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**Report of the Head of Development Management**

**STRATEGIC PLANNING COMMITTEE**

**Date: 01-Dec-2016**

**Subject: Planning Application 2016/93411 Outline application for erection of residential development Land to rear of, 125, Helme Lane, Meltham, Holmfirth, HD9 5RJ**

**APPLICANT**

Conroy Homes Ltd

**DATE VALID**

10-Oct-2016

**TARGET DATE**

09-Jan-2017

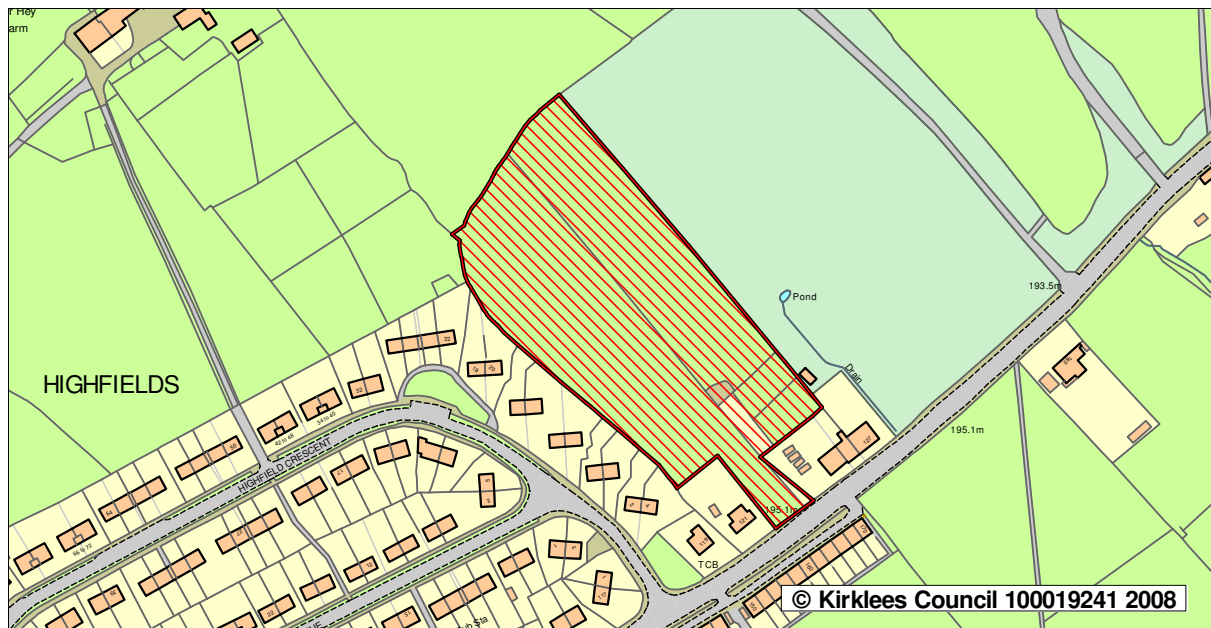
**EXTENSION EXPIRY DATE**

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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**

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**Electoral Wards Affected:**

Holme Valley North



Ward Members consulted on pre-application enquiry  
(referred to in report)

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**RECOMMENDATION: GRANT CONDITIONAL OUTLINE PLANNING PERMISSION**

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**1.0 INTRODUCTION:**

- 1.1 The application is brought to Committee as the site is in excess of 0.5ha and the development is a departure from the Councils Unitary Development Plan

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The site comprises an area of 1.3ha and is located on Helme Lane, to the north eastern edge of Meltham. The site has a narrow frontage onto Helme Lane in between no's 121 and 125, then broadening to the rear of these existing properties that front onto Helme Lane. The site comprises 2 large fields and slopes up considerably from Helme Lane.
- 2.2. The site is flanked to the south west by dwellings on Highfield Crescent, to the north east by a substantial woodland area which is protected by a Tree Preservation Order and to the north west by a sloping hillside that is within the Green Belt.
- 2.3. The site is allocated as Provisional Open Land on the Unitary Development Plan.

**3.0 PROPOSAL:**

- 3.1 Outline permission is sought for residential development with access only applied for. Access is proposed off Helme Lane in between no's 121 and 125. An illustrative layout is submitted showing a total of 44 dwellings (a mix of semi-detached and terrace properties).

#### **4.0 RELEVANT PLANNING HISTORY.**

- 4.1 2014/93959 – Residential approval for 88 no dwellings on land off Helme Lane. (NB this site is on the opposite side of Helme Lane to this application, and is currently under construction).

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 This application was the subject of a pre application enquiry. Ward Members were advised of the enquiry. Advice was given at the preapplication stage was the principle of development was acceptable but the indicative layout was overly cramped and appeared as over development and the indicative drainage solution was not acceptable to the Council's drainage Engineer. These are matters which will require attention at Reserved Matters stage but do not affect the establishment of the principle of the development which the Outline application seeks to establish.

#### **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).
- 6.2 The Council's Local Plan will be published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

#### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 D5 – Provisional open land  
H1- Housing needs of the district  
H10 – Affordable housing  
H18 – Provision of open space  
G6 – Land contamination  
NE9 – Retention of mature trees  
T1 – Transport Priorities  
T10 – Highway safety  
T19 – Parking standards.  
BE1 – Design principles

BE2 – Quality of design  
BE12 – Space about buildings  
BE23 – Crime prevention

Supplementary Planning Guidance / Documents:

- 6.4 SPD 2 “Affordable Housing”.  
Education Contributions generated by new development.

National Planning Guidance:

- 6.5 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

**7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application has been publicised by site notices and neighbour letter. To date there have been 7 letters of objection. The main points of concern being:

- The existing road is very busy and additional dwellings would intensify its use and exacerbate existing problems with congestion and on street parking.
- Local schools are oversubscribed;
- The site is greenfield and further loss of green fields in this area should be resisted by the Council;
- There is already ample housing in Meltham;
- New development will exacerbate flooding problems in the area;
- The illustrative layout is over intensive, and if approval is forthcoming the number of dwellings should be significantly reduced, and incorporate bungalows;
- The scheme will have an adverse effect on residential amenity and privacy for properties on Highfield Crescent;
- The loss of these fields will put further pressure on wildlife in particular the twite, which is a red listed species, in need of protection.

- 7.2 Meltham Town Council- Support the application.

**8.0 CONSULTATION RESPONSES:**

- 8.1 **Statutory:**

**Yorkshire Water Authority** - No objections and recommend conditions.

**The Environment Agency** - Site is flood zone 1 but the EA have yet to formally comment. Their consultation response will be brought to Committee as part of the update report.

## 8.2 **Non-statutory:**

**KC Highways DM** - No objections recommend conditions

**KC Trees** - No objections, TPO'd trees on the boundary should be safeguarded and protected during development.

**KC Environment Unit** - No objections in principle to the development. Conditions should be added to ensure bio diversity enhancement, through the provision of bird and bat roost opportunities, but also the provision of appropriate boundary planting at Reserved Matters stage.

**KC Parks and Recreation** - The site as it is, given its character and location is considered to be an important open space of high quality. Should outline permission be granted then Policy H18 is applicable, and a financial contribution towards the improvements of nearby recreational facilities would be appropriate in this case.

**KC Strategic Housing** - There is a demonstrable need for affordable housing in the area, and affordable housing should be provided a part of the scheme on site. As the site is green field the relevant policy contribution is 30% of the gross floor area. This should be conditioned.

**KC Education Service** - An education contribution is required in this case. Based upon a total of 44 dwellings this would be £85,193.00. This should be secured through a Section 106 Agreement.

**KC Strategic Drainage.** Object to the scheme and the layout that is promoted. Feel that a satisfactory drainage strategy for that layout has not been submitted or researched.

Note: The application is for outline, with access only applied for. Layout and numbers are not applied for at this stage. The applicants have been advised of the above concerns, and have confirmed that they accept the indicative layout will have to be changed. As such it is not feasible to refuse the application on drainage grounds, at this stage, and drainage should be covered by appropriate conditions.

## 9.0 **MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues

- Drainage issues
- Planning obligations
- Representations
- Other matters

## **10.0 APPRAISAL**

### **10.1 Principle of development**

10.2 The site is allocated a Provisional Open Land on the Unitary Development Plan (UDP), and as such is subject to Policy D5, which safeguards such sites from development for the lifetime of the UDP.

10.3 The National Planning Policy Framework paragraph 49 indicates that housing applications should be considered in the context of the presumption in favour of sustainable development, and that should a 5 year supply of deliverable housing sites not be available then housing related policies should be regarded as out of date.

10.4 The Council is currently unable to demonstrate a 5 year supply of deliverable sites, and as such Policy D5 is out of date.

10.5 National Planning Policy paragraph 14 indicates a presumption in favour of sustainable development, unless any adverse effects would significantly and demonstrably outweigh the benefits of delivering new housing.

10.6 The site is located with good access to public transport, and the local and village centre, and school and medical facilities. As such it is considered to be in a sustainable location, and there is no objection to the release of this site for housing at this time.

### **10.7 Highway issues**

10.8 The proposal is for up to 44 dwellings with a new access to the south of the site onto Helme Lane(C557).

10.9 The application site is located approximately 700m to the east of Meltham town centre. The site is flanked by residential properties to the west and rural land to the north and east. Helme Lane connects Meltham with Helme and Blackmoorfoot to the north.

10.10 Helme Lane is subject to a 30 mph speed limit and has street lighting to main road standards. It has a carriageway width of 7.5m with 1.8m wide footways on both sides of the road.

10.11 The closest bus stops to the site are found on Helme Lane approximately 120m from the site. Further stops are found on Broadlands Road, Highfield Avenue and Slaithwaite Road. The closest railway station to the site is Slaithwaite station which is approximately 5km from the site. The station lies on the Huddersfield line with regular services between Huddersfield and Manchester.

- 10.12 Vehicular access will be provided along the site frontage from Helme Lane in the form of a simple priority junction. The alignment of the initial section of the proposed roadway is poor and may need re-alignment. However the proposed site layout is considered to be indicative only and demonstrates that the site could with amendment be able to accommodate the proposed 44 dwellings and provide sufficient off-street parking and internal vehicle turning. Parking for two existing properties fronting Helme Lane will also be served by the new proposed access.
- 10.13 Visibility splays of 2.4 x 43m can be provided in both directions, which accords with the 30mph speed limit on Helme Lane and the requirements of Manual for Streets. Two metre wide footways will be provided along both sides of the new main access road.
- 10.14 There have been no recorded injury accidents along Helme Lane within 100m of the proposed site access in the last 5 years.
- 10.15 There is an approved residential development site for 88 dwellings located on Helme Lane opposite and to the east of the current proposals (2014/93959). A traffic survey was carried out at the junction of Helme Lane and Broadlands Road in July 2014. This survey shows that in the AM peak 55% of 259 vehicles passing the site proceeded away from Meltham and in the PM peak the bias was 62% of 223 vehicles passing the site towards Meltham. The estimated predicted traffic generations for the proposed development are as follows:
- AM Peak 36 two way movements - 9 arrive 27 depart  
PM Peak 36 two way movements - 27 arrive 9 depart
- 10.16 To assess the proposed development's impact at the proposed site access a PICADY assessment has been carried out to include committed development from the adjacent site plus proposed development. The peak hour traffic flows have been increased using TEMPRO 6.2 to a design year of 2021. A junction capacity assessment has also been carried out at the Helme Lane / Broadlands Road junction using the PICADY computer program. This junction is approximately 130 metres to the west of the proposed site access and is on the bus route leading to Mean lane and Meltham town Centre. This junction was modelled in the weekday AM and PM peak hours (including committed development traffic) in the design year 2021. The results indicate that the proposed site access and Helme Lane / Broadlands Road junction will operate well within capacity
- 10.17 The proposals are considered acceptable from a highways point of view and no objection is raised.
- 10.18 Drainage issues

- 10.19 The site is within an area that is Flood Zone 1, (i.e. that which is least likely to flood). However as the site is in excess of 1.0 ha a Flood Risk Assessment has been submitted. No objections to the scheme have been received from the Yorkshire Water Authority or the Environment Agency
- 10.20 Given the topography of the site (sloping hillside) it is not considered that infiltration techniques are appropriate and as such, on site balancing and attenuation will be required to restrict the rate to greenfield run off as well as exploration of the potential to discharge to the neighbouring watercourse.
- 10.21 As this is an outline application it is considered that these matters can be satisfactorily dealt with by the imposition of conditions
- 10.22 Landscape/ Biodiversity
- 10.23 This application has been accompanied by an Ecological Report of the site and neighbouring area. The site comprises previously improved grassland and is of limited ecological value. The neighbouring woodland is of value for wildlife and foraging for bats.
- 10.24 Representations have been made that the development of this site would have an adverse effect on habitat and consequently that species of twite (a red listed protected species) would suffer.
- 10.25 This site is identified as a housing allocation within the emerging Local Plan and was considered in the Habitat Regulation Assessment for the Local Plan, which involved consultation with the RSPB. Although the site is within 2.5km of the boundary of the South Pennine Moors Special Protection Area, the habits are in themselves are unsuitable for supporting twite and any of the birds would need to overfly a significant part of Meltham in order to access the site. Such behaviour is unlikely
- 10.26 As such there is no objection in principle to residential development on this site. However as this is an outline application conditions are recommended to ensure bio diversity enhancement at a detailed stage. This should include not only the provision of bat and bird roost opportunities within the development, but adequate planting areas along the boundary of the site and appropriate species of trees and planting.

#### **10.27 Representations not covered above**

- 10.28 The objections to this scheme, broadly fall into 4 categories.
- 10.29 Loss of greenfield land should be resisted, and this is protected land.  
*Response: The site is allocated a POL, and as the Council is unable to demonstrate a 5 year supply of deliverable housing sites, housing on such sites is acceptable. This site is indicated for housing on the Emerging Local Plan.*



10.30 The development is over intensive, and would result in adverse effect on residential amenity, and put undue pressure on local infrastructure eg schools and doctors.

*Response: The application is outline and no siting or numbers are applied for at this stage. An appropriate conditions requiring the submission of a education contribution is recommended in accordance with the Councils Education policy. Medical infrastructure provision is not a matter the Local Planning Authority can determine.*

10.31 Traffic problems and congestion in the area will become worse.

*Response: The application is accompanied by a Transport Assessment that includes a cumulative effects of existing commitments and neighbouring developments, and it is considered that surrounding road network can satisfactorily accommodate the new residential development.*

10.32 The development of this site will have an adverse effect on wildlife habitat, in particular "twite" which are an endangered species.

*Response: The application is accompanied by an ecological survey, which identifies the site as improved grassland of limited value. The Councils Bio diversity Officer has been involved and discussed this with Yorkshire Wildlife Trust. –detailed response to this objection is included in the above assessment.*

10.33 The concerns about impacts on residential amenity and privacy.

*Response: these matters will all be considered at the detailed stage when Layout, Scale and Appearance are applied for.*

10.34 Planning obligations

10.35 This application is an outline application with access only applied for. Given the scale of the development Council policies regarding the provision of affordable housing, public open space and education contributions will all be applicable. The extent of these contributions will be calculated when a specific layout with numbers of dwellings is agreed and at that point the contributions will be secured by a Section106 obligation. At this stage the above matters are subject of appropriate conditions.

10.36 Other Matters

10.37 As an outline application only the principle of the use and access are applied for. In the event of an approval at Outline stage Reserved Matters for layout, scale, appearance and landscaping will be all be considered and will be the subject of a specific consultation exercise with neighbouring properties.

## **11.0 CONCLUSION**

11.1 There is no objection to the use of this site for housing in principle. It is consider to be in a sustainable location and the presumption in NPPF paragraph 14 weighs in favour. There are not considered to be any substantial adverse impacts that outweigh the benefits of providing new housing. Conditional outline approval is recommended.



**Background Papers:**

Application and history files

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93411>+

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