well as the relevant permission from Natural England.

The contents and the conclusions of this report are accepted. Whilst there is little of existing ecological value within the site, the opportunity to deliver biodiversity enhancement exists with the retention of mature trees, a landscape scheme and bat/ bird roost opportunities being incorporated within any new dwellings.

## **Environmental Issues (Contaminated land; Noise; Air Quality):**

### *Contaminated Land*

The application site was formerly occupied by a textile factory; it is accepted that substantial decontamination, and remediation will be required to make the site suitable to receive new development and this will be covered by condition.

### *Noise*

A Noise Report has been submitted with the application; this identifies two potential noise sources i.e. traffic along Shop Lane and to a lesser extent the business uses along Bankfield Lane. The noise levels would not prevent residential development of the site however noise attenuation would be beneficial for dwellings that would face onto Shop Lane and to the rear garden areas on the northern boundary of the site. As such a condition requiring details of noise attenuation measures to future dwellings on those parts of the site is recommended.

### *Air Quality*

The site is not within an area which suffers from poor air quality and a development of 48 dwellings, replacing a former textile factory will have a negligible impact on emissions. However in accordance with guidance contained in paragraph 97 of the NPPF a condition is recommended to provide charging points for electric and low emission vehicles.

## **Crime Prevention**

The application is in outline with access applied for, as such detailed consideration of layout will be undertaken at the Reserved Matters stage. However there is an illustrative layout that indicates a small area of open space in the NW corner, with a footpath link across it onto Bankfield Lane. This area of POS would need to benefit from natural supervision and this would need to be incorporated within any future layout through the orientation of new dwellings.

Adjacent to the site and on the eastern boundary is an existing public right of way which has is in part retained with a retaining wall within the site. The boundary walling will need to be repaired and augmented with boundary fencing to provide security for the rear gardens of new dwellings in that area of the site.

No objections to the principle of residential development on this site from a crime prevention perspective.

## **Conclusion:**

The development proposed will deliver up to 49 new dwellings on a brownfield site. The site comprises vacant industrial land that is unlikely to be brought back into employment use.

The use of the site for housing is an appropriate alternative use and a beneficial one providing much needed housing at a time when the Council is unable to demonstrate a 5 year supply of deliverable housing land. The site is deliverable and presents an opportunity for the redevelopment of land in a sustainable location.

Whilst the recycling and redevelopment of brownfield land is welcomed, it does present challenges. It is acknowledged that the site has been in industrial use for a considerable amount of time and that there are difficulties associated with remediation and the provision of drainage infrastructure.

Negotiations have taken place with the developer and an improved offer towards the provision of affordable housing, POS, Education contribution, resident Metro cards and improvements to bus stops has been made which is considered to be acceptable and which can be secured through a Section 106 obligation.

As such the scheme represents the delivery of new housing on a brown field site, with full and substantial contributions towards the provision of affordable housing, POS, Education, resident Metro cards and improvements to bus stops. Approval is recommended.

## **9. RECOMMENDATION**

**Grant conditional outline planning permission subject to delegation of authority to Officers to:**

- i. Referral of the application to the Health and Safety Executive under Section 9 of the Planning and Practice Guidance Notes. Should the Health and Safety Executive not intervene then;**
- ii. Secure a S106 obligation to provide:**
  - Affordable Housing of 10 starter homes**
  - An Education contribution of £113,891**
  - POS on site and a financial contribution of £129,950 to improve off site POS**
- iii. Impose appropriate conditions which may include those detailed below; and**
- iv. Subject to there being no material change in circumstances, to issue the decision**

## Conditions

1. Approval of the details of the layout, scale, appearance and the 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 layout, scale, appearance and the 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 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. Development shall not commence until a scheme detailing the layout, construction and specification of the highway works at the site access junction with Shop Lane and with Orchard Road (with reference to drawing no. P09:4266.01 Rev A) and all associated highway works, and the appropriate Road Safety Audit, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all the works under the approved scheme have been carried out and completed in accordance with the approved scheme and thereafter retained throughout the lifetime of the development.
6. The development shall not be brought into use until visibility splays of 2.4 m x 43 m in both directions along Shop Lane at the site access junction in which there shall be no obstruction to visibility above the level of the adjacent footway as indicated on the approved plan have been completed. Thereafter, the visibility splays shall be retained throughout the lifetime of the development.
7. Before the development commences a scheme detailing suitable boundary treatments to those parts of the development abutting footpath Kirkburton 255 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
8. 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 and building walls adjacent to both the existing and new public highway shall be submitted to and approved in writing by the Highway Authority. The approved scheme shall be implemented prior



to the commencement of the proposed development and thereafter retained during the life of the development.

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 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.

10. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

11. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 10, 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. Prior to development commencing a noise attenuation scheme relating to dwellings which front onto Shop Lane and also the rear elevations and garden areas of dwellings to the NE corner of this site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings concerned.

16. The development shall not commence until an assessment of the effects of 1 in 100 years storm events, with an additional allowance for climate change, upon drainage infrastructure and surface water run off pre and post development between the development and the surrounding area in all directions shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and the approved scheme shall be retained throughout the lifetime of the development.

17. Notwithstanding the submitted detail, no development shall commence until details of the on-site surface water attenuation have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the scheme.

18. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

19. 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.

20. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. Furthermore, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

21. Prior to the commencement of development, details of a bio-diversity habitat enhancement scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall include details and potential locations for bat / bird roost opportunities within the new development and surrounding retained trees. The approved scheme shall be implemented prior to the first occupation of any dwellings / plots containing such opportunities.

22. Prior to occupation of any dwellings, electric vehicle recharging points shall be installed for each dwelling with a garage and / or 1 point for every 10 dwellings with communal car parking in accordance with a specification which

shall first have been submitted to and agreed in writing by the Local Planning Authority.

23. Where European Protected Species(eps) may be affected by a development and it can be demonstrated that an Natural England EPS licence will not be required, a written method statement(based on the format of Natural England's EPS licence application method statement) detailing how the development shall be completed without harm to any EPS and without loss or detriment to the wildlife habitat used by the said species, shall be submitted to and approved by the Local Planning Authority before development commences. The development shall be carried out in accordance with the agreed method statement.

This recommendation is based on the following plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan and Site Layout	P09-42266.01	A	July 2015
Design and Access Statement			27/8/14
Transport Statement and Supplementary Report	702B/ Aug 2015		August 2015
Flood Risk Assessment (Updated).	E1015174/KR01	b	April 2015
Noise Report	10553/01/1v1		27/8/14
Ecological Report	R2314-01.1		April 2015
Bat Emergence Survey	R2314-02		August 2015
Arboricultural Survey (Kirkheaton Mill site)			27/8/14
Arboricultural Survey (Garage site)			27/8/14