
Report of the Head of Development Management**STRATEGIC PLANNING COMMITTEE****Date: 05-Jan-2017****Subject: Planning Application 2016/92633 Erection of 128 dwellings (with two apartment blocks) including means of access and associated infrastructure
Heathfield Lane, Birkenshaw, BD11 2HW****APPLICANT**Mark Jones, Barratt
David Wilson & Moonfleet
Property LLP**DATE VALID**

18-Aug-2016

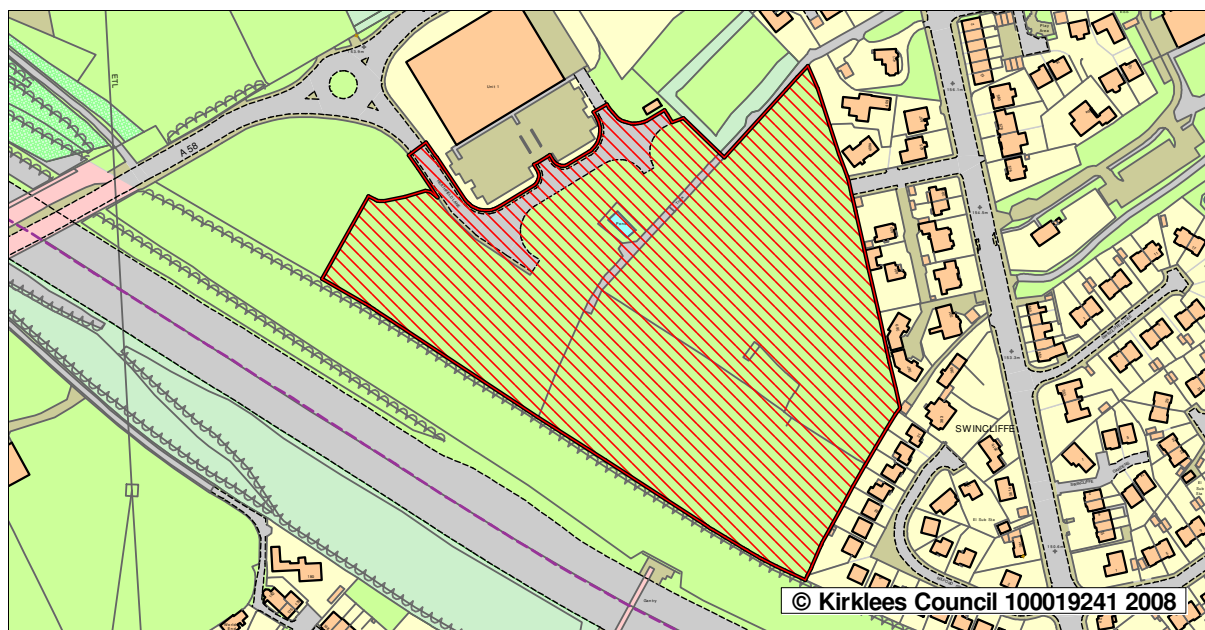
TARGET DATE

17-Nov-2016

EXTENSION EXPIRY DATE

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

Electoral Wards Affected: Birstall and Birkenshaw

Y

Ward Members consulted
(referred to in report)

RECOMMENDATION: POSITION STATEMENT

For Members to note the content of the report and presentation and respond to the questions at the end of each section

1.0 INTRODUCTION:

- 1.1 The application is brought to Strategic Committee as the proposed development would represent a departure from the Council's Unitary Development Plan.
- 1.2 The Council's Officer-Ward Member Communication Protocol provides for the use of Position Statements at Planning Committees. They set out the details of the application, the consultation responses and representations received to date and the main issues with the application. Members of the Committee will be able to comment on the main issues to help inform officers and the applicants. This is not a formal determination, it does not predetermine Councillors and does not create any issues of challenge to a subsequent decision on the application by the Committee.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is located to the south-west of Birkenshaw and is approximately 3.9 hectares in area with a landscape bund of approx. 3m in height to the east and south-east boundary with existing residential dwellings set in a linear form beyond. To the north-west of the site is the 'Park House Healthcare' building, separated from the proposed site by an access road. To the south-west of the site is the M62 motorway which is set within a cutting.
- 2.2 The Swincliffe Bridleway dissects the site in an east to west direction. Where the Bridleway enters the site from the east, it is flanked by mature trees. The Bridleway is cut off by the M62 motorway to the west. Access to the site is from Heathfield Lane, south west of the Park House Healthcare building, which also serves a recently constructed Green King public house/restaurant, lying in the north-west corner above the application site.

3.0 PROPOSAL:

- 3.1 The application is submitted in full for the erection of 128 dwellings.
- 3.2 The proposed development includes a mix of 2 bed apartments (two blocks, three storey in height), 2, 3, and 4 bedroom mews style, semi-detached and detached dwellings with heights ranging from 2 - 3 storey. The submitted layout shows a single point of access from Heathfield Lane.
- 3.3 The proposed layout incorporates two formal areas of Public Open Space. The main area of POS (to the north-west corner of the site) would be overlooked by the proposed apartment blocks, the other area to the eastern boundary would act as a buffer between existing properties to Bradford Road.
- 3.4 Parking is to be provided by a mix of private driveways, forecourt areas and street-side visitor bays. External facing materials are mainly proposed to be brick using a selection of different colours. Roof tiles are proposed to be a mix of grey and red tiles. Street scenes and site section details have been submitted to demonstrate the relationships between the new dwellings and the existing site levels and site features.

4.0 RELEVANT PLANNING HISTORY:

2002/92117 – demolition of farmhouse and outbuildings. Outline application for erection of Class B1 Business and Industrial development – granted June 2005

2005/90758 – erection of office and B1 Light Industrial building - Conditional Full Permission Aug 2005

2006/91735 – erection of three storey B1 Office Block with external car parking – granted November 2008

2011/92862 – Extension to time limit for previous permission 2006/91735 for erection of three storey B1 Office Block with external car parking – granted Jan 2012

2014/92644 – erection of Class A3/A4 amenity restaurant and three manager/ staff apartments, office and storage associated access, car parking and landscaping - Conditional Full Permission Jan 2015

2015/93437 – Non Material Amendment to previous permission 2014/92644 for erection of class A3/A4 amenity restaurant and three manager / staff apartments, office and storage with associated access, car parking and landscaping. Approved 23/11/2015

2015/91123 – Discharge of conditions 13. (highway works) 18. (construction plan) 19. (landscaping) 20. (drainage) 23. (surface water) on previous permission no.2014/92644 for erection of class A3/A4 amenity restaurant and

three manager / staff apartments, office and storage with associated access, car parking and landscaping. Approved 03/08/2015

2015/90919 – Discharge of conditions 3. (Phase II Intrusive Site Investigation Report) and 4. (Remediation Strategy) on previous permission no.2014/92644 for erection of class A3/A4 amenity restaurant and three manager / staff apartments, office and storage with associated access, car parking and landscaping. Approved 14/05/2015

2015/90712 – Discharge of conditions 7. (noise) 8. (air pollution) 9. (plug-in electric vehicles) 10. (artificial lighting) 12. (parking) 22. (drainage) 24. (bridleway) and 25. (parking) on previous permission no. 2014/92644 for erection of class A3/A4 amenity restaurant and three manager / staff apartments, office and storage with associated access, car parking and landscaping. Approved 11/03/2015

2014/92644 – Erection of class A3/A4 amenity restaurant and three manager / staff apartments, office and storage with associated access, car parking and landscaping. Approved 30/01/2015

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application has been the subject of pre application discussions and from the information submitted the applicants have actively carried out public consultation, the evidence of which is submitted formally through a Statement of Community Involvement report. Ward Members have been briefed about the scheme by representatives of the applicant prior to the application being submitted and during the course of the application by the case officer. Negotiations have sought to address drainage, PROW, layout and highway issues. Requests have been made for further noise and air quality assessments to address the concerns raised by Environmental Health Officers.

Schedule of amendments and additional information received:

- Noise impact assessment received 27/09/16
- Amended layout to include apartment blocks & proposed bridleway route received 5/10/16
- Floor & elevation plans for apartments and agreement to amend description to include apartment blocks, received 13/10/16
- Amended Arboricultural Method Statement, received 18/10/16
- Additional cross sections (showing removal of earth mounds) received 29/11/16
- Amended drainage proposals and FRA, received 30/11/16
- Updated air quality assessment & response to Environmental Health Officers on noise and contaminated land issues received 02/12/16
- Revised layout, received 12/12/16
- Additional statement in relation to Starter Homes, received 13/12/16

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 application site is allocated under Saved Policy B2 'Land for Business and Industry', and is identified as B14.9 – Swincliffe, Birkenshaw (B1 uses only) including an area allocated as a buffer zone.
- 6.3 The allocation of the application site under the emerging Local Plan is housing with the areas accommodating the existing business units including the Greene King public house/restaurant and a small section of the application site (in the north east part) to be without specific notation.

B2 – sites allocated for business & industry

B3 – Buffer zones within areas allocated for Business & Industry

B4 – Change of use of land and buildings last used for business or industry

BE1 – Design principles

BE2 – Quality of design

BE11 – Materials

BE12 – Space about buildings

EP4 – Noise sensitive development

NE9 – Retention of mature trees

T10 – Highway safety

T19 – parking provision

BE23 – Crime prevention

G6 – Land contamination

T10 – Highway safety

H10 – Affordable housing

H12 – Arrangements for securing affordable housing

H18 – Provision of open space

6.4 Supplementary Planning Guidance / Documents:

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

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

Manual for Streets (2007)

6.5 National Planning Guidance:

'Achieving Sustainable Development'

'Core Planning Principles'

Building a strong, competitive economy (chapter 1)

Requiring good design (chapter 7)

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Statement of Community Involvement:** The Council's '*Statement of Community Involvement*' entitled "Kirklees – the place to grow" was formally adopted in September 2015. It explains how Kirklees Council will work with local communities and stakeholders to develop planning policy documents such as the Kirklees Local Plan or guidance on specific issues). It also explains that involvement in the planning application process is outlined in the Kirklees Development Management Charter adopted in July 2015.
- 7.2 In line with the above the applicant has provided a Statement of Community Involvement (SCI) report. This states that a total of 487 invites were sent out to local residents and the wider community including local businesses in the vicinity of the application site, to engage the local community about the proposals and to gain an understanding of local views towards the proposals. A number of pre application meetings also took place between Officers and agent/applicant.
- 7.3 The SCI refers to an exhibition held at St Paul's Church Community Hall where a total of 61 local residents attended and 19 feedback forms were completed. Respondents mentioned the new supply of homes in the area and the fact that empty land would be brought into use. Some stated a preference for housing over industrial use, welcomed the affordable home provision on the site and recognised the economic benefits including employment. The fact that the houses were two not three storey was also welcomed.
- 7.4 **Publicity:**
- 7.5 The Council has advertised the application in the press, by site notices and through neighbour letters on receipt. This is in line with the Councils adopted Statement of Community Involvement. Eleven representations have been received.

The concerns raised relate to:

- Additional traffic, inconsiderate parking & congestion would cause danger to the local residents and make existing traffic concerns worse
- Lack of green open space for public in area
- Further strain on the existing infrastructure from proposed development
- Doctors, dentist and schools in the area already at full capacity
- Disruption from noise and dust concerns to existing residents due to wind direction prevailing towards the west
- Extension to nos. 19 and 23 Milford Grove not shown on plans
- Potential overshadowing/overlooking and loss of light to nos. 21 and 23 Milford Grove from proposed properties, if three storey high, adjacent to these dwellings.

- Too close to existing properties and large dwellings on small plots.
- Existing speed limit between Hunsworth & Birkenshaw should be reviewed given the increase in traffic movement from the development.
- Concerns relating to gaining access for maintenance purposes to garage and hedge from occupiers of no. 403 Bradford Road and intrusion to their home.
- Privately owned gate adjacent to no. 403 not to be used for public and what plans are in place to permanently close off this fence gate.
- Will spoil the village feel and community.

Clarity is also sought on:

- The removal or retention of earth mound between existing and proposed properties.
- Retention of existing stone wall to garden areas of properties on Millford Grove and proposed fence to be on side of field.
- Green spaces to rear of properties on Milford grove and nos. 387, 389 & 401 Bradford Road.
- Overlooking into properties onto Milford Grove, what regulations control this aspect.
- Numbering of house type (346) adjacent to no. 21 and 23 Milford Grove not shown also clarity of house type to plot 79 is required.

- 7.6 Representations have been received from Ward Members Cllrs, Robert Light, Elizabeth Smage and Andrew Palfreeman who object to the principle of residential development on this business and industrial allocated site and to this application being presented to Strategic Planning Committee on the 5th January unless all relevant information has been received, shared with interested parties and made available for public comment, including the removal of the earth mound along the east and south east boundaries.

All three Ward Cllrs consider that the application should not be brought to Committee in any form as they state it is clearly incomplete in terms of details and process.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Environment Agency – no objections

Yorkshire Water - confirmed the amended FRA is satisfactory and raise no objections subject to the inclusion of conditions.

Coal Authority – no objections

Highways England – no objections and state “the travel plan appears to be reasonable in terms of promoting sustainable travel to/from the site. The development is in close proximity to the M62 and located near to an existing noise important area; as such it is respectfully requested this is taken into

consideration when assessing the application to ensure the mitigation offered is sufficient to ensure both noise and air quality impacts are addressed to avoid future complaints from residents”.

K.C Highways Development Management – support subject to contributions and conditions

8.2 Non-statutory:

K.C Public rights of way (PROW) – support subject to conditions

K.C Environmental Services – Significant health concerns to future occupants to proposed dwellings shown adjacent to motorway from Air Quality and noise impact from the motorway.

K.C. Arboricultural Officer – support subject to conditions

K.C Ecology & Biodiversity officer – support subject to conditions

K.C Flood Management and Drainage – support subject to conditions and long term maintenance of surface water drainage system through S106, until formal adoption.

K.C Strategic Housing – An affordable housing contribution is required

K.C Landscape Architects – support principle (see assessment below for details)

K.C. School Organisation & Planning – contributions required

WY Police Architectural Liaison Officer – support subject to conditions

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues (ecology & trees)
- Highway issues
- Drainage, contamination, noise and air quality issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

10.1 Principle of development

10.2 The application site is allocated for Business & Industry on the Unitary Development Plan Proposals maps. The proposal will therefore result in the loss land for allocated for employment purposes.

10.3 Part 1 of the National Planning Policy Framework 'Building a Strong and Competitive Economy' paragraphs 18- 22 are material considerations and in relation to allocated employment sites paragraph 22 states:

"Planning Policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose....Where there is no reasonable prospect of the site being used for the allocated employment use, applications for alternative uses of land and buildings should be treated on their merits having regard to market signals and the relative needs of different land uses to support sustainable local communities."

10.4 Paragraph 215 of the NPPF also states that due weight should be given to relevant policies according to their degree of consistency with the Framework. It further explains that the closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given. With this regard paragraph 216 also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).:

10.5 The applicant acknowledges that the site is allocated for Business and Industry (Policy B2 of the UDP) and was at that time considered suitable for employment use. However the applicant comments that the suitability for such use is also dependent upon the attractiveness to the market.

10.6 The employment land assessment submitted in support of the application advises that the site has been available and marketed for over 12 years. Following allocation of the site for Business and Industry in the UDP, the site owner commissioned for the site to be marked in 2004.

- 10.7 In 2006 Phase 1 of Whitehall 26 was completed with the construction of a new HQ building for Park House Health Care. Planning permission for Phase 2; a B1 office development of upto 18,000 sq ft with flexibility to let units of 3,000 sq ft was granted in 2008. This permission was further extended in 2012.
- 10.8 In January 2015, planning permission was secured for the development of a new pub/restaurant on a prominent part of the wider allocation. It was hoped that the presence of a family pub would provide facilities that would help attract interest in Whitehall 26.
- 10.9 The employment land assessment however suggests that the presence of ancillary services and facilities are unlikely to be the determining factor in an occupier selecting this site over other sites in closer proximity to the motorway, and the limited success of the business park to date would be very unlikely to change. In terms of achievability, the report concludes that as an available site with stub roads and site infrastructure in place, the site should have been taken up for employment development to a greater extent than it has in the last 12 years. Employment development is achievable on the site, as the Park House Health Care facility demonstrates, however, without demand in the market, further development for business and industry is unlikely to be achieved.
- 10.10 It is also worth noting that in the Draft Kirklees Local Plan, the site is proposed in part for housing and is in part without specific notation.
- 10.11 With regard to the allocated buffer zone, the intention of policy B3 of the UDP is to protect the amenity of occupiers of neighbouring properties from land allocated for business and industry and to reduce the impact of industrial development on visual amenity, landscape and wildlife. Given that the nature of development proposed is residential, it is considered that the objectives of policy B3 would not be prejudiced in this case.
- 10.12 Paragraph 49 of the NPPF presumes in favour of sustainable development and indicates that housing policies should not be considered up to date if the Local Planning Authority is unable to demonstrate a 5 year supply of deliverable housing sites. Currently the Council is unable to demonstrate a 5 year supply of deliverable housing land. In this respect recent appeal decisions have confirmed that given the lack of a demonstrable 5 year land supply the Councils housing land supply policies in the UDP are out of date. As such the lack of an adequate land supply in itself is a relevant and material consideration as is the provision of new housing which would help address the shortfall.
- 10.13 It is therefore considered that the site is unlikely to come forward for Business and Industry and as such, having regard to paragraph 22 of the NPPF and the current position in respect of the 5 year supply deliverable housing sites, the principle of residential development is supported.

Are there any comments that Members wish to make in relation to the principle of the proposed development at this stage?

10.14 Urban Design issues (Layout, Scale & Appearance)

- 10.15 Currently the site is vacant and other than for a small area being used as grazing land it largely comprises overgrown scrubland. The application red line boundary includes an area of the primary road from Heathfield Lane, which also serves the existing office development north of the site. The site is surrounded on two sides by predominantly detached residential properties, constructed in a variety of materials. To the boundary with Milford Grove and Bradford Road there is an existing earth mound that is shown to be removed.
- 10.16 The submitted layout demonstrates that a reasonable density of development can be achieved (32 dwellings/ha). The layout incorporates two areas of public open space (POS) with potential for a third area depending upon whether the pumping station is required. The main area of POS (to the north-west corner of the site) would be overlooked by the proposed apartment blocks, providing natural surveillance and will accommodate a 5-a-side grassed pitch with landscaping to the boundary, the other area to the eastern boundary would be informal open space and act as a buffer between the development and existing properties to Bradford Road. The third is shown in the south east corner of the site adjacent to properties along Milford Grove.
- 10.17 The layout takes the form of a traditional estate road with shared accessways and mews courts. The bridleway which passes through the site is accommodated within the layout. However given that the historic route of the bridleway is terminated by the M62, provision is also made within the layout for an alternative route that ties into the section of footpath/bridleway secured to the frontage of the pub/restaurant development and which will then connect Bradford Road to Whitehall Road West and footpath SPE/14/10.
- 10.18 Dwellings proposed onto Heathfield Lane, directly behind the existing employment use are arranged to avoid any links to the shared access road and would be served from the proposed new internal estate road. The location and orientation of dwellings along the east and southern boundaries would be set back from the existing properties forming a linear row of properties. Dwellings to the western boundary are shown to be orientated with the front elevation facing the proposed internal estate road and parking areas with the M62 beyond with rear gardens away from the M62.
- 10.19 The provision of a further pedestrian link from the development to Bradford Road (between nos 403 and 409a Bradford Road) has been considered but has been discounted given that third party land will be required and that objections to the link have been received from existing residents.
- 10.20 Amendments have been secured to provide opportunities for 'green streets' by providing areas of verge that can accommodate tree planting within the layout.

- 10.21 Internally within the site, the layout demonstrates adequate provision of private amenity space, arrangements for bin storage and parking provision for the size of plots/dwellings proposed.
- 10.22 The proposed scale of properties would be two and three storey in height. This would be appropriate to the surrounding dwellings which consist of two and three storey dwellings. Given the separation distances and finished ground levels proposed by the sections provided, officers are of the opinion that scale of development proposed provides a good physical and social relationship within the context of the existing surrounding development.
- 10.23 The proposed external facing materials are predominantly brick with a mixture of red and grey roof tiles. This is considered appropriate given that there is no distinct material prevailing in the area.

Are there any comments that Members wish to make in relation to the layout, scale and appearance of the proposal at this stage?

10.24 Residential Amenity

- 10.25 UDP Policy D2 requires the effect on residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings
- 10.26 The submitted layout meets the requirements of policy BE12 and ensures there would not be any material harm to the amenity of occupiers of neighbouring properties as well as internally within site for the amenities of occupants of the new dwellings. The scale of the properties is such that there would be no detrimental impact to occupiers of the new dwellings internally within the site or to existing neighbouring dwellings given that adequate distance would be achieved between these with appropriate finished land levels, in accordance with the provisions of UDP Policies BE2 and BE12.
- 10.27 The proposals would result in the removal of the existing earth mound between the site and properties along Milford Grove and Bradford Road. As stated above the purpose of the mound (Buffer zone) was to protect the existing residential properties from the allocated site for business and industry and to reduce the impact of industrial development on visual amenity. Given that the nature of development proposed is residential, it is considered that the retention of this buffer zone is no longer required. In addition, the sections provided demonstrate that the proposed finished building heights are comparable to those on Milford Grove and Bradford Road. Subject to the development being completed in accordance with the submitted sections and appropriate boundary treatment to be provided between the existing and proposed plots (to be controlled by condition) Officers consider the impact on the amenities of the existing or future residents would not be unduly compromised.

Are there any comments that Members wish to make in relation to amenity issues at this stage?

10.28 Landscape (Ecology & Tree issues)

10.29 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site.

Paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity”. These include the conservation and enhancement of biodiversity in and around developments.

10.30 The Preliminary Ecological Appraisal accompanying the application describes the habitats present as being of low ecological value and concludes that the development is unlikely to result in significant ecological impacts, provided appropriate measures are taken. The Councils Ecology Officer advises that planting can be accepted along part of the boundary provided that, in combination with other appropriate measures, it can be demonstrated that the southern boundary will function as part of the wildlife habitat network. This will need to include information on the lighting design for the scheme which can be controlled by appropriately worded conditions.

10.31 With regards to landscaping, in order to ensure that the proposed development would create an attractive residential environment for future occupants and to mitigate the development from the adjacent residential area more soft landscaping would be required. This can be conditioned to which the applicant is amenable to.

10.32 Impact on protected trees

10.33 UDP Policy NE9 seeks to retain mature trees on development sites. The importance of retaining trees is also highlighted in paragraph 118 of the NPPF which states that “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including . . . the loss of aged or veteran trees . . . unless the need for, and benefits of, the development in that location clearly outweigh the loss”.

10.34 The Council’s Arboricultural Officer has confirmed that the amended layout would not result in any adverse impact to the long term viability of the existing protected trees. Subject to the development being carried out in accordance with the amended Arboricultural Method Statement, the proposals would comply with Policy NE9 of the UDP as well as national guidance in the NPPF.

Are there any comments that Members wish to make in relation to the impact on the above issues at this stage?

10.35 Highway issues

10.36 Policy T10 of the Unitary Development Plan (UDP) sets out the matters against which new development will be assessed in terms of highway safety. Kirklees Highways DM make the following assessment:

- 10.37 This proposal consists of a residential development of some 128 dwellings with 250 associated parking spaces. The application is supported by a Transport Assessment (Paragon Highways, July 2016). The application site lies within the Whitehall 26 Business Park and is accessed directly off the A58 Whitehall Road West. The application site has an extant planning consent for a B1 office development of some 1800sqm.
- 10.38 Direct access to the site is to join with Heathfield Lane which junctions with the A58 Whitehall Road West via a 3-arm roundabout. Heathfield Lane has recently been constructed to an Industrial Estate Road standard of some 7.3m in width with 2m footways either side. The submitted Transport Assessment contains an assessment of the most recent 5 year PIA data (January 2010 – December 2014). Highways Development Management is satisfied that there are no existing accident trends that this development is likely to exacerbate. With regards to the sustainability of the site, it is considered that the site is moderately accessible.
- 10.39 The combined West Yorkshire Authority has been consulted on this proposal and they make the following comments:
- “It is inevitable that on large sites, parts of the site will fall outside the usual 400m standard to access public transport services. We generally take a pragmatic approach to walk distances to take the size of development sites into account. When doing so, we also have to consider the development type and the level and quality of service (frequency and destinations served) at the destination bus stop. In this case parts of the site are within 400m and other parts are not. Bus services can be accessed on both the Whitehall Road and Bradford Road corridor. The Whitehall Road services include the 259 which operates between Brighouse and East Bierley at an hourly frequency. The Bradford Road corridor provides access to more comprehensive bus services providing links to Bradford, Cleckheaton, Dewsbury and Leeds. Highways DM Officers consider that the Bradford Road corridor to be the primary access point for residents using public transport.
- 10.40 The closest bus stops on this corridor (reference 14047,14046) do not have shelters. As part of this scheme, bus shelters and Real Time Passenger Information displays could be provided at these stops (£20,000 per stop) to improve the public transport offer. In order to access these stops, a pedestrian access point needs to be provided to Bradford Road via the access road near to Plot 52. To ensure that sustainable transport can be a realistic alternative to the car, the developer needs to fund a package of sustainable travel measures. We recommend that the developer contributes towards sustainable travel incentives to encourage the use of sustainable modes of transport. Leeds City Council has recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This model could be used at this site.

- 10.41 The payment schedule, mechanism and administration of the fund would have to be agreed with Kirklees Council and WYCA and detailed in a planning condition or S106 agreement. As an indication of the cost should the normal Residential Metro Card scheme be applied based on a bus only ticket, the contribution appropriate for this development would be £61,600. This equates to 128 bus only Residential MetroCards.”
- 10.42 The internal layout and estate road for the development have been designed in accordance with the guidelines provided within Manual for Streets, and Highways Development Management is broadly happy with the proposed layout. Notwithstanding the above, it is noted that the submitted Transport Assessment does not contain any swept path analysis vehicle tracking drawings and as such this should be secured by condition. The condition should require that the relevant drawings are submitted that demonstrate that a refuse vehicle up to 11.3m in length can access, egress and turn on site in a safe and efficient manner.
- 10.43 Parking is provided in a mixture of private driveways, forecourt and street-side visitor bays. The parking layouts as proposed are considered acceptable and in accordance with the guidance given within Manual for Streets. The level of proposed parking provision is considered acceptable and is in accordance with the adopted standards as prescribed within the UDP.
- 10.44 A traffic impact assessment has been provided within the submitted Transport Assessment. A classified turning count was undertaken at the junction of Heathfield Lane and Whitehall Road in March 2016 and traffic has been growth using an appropriate TEMPRO growth factor for a design year of 2023. This methodology is supported.
- 10.45 An interrogation of the TRICS database has been used in order to derive an appropriate dataset for predicting the likely trip rates associated with a development of 130 dwellings. The TRICS dataset contains surveys included on Fridays which is considered not to be good practice; however the dataset has been checked and validated as being sufficiently robust and is accepted in this regard. The resultant vehicle trip rates are considered to be marginally on the low side, however, Highways Development Management is satisfied in this regard. Traffic figures from the approved adjacent public house site have been taken into account from that application, and the derived trip rates from the extant office permission are also included within the assessment. This is considered an acceptable approach and is supported in this regard. The assessment concludes that the proposed development would likely generate a lower level of peak hour trips when compared to the extant B1 office permission and as such no further analysis is provided in this regard. This is supported and agreed. In order to assess the operational performance of the 3-arm roundabout junction of Heathfield Lane and the A58 Whitehall Road, and ARCADY (Assessment of Roundabout Capacity and Delay) model has been utilised. Highways Development Management is satisfied with this approach and the model utilised. The results of the operational assessment demonstrate that in the 2022 design year with the public house and extant office development, the junction would operate well within its theoretical

capacity limits with a Maximum Ratio of Flow to Capacity (RFC) of 0.477 with an associated Maximum Queue length (MaxQ) of 0.9 passenger car units (PCUS) of 0.9 occurring on the A58 West arm of the junction during the PM peak hour.

- 10.46 A further assessment has been carried out with the 2022 design year for the residential development included and the results demonstrate that the junction would operate well within its theoretical capacity limits with a RFC of 0.497 with an associated MaxQ of 1.0 PCUS occurring on the A58 East arm of the junction during the PM peak hour”.
- 10.47 To summarise, subject to the suggested conditions and securing the above S106 requirements, it is considered that traffic generated by the proposed development can be safely accommodated within the local highway network and that the proposal would not result in any undue highway safety implications and accord with the above mentioned highway Policies of the UDP and the NPPF. With regards to the request for a pedestrian link this is addressed above in the report.

Are there any comments that Members wish to make in relation to highway safety matters at this stage?

10.48 Drainage Issues

- 10.49 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.
- 10.50 The site is located in flood zone 1 and due to the size of the site requires the submission of a Flood Risk Assessment. The drainage analysis in the submitted FRA has taken pre planning comments into account and promotes a solution in principle which indicates that the whole of the application site and that of the adjacent sites currently accommodating the Park House Healthcare building and the Green King public house/restaurant has a 9.7l/s discharge restriction approved to a local highway drain. An indicative drainage plan has been submitted indicating that this solution can be accommodated within the proposed layout.
- 10.51 The methodology is to alter the drainage discharge and attenuation tank size for the existing commercial unit and Greene King Pub, (which the Lead Local Flood Officer has no objection to), reducing the discharge from these adjacent sites from 9.7l/s to 5.7l/s to facilitate a 4l/s separate discharge from the residential development. The layout has been amended to take into account and reflect the above at the request of the Lead Local Flood Officer.
- 10.52 With regard to the size of attenuation under the proposed adopted highway areas and indeed the accreditation of the product which comprise such ‘structures’ the Lead Local Flood Officer advises that this could result in requirements not envisaged by the applicant and early dialogue with Highways DC/Section 38/Structures at Kirklees is strongly advised.

10.53 Yorkshire Water has confirmed the amended FRA is satisfactory and raise no objections subject to the inclusion of a conditions.

10.54 Contaminated land

10.55 The applicant has submitted a report by ARP Geotechnical dated September 2015 (Ref: BDWW/54rl) which is a combined Phase 1, Phase 2 contaminated land report and also a remediation strategy. On assessment of the above reports and additional information received on 2nd December Environmental Health Officers consider that the intrusive site surveys have been carried out satisfactorily. The remediation works and validation would need to be conditioned.

10.56 Noise & Air Quality

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

10.58 A noise report has been submitted as part of the planning application in order to establish if there are any constraints to development. The report is based on a number of sound measurements and recommends some mitigation measures. Environmental Health Officers advice these would fail to achieve satisfactory internal or external sound levels in all plots.

10.59 Following discussions with the applicant, more appropriate noise mitigation measures have now been proposed for the properties so that acceptable internal target sound levels will be achieved. These include higher acoustic glazing specification, intermittent extract fans for extract ventilation and trickle ventilators for the dwellings adjacent to the motorway.

10.60 The issue of noise levels to external amenity areas which are likely to exceed recommended levels for the proposed dwellings closest to the motorway remains. Following discussions with the applicant it was agreed that further mitigation measures such as acoustic barriers to the boundary of the site with the motorway and between properties can be provided to help reduce noise levels in the outdoor amenity areas to acceptable levels.

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

- 10.62 The proposed dwellings shown to be parallel and nearest to the motorway are where modelled air quality levels are expected to exceed the health related annual mean National Air Quality Objectives for Nitrogen Dioxide (NO₂). The high levels of NO₂ at this location are largely related to emissions from vehicles on the nearby motorway. Therefore, in accordance with the West Yorkshire Low Emission Strategy Planning Guidance Document an Air Quality Impact Assessment was requested.
- 10.63 In light of this, the applicant and Environmental Services have agreed to carry out an extended period of monitoring on the development site over a further three months. This will help to more accurately determine annual mean levels of NO₂ at the proposed location of the nearest properties to the motorway. Should the results show that the NO₂ levels have exceeded the air quality objectives and cannot be mitigated against, the applicant has agreed to reconsider the proposed layout, moving the nearest dwellings further away from the pollution source to reduce the risks from poor air quality for the future residents. This would require amendments to the submitted layout.

Are there any comments which Members wish to make in relation to drainage, contamination, noise and air quality issues at this stage?

10.64 Planning obligations

10.65 *Education*

On the basis of the nos. of units proposed an education contribution of £490,051.00 is required to be secured through a S106.

10.66 *Public Open Space*

The site is over 0.4ha and requires a public open space contribution in accordance with Policy H18.

- 10.67 Two areas of POS are shown within the proposed layout. The principal area of POS accommodates surface water attenuation tanks below ground. This area will be laid out with a five-a-side pitch and with landscaping to the perimeter of the site. The second area of POS accommodates informal open space.

- 10.68 Taking the areas POS, the quantum within the layout falls short of the 30sqm per dwelling policy requirement, therefore a financial contribution to improve existing open space off site will be required. The contribution will also include a sum in lieu of equipped provision on site.

- 10.69 Should the proposed pumping station not be required, this land can come forward as an area of POS to meet the open space requirement and the off-site contribution will reduce accordingly. The contribution will be secured by way of a S106 obligation.

10.70 *Affordable Housing*

The emerging affordable housing policy in the Kirklees Local Plan seeks to secure a 20% provision of affordable housing within new housing developments. The Council has recently adopted an interim affordable housing policy to secure a 20% provision and which also includes the provision of starter homes which is a concept introduced by the Government to help to meet the housing needs of first time buyers. The council's draft Local Plan policy seeks 20% of the total number of dwelling with a tenure split of 45-55 in favour of Social Housing.

10.71 The developer has confirmed a willingness to provide 20% of the proposed no of units as affordable. The applicant proposes a starter home package which will offer properties for sale at 20% of open market value, in perpetuity, to be made available to people who at the time of purchasing will be a first time buyer, be at least aged 23 but has not yet reached the age of 40 and occupy the affordable housing unit as their sole or main residence. This offer is considered a positive step forward in the delivery of affordable housing and has several tie-ins with the Council's emerging Local Plan and interim policy position but Members should note it does not accord fully with the draft Local Plan affordable housing policies. The developer's affordable housing offer to create a starter homes model can be seen as an innovative way for the Council to deliver affordable housing. The Government has yet to publish its detailed technical guidance on Affordable Housing so this application is effectively a trail to create a model.

10.72 Heads of Terms for the S106 obligation set out arrangements for the delivery of the starter homes package. It includes a fall-back position whereby should purchasers fail to be identified within 90 working days of the properties being marketed, the developer will be able to dispose of the properties on the open market. The date from the sales and occupancy will also be a useful by product from this exercise so the Council can monitor the success of the scheme and if need be re-use and modify it for future applications were appropriate.

10.73 Through negotiation with Officers, the applicant has agreed to include a further clause that allows for a re appraisal in such circumstances before disposal on the open market and for the level of discount to be increased. This would result in a fewer number of starter homes but with a greater level of discount below OMV. For example the developer would look to cascade the offer as opposed to releasing them on the open market by offering 15% of units at 30% discount and then 10% of units at 40% discount.

10.74 Whilst the enabling Statutory Instrument to set out the specific arrangements for securing Starter Homes has yet to be issued, the starter home proposal offered by the applicant will provide a pilot scheme to trial the approach.

Are there any comments that Members wish to make in relation to the above issues at this stage?

10.75 Representations

10.76 Response to representations not covered in the report:

10.77 Although not shown on the submitted plans an assessment has been made taking into account the extension to nos. 19 and 23 Milford Grove.

10.78 Occupiers of no. 403 Bradford Road raise concerns in relation to access for maintenance purposes to their garage/hedge and the existing privately owned gate on the boundary with the application site and this property. These matters of concern are outside the planning remit and need to be resolved between interested parties. The proposals do not include the creation of new pedestrian links to Bradford Road nor the removal of the privately owned gate.

10.79 Clarity was sought from local residents on the retention of the existing stone wall to garden areas of properties on Millford Grove and proposed fence along this boundary. The submitted plans do not show the stone wall. This may be outside the application site. If this is the case, planning permission does not allow for the removal of structures on third party land. The plans have been amended to show a 2 metre high timber fence along this party boundary.

10.80 Finally for completeness, elevations and floor plans have been provided for all the different house types proposed.

10.81 With regards to the comments in relation to the sharing information and allowing interested parties/members of the public to comment, amended plans and additional information received during the course of the application have been made available on the Councils website and further neighbour letters have been sent out. Site notices advertising receipt of amended plans and additional information will be posted in the New Year giving a further period for comment. Given that it is unlikely that a decision will be made on this application until March/April 2017 (following assessment of further air quality monitoring), interested parties will have sufficient time to review the plans and information and to comment accordingly.

10.82 Other information

10.83 The West Yorkshire Police Liaison Officer has made a number of comments / recommendations. These should be incorporated into the scheme to promote good security, maximise surveillance to publicly accessible areas, the design of front gardens and external door and window specifications along with low level boundary treatment to the front of plots to provide obvious demarcation and avoid potential conflict between neighbours. In light of this, other the doors and windows specifications, the agent is agreeable to a condition to ensure the security measures to meet the secure by design guidance and prevent crime prevention. With regards to external doors and windows, it is accepted these would form part of a Building Regulations application and as such would provide sufficient protection to the future occupants.

10.84 The applicant has requested the following information be included in the report:

“Subject to our application being approved, Virgin Media have put in place measures to deliver fibre to the premise (FTTP) to our development. This will also open up the opportunity to provide this to the residents of Birkenshaw and East Bierley which will be of benefit to existing local residents. FTTP is a 100% fibre connection which offers lightning speeds and significantly improves the performance of internet connections, offering a benefit to local residents”.

Are there any comments that Members wish to make in relation to the above issues at this stage?

11.0 CONCLUSION:

Members are asked to note the contents of this report. Members' comments on the following questions will be helpful in moving the application forward:

- 1. Do Members have any comments on the principle of the development**
- 2. Do Members have any comments in relation to the layout, scale and appearance of the proposal**
- 3. Do Members have any comments in relation to the amenity issues at this stage**
- 4. Do Members have any comments in relation to ecology and the impact of the proposals on trees**
- 5. Do Members have any comments on the proposed highway works/ safety matters at this stage**
- 6. Do Members have any comments in relation to drainage, contamination, noise and air quality matters**
- 7. Do Members have any comments on the planning obligations to be sought**
- 8. Do Members have any comments on the security measures**
- 9. Are there any other matters which Members wish to raise?**