
Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 27-Apr-2017

Subject: Planning Application 2017/90180 Erection of 95 dwellings with access from Yew Tree Road and Burn Road Land at Ainley Top/Yew Tree Road/Burn Road, Huddersfield, HD2 2EQ

APPLICANT

Harron Homes, C/O
Agent

DATE VALID

23-Jan-2017

TARGET DATE

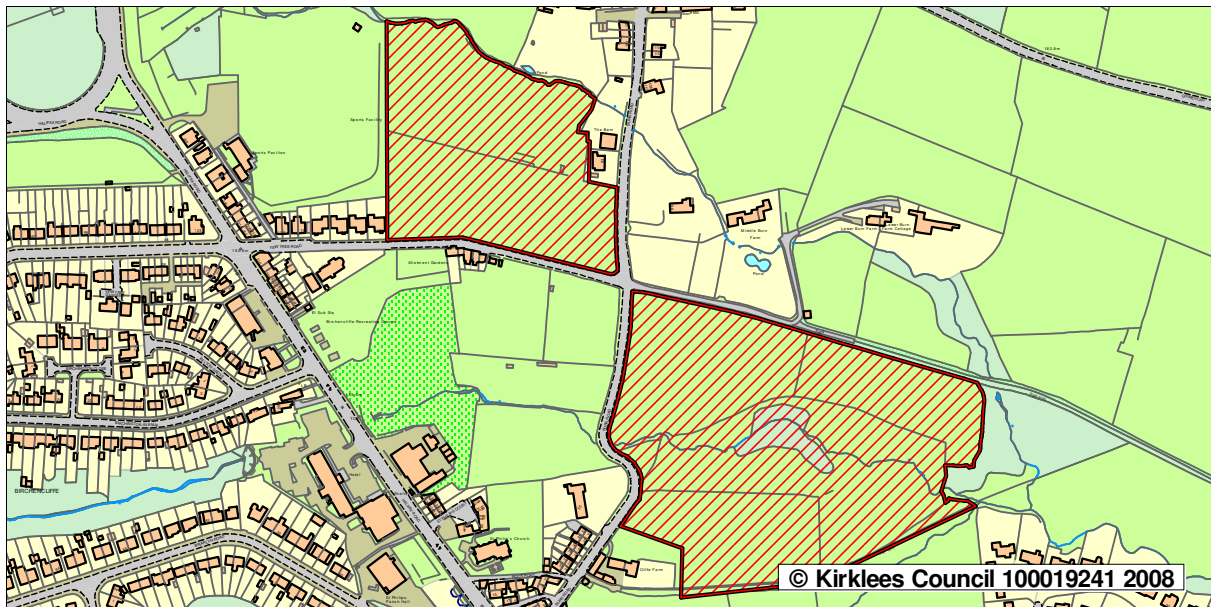
24-Apr-2017

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:

Lindley

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management to resolve technical issues with the remediation of coal mine entries within the site to the satisfaction of The Coal Authority and in order to complete the list of conditions including those contained within this report (and any added by the committee) and to secure a S106 agreement to cover the following matters:

1. Affordable housing provision (number of units & tenure split to be confirmed)
2. Off-site highway works for junction improvements to Halifax Road/East Street junction (£75,000)
3. Contribution towards education requirements arising from the development (£234,752)
4. Contribution towards travel plan monitoring (£10,000)
5. Contribution towards Metro Card provision (£46,659)
6. Contribution to bus shelter upgrade on Yew Tree Road (£10,000)

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development Management shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 The application is brought forward to Strategic Planning Committee for determination in accordance with the Council's Scheme of Delegation because the development represents a departure from the provisions of the Unitary Development Plan and the development exceeds 60 residential units.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a 7.8 hectare area of agricultural grazing land to the east of Birchencliffe. The site is split into two parcels of land – northern and southern parcels.
- 2.2 The northern parcel lies to the north-west of the junction between Yew Tree Road and Burn Road.
- 2.3 The southern parcel lies to the east of Burn Road and south of public byway HUD/296/40.
- 2.4 The site is currently semi-rural in nature and slopes towards the watercourses that pass from east to west through what is known as the Grimescar Valley.
- 2.5 Listed former farmhouses lie to the north and east of the proposals site while more modern residential development lies to the east (Valley Heights, Valley Drive & Westward Croft). To the west and south-west are more residential properties at the southern end of Burn Road, on Yew Tree Road, and Halifax Road beyond.
- 2.6 A number of areas of trees (predominantly following the watercourses) form part of the application site and are protected under Tree Preservation Orders.
- 2.7 A UDP safeguarded Green Corridor lies immediately to the north of the northern parcel smaller block and skirts the north-east corner of the southern parcel.
- 2.8 The Kirklees Way public footpath cuts west to east between the two sites and public footpath PROW no. HUD/399/10 also dissects the site.

3.0 PROPOSAL:

- 3.1 This is a full planning application for the erection of 95 dwellings.
- 3.2 The northern parcel accommodates 50 dwellings with the main access from Yew Tree Road. Some of the properties will have direct access onto Burn Road. The dwellings are mainly detached with a small number of semi-detached and terraced houses along the road frontages.
- 3.3 The southern parcel accommodates 45 dwellings which are split across two separate elements and divided by fields and woodland, reflecting the topography of the site. One has 30 detached dwellings and the other has 15 large detached dwellings. Each element has a main access off Burn Road. Some of the dwellings will have direct access off Burn Road.
- 3.4 The proposal comprises a mix of 2, 3, 4 and 5 bed dwellings. All dwellings are two storeys in height and proposed to be constructed in artificial stone with concrete tile roof.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2014/93039 Outline application for residential development – Approved by Strategic Committee (decision issued 27/8/15).

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 The proposals have been subject to a formal pre-application enquiry which has informed matters of layout, design, highways and drainage.
- 5.2 Negotiations have been undertaken during the course of the application to secure amendments to the highway layout and to obtain additional drainage information.

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). The Council's Local Plan was 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 (saved 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site is allocated as Provisional Open Land.

Relevant UDP policies:

BE1 – Design principles
BE2 – Design of new development
BE12 – Space about buildings
BE23 – Crime prevention
D5 – Provisional Open Land (POL)
D6 – Land adjoining green corridor
G6 – Land contamination
H10 – Affordable housing provision
H12 – Ensuring affordable housing remains affordable
H18 – Provision of public open space on sites over 0.4 hectares
EP4 – Development and noise

EP11 – Integral landscaping scheme to protect/enhance ecology
T10 – Highway safety considerations
T16 – provision of safe, convenient and pleasant pedestrian routes
T19 – Off-street parking standards

6.3 Supplementary Planning Guidance / Documents:

Manual for Streets (2007)

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

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

Interim affordable housing policy (December 2016)

6.4 National Planning Guidance:

National Planning Policy Framework:

'Achieving Sustainable Development'

'Core Planning Principles'

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

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

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

'Decision taking'

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Application advertised by site notices, press advert and neighbour notification letters.

7.2 Representations received: 89

7.3 Representations summarised as follows:

Amenity:

Detrimental impact on air quality, exacerbating existing issues

Noise

Health impacts from more air and noise pollution

Highways:

Detrimental impact on highway safety

Increased traffic and congestion

Inaccessible/unsustainable location

Concerns with changes to the road layout and access arrangements for existing properties between no. 55 Burn Road and the junction between Burn Road and Halifax Road. Concerned that these works will limit the choice of access routes to these dwellings and will limit parking opportunities and restrict emergency vehicle access
Limited access to and from the site

Infrastructure:

Impact on local amenities and infrastructure including schools and medical services
Highway network unsuitable for additional cars

Character:

Detrimental impact on the visual amenity and character of the area
Inappropriate materials
Artificial stone not in keeping with area
Kirklees Way would become a busy thoroughfare
Loss of green space and one of last undeveloped areas between Huddersfield and Calderdale
Urban sprawl
Harm to rural character
Brownfield sites should be developed first
Mock Tudor house design unsuitable

Other matters:

Impact on wildlife and ecology/loss of habitat
Housing not suitable for first time buyers and single income families
Not a need for this housing
Loss of play area
Coal mining legacy
Drainage and flood risk concerns
Impact from construction including mud on road
Affordable homes should be provided
Retractable netting needed to boundary with sports field to stop balls

Ward members notified. Officer meeting held with Cllr Gemma Wilson to discuss general issues with the application. No formal comments received from ward members.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – No objections subject to conditions

KC Flood Management & Drainage – No objections subject to conditions

The Coal Authority – Holding objection. Additional information required for proposed remediation measures in relation to mine shaft entries within the site.

8.2 **Non-statutory:**

KC Environmental Services – No objections subject to conditions

KC Trees – No objections subject to conditions

KC Conservation & Design – No objections

KC Ecology Unit – No objections subject to conditions

KC School Organisation & Planning – £234,752 contribution to infant and junior school places requested

KC Strategic Housing - 19 dwellings (20%) are advised for affordable allocation in accordance with the interim affordable housing policy

KC Landscaping – No objections

KC Strategic Waste – No objections

Environment Agency – Application falls outside the scope of

Yorkshire Water – No objections subject to conditions

West Yorkshire Police Architectural Liaison Officer – No objections but recommendations made regarding specific boundary treatments and 'Secured by Design' advice

West Yorkshire Archaeology Advisory Service – No objection subject to condition

9.0 **MAIN ISSUES**

- Principle of development
- Landscape and urban design issues
- Heritage
- Residential amenity
- Housing issues
- Highway issues
- Drainage issues
- Noise
- Air quality
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The principle of residential development on the land has already been established by extant outline consent 2014/93039. This gave consent for the erection of up to 190 dwellings on the site and an adjoining swathe of land to the south of the current application site.
- 10.2 The application site covers two areas of land that form part of a wider area of land designated as Provisional Open Land (POL) in the Council's UDP.
- 10.3 The site is allocated for housing in the draft Local Plan as part of housing allocation H706.
- 10.4 Policy D5 of the UDP states that "planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term."
- 10.5 Paragraph 2.15 of the UDP advises that urban open land sites assessed as having less quality than those designated as Urban Greenspace but nevertheless having identifiable value as open land are designated as Provisional Open Land. These sites are judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. The aim of the designation is to maintain the character of the land at least during the period until the plan is reviewed when it will be considered for allocation for development.
- 10.6 The weight that can be afforded to policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49.
- 10.7 In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the Council is currently unable to demonstrate a five year supply of deliverable housing sites.
- 10.8 The weight that can be given to policy D5 in these circumstances was assessed in October 2013 by a Planning Inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):

"The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can

be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework's presumption in favour of sustainable development is engaged."

- 10.9 NPPF paragraph 14 states that where relevant policies are out-of-date, planning permission should be granted "unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted".
- 10.10 Footnote 9 lists examples of restrictive policies but this does not include land allocated as Provisional Open Land.
- 10.11 The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. It states that these roles are mutually dependent and should not be undertaken in isolation; "*economic, social and environmental gains should be sought jointly and simultaneously through the planning system*" (paragraph 8). The 'economic' role includes providing support for growth and development requirements, while the 'social' role states the need to support communities by providing housing to meet the needs of present and future generations.
- 10.12 The principle of residential development on this part of the POL allocation was accepted under application 2014/93039 and in the continued absence of both a five year housing supply and any significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the benefits when assessed against the policies in the Framework taken as a whole, the principle of developing this site remains acceptable.

Landscape and urban design issues

- 10.13 A Landscape and Visual Impact Assessment is included as part of the submission.
- 10.14 The assessment describes the Grimescar Valley as typical Southern Pennine Fringe landscape. It is semi-rural urban fringe surrounded by suburban residential pattern. The boundary of the development sits within fragmented farmland broken up by small patches of residential buildings some converted from farm buildings. Grimescar is a sloping tributary valley wedged between the A629 and the M62 to the north. Pylons and transmission lines are visible within the skyline, patches of fragmented woodland (Grimescar Wood is semi ancient woodland) line the valley sides and the valley bottom along the lines of the tributary streams. There are no landscape designations for this area.
- 10.15 An assessment of the landscape and visual impacts of a development of 190 dwellings was carried out by officers under the previous application and it was considered that such a development would have a moderate adverse effect. It was concluded that the effects of development could be mitigated through such measures as incorporating open space into the development; limiting the

dwellings to two storeys in height; orientating dwellings along the existing land contours in small development cells to minimise the need for extensive cut and fill; setting dwellings back from undeveloped boundaries; retention and augmentation of tree groups and hedgerows to break up and soften the outline of any new built form; use of materials and architectural style that are locally harmonious and sympathetic to the site setting.

- 10.16 It is considered that the proposals have successfully incorporated these measures into the scheme which helps to mitigate the visual impact of the development.
- 10.17 All of the dwellings are limited to two storeys in height and large areas of open space are incorporated into the layout.
- 10.18 The northern parcel includes a swathe of grassland to its northern boundary that would be managed as a meadow and provides a green buffer to the area of protected trees further to the north of the site. Scrub buffers are also provided to parts of the eastern and western boundaries which build in separation to existing residential development and the adjacent sports facility.
- 10.19 The southern parcel is split between two areas of development that are divided by an extensive area of protected woodland and areas of existing grassland that would be supplemented with new native planting. The eastern part of the southern parcel would mainly form an area of meadow that would adjoin an area of protected trees to the east. Scrub/green buffers are provided to the southern boundary where the site abuts public footpath HUD/399/10 and Cliffe Farm. A scrub buffer is also provided along roughly half of the northern boundary where the site abuts public byway HUD/396/40.
- 10.20 The amount of open space along with the inclusion of natural buffers has enabled dwellings to be set back from undeveloped boundaries and the retention of tree groups and new planting helps to soften the appearance of the built form.
- 10.21 The layout and orientation of the properties are such that the need for cut and fill has been minimised as much as reasonably practicable considering the topography of the area. Some manipulation of the land form will occur to create development plateaus and this would be most pronounced within the southern parcel. The visual impact of creating building plateaux to enable the site to be developed has previously been accepted it is considered that the detailed proposals have minimised the extent of engineering works.
- 10.22 The design of the dwellings is considered to be acceptable and would harmonise with the surrounding area. The dwellings have a varied appearance and include 'feature' houses with dual active frontages located at the junctions of both parcels and some simple semi-detached and terraced houses to the road frontages on the northern parcel.

- 10.23 The appearance of the development is considerably enhanced by the retention of the existing drystone walls to the site boundaries which helps to retain some of the semi-rural character of the area.
- 10.24 In terms of materials it is proposed to use artificial stone and concrete tiles. In principle these materials are considered to be acceptable subject to approval of samples.
- 10.25 Officers are satisfied that the visual impact of the development on the landscape has been mitigated and the proposals would result in a form of development that would sit comfortably within the site's context. The application accords with Policies BE1 and BE2 of the UDP and guidance in the NPPF.

Heritage:

- 10.26 The proposed development is shown to be built within the setting of a number of Grade II listed properties, including Lower Burn Farm (C18th), Middle Burn Farm (C18th), 108/110 Burn Road (C18th). Other listed buildings beyond these are also considered to fall within the sphere of influence of the development when considering their setting.
- 10.27 Officers are satisfied that the layout and design of the development are such that the setting of these designated heritage assets would be preserved. In this regard the application accords with chapter 12 of the NPPF.

Residential Amenity

- 10.28 There is existing residential development to the south, east and west of the northern parcel that are within sufficiently close proximity to be potentially affected by the development in terms of either overlooking, loss of light or overbearing effects.
- 10.29 The properties to the south of the site form a row of terraced houses on the opposite side of Yew Tree Road and comprise 200-208 Yew Tree Road. These properties front onto the roadside at very close proximity. There are three large detached plots opposite these dwellings (plots 43-45). Separation distances are between 13.5m and 18.5m. The windows within these plots that directly are with the main living room and kitchen-dining rooms being to the rear
- 10.30 This is a front elevation to front elevation relationship across the street and privacy in this context is not the same as when considering rear elevation and private garden areas. Separation distances do not accord with Policy BE12 and results in a fairly close relationship however dwellings that are close up to the roadside, such as 200-208 Yew Tree Road, is a characteristic of the area and increasing the separation distance between habitable windows would result in a form of development that would less respectfully reflect the streetscene and would be detrimental to the overall quality of the proposed development. The separation distances that are provided are considered to

afford a sufficient level of privacy for existing and future occupiers and on balance existing space standards are considered to be acceptable.

- 10.31 A good degree of separation is provided to the properties to the east of the northern parcel and separation distances accord with Policy BE12. The attached garage/workshop belonging to no.93 Burn Road directly abuts the boundary of plot 1 and has a window in its gable end. The window would face onto the garden of plot 1. Given the nature of the window there are not any significant concerns with this relationship.
- 10.32 No.139 Yew Tree Road lies to the west of the northern parcel. The gable end of this property faces towards the blank gable end of plot 50 at a distance of approximately 10m. The side wall of 139 Yew Tree Road contains two landing windows and the relationship is considered to be acceptable.
- 10.33 In terms of the southern parcel, the closest existing properties are all very well separated from the proposed dwellings and would not be significantly affected in any way.
- 10.34 An area of land to the north at Burncroft has an extant outline consent for four detached dwellings within an approved layout. Separation distances between the respective developments would accord with Policy BE12. There is also an undetermined outline application for the erection of four dwellings at another site at land to the north (Middleburn Farm); should both applications be approved the relationship would be such that neither development would be unduly prejudiced.
- 10.35 Separation distances between new dwelling and new dwelling do not fully accord with Policy BE12 across the entirety of the site although officers are satisfied that an acceptable standard of amenity would be provided for the future occupants.

Housing issues

- 10.36 The development would deliver much needed housing at a time of national shortage and when the council is unable to demonstrate a five year housing land supply. The development would also provide a proportion of affordable units on site. The NPPF supports the delivery of new housing.
- 10.37 The site has outline consent for up to 190 dwellings and whilst the quantum of development is significantly below this level this is as a result of the practical and economic challenges arising from the characteristics of the site, including its topography. Considering the restrictions the density represents an efficient use of land whilst respecting the amenities of the area.

Highway issues

- 10.38 The application is a full application for the proposed development of 95 residential dwellings located on three individual plots with one access off Yew

Tree Road (northern parcel) and two accesses off Burn Road (southern parcel).

10.39 In relation to the forecast peak hour trip generation and the approved development of 190 dwellings on the same site (planning ref: 2014/93039) the following comparison is given:

Weekday AM Peak Hour Vehicle Trips

	Vehicles		
	In	Out	Two-Way
190 approved residential units (2014/93039)	33	99	132
95 proposed residential units	17	50	67
Net reduction in trips	-16	-49	-63

Weekday PM Peak Hour Vehicle Trips

	Vehicles		
	In	Out	Two-Way
190 approved residential units (2014/930/93039)	86	51	137
95 proposed residential units	43	26	69
Net reduction in trips	-43	-25	-68

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

Assignment of Residential Trips to the Network

Approach Route	% Assignment	Weekday AM Peak (Two-Way)	Weekday PM Peak (Two-Way)
A629 Blackley New Road	27%	18	19
A643 Lindley Moor Road	2%	2	2
A629 Huddersfield Road	10%	7	7
A643 Brighouse Road	8%	5	6
Halifax Old Road	18%	12	12
A629 Halifax Road	35%	23	24
Total		67	70

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

10.42 Sensitivity analysis was undertaken by Optima on the forecast highway network impacts in relation to the consented 190 dwellings which involved a detailed network and cumulative development modelling exercise. Having taken into account committed developments within the vicinity of the proposed site and Ainley Top roundabout, and given that the operation of the network

has not materially changed HDM except that the conclusions provided as part of the consented application remain robust.

- 10.43 The key issues that have been of primary concern to HDM and have been the subject of considerable discussion and analysis with the applicant are:
- The impact of development on the A629 Halifax Road corridor;
 - The management of development flows through the A629 / Burn Road junction;
 - Junction capacity at A629 / East Street;
 - Mitigation Measures - off-site highway improvements needed to mitigate the impact of development.

The A629 Halifax Road Corridor

10.44 This corridor is one of the key radial routes linking Huddersfield town centre with the motorway network and carries a large volume of traffic. The corridor suffers from slow moving traffic, particularly at peak times.

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

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

Development Trips on A629 Halifax Road Corridor

Link	AM Peak Two-Way Flow	PM Peak Two-Way Flow
Ainley Top to Yew Tree Road	5	7
Yew Tree Road to Birchencliffe Hill Road	20	17
Birchencliffe Hill Road to East Street	17	17
South East of East Street	14	14

10.47 This level of generation spread over the peak hours is considered to have a minor impact on existing corridor conditions with the peak impact occurring on the section between Yew Tree Road and Birchencliffe Hill Road in the AM Peak when 20 vehicles (17 southbound / 3 northbound) are added to the corridor.

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

Burn Road

- 10.49 Burn Road meets the A629 Halifax Road at a severely restrained junction with below standard sight lines. The applicant has recognised this and has put forward measures to prevent any development traffic exiting onto the A629 via this junction.
- 10.50 The preferred design solution proposed by the applicant is to make Burn Road northbound only for a short stretch thus preventing any traffic travelling south on Burn Road and exiting onto the A629. The collection of approximately 34 residential properties at Burn Road/Rock Road will be able to enter and exit the A629 as they do now but they will not be able to approach their property from the north along Burn Road from Yew Tree Road/Grimscar Road. Through traffic from north of the restriction will not be able to exit onto the A629 via Burn Road. Northbound movements on Burn Road will be unaffected.
- 10.51 A survey was undertaken by the applicant in February 2015 to determine the level of use of Burn Road. The survey shows that, over a 24 hour weekday (based on Tuesday 24th and Wednesday 25th February), 140 vehicles exited Burn Road to the A629. Of this total, 82 were classed as 'through' movements that would be affected by the point closure and would therefore need to find an alternative route and 58 as local movements that would be unaffected. The existing 34 residential properties generate 107 inbound movements over the 24 hour period with 62 accessing from the A629 and 45 from Yew Tree Road/Grimscar Road. The 45 trips from Yew Tree Road/Grimscar Road would need to re-route.
- 10.52 A stage 1 safety audit has been prepared to review the proposed design which recommends a number of design modifications which are addressed by the designer in the designer's response. The proposed scheme incorporating the stage 1 safety audit modifications is shown on the applicants drawing 10274/GA/005 rev E.
- 10.53 Burn Road/Grimscar Road: A number of minor improvements to the junction are proposed to address existing geometry issues and all modelling is undertaken assuming that these improvements are implemented. All assessment scenarios work well within capacity.
- 10.54 Grimscar Road/Brighouse Road: A number of minor improvements to the junction are proposed to address existing geometry issues and all modelling is undertaken assuming that these improvements are implemented. All assessment scenarios work well within capacity.
- 10.55 A629/Yew Tree Road: A minor improvement to the junction is proposed to address existing geometry issues and all modelling is undertaken assuming that this improvement is implemented. All assessment scenarios work well within capacity.

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

10.57 *Mitigation Measures*

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

10.58 It is to be noted that the internal road layout and highway works (including PROW) are acceptable in principle subject to detailed design and approval before development commences. The delivery of the proposed highways works will be implemented through Section 278 Agreements.

10.59 The accessibility of the site by non-car modes has been assessed by the applicant in the Transport Assessment. It demonstrates that the vast majority of the red line boundary is within 400 metres walk distance of a bus stop as recommended by the Combined Authority. There are two bus corridors adjacent to the sites namely the A629 corridor and the Yew Tree Road / Burn Road / Grimscar Road corridor. The A629 corridor accommodates the high frequency Service 503 running between Halifax and Huddersfield on a mainly 10 minute frequency during the day Monday to Saturday and a mainly 20 minute frequency during the day on a Sunday. The Yew Tree Road corridor accommodates Service 343 which runs on an hourly frequency between Halifax and Huddersfield during the day Monday to Saturday. Service 343 does not operate on Sunday.

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

Birchencliffe Hill Road will extend the walk time. It is the considered opinion of Highways Development Management that there are a range of facilities within a walkable distance of the application site and therefore the accessibility of the site is acceptable.

- 10.61 In line with current policy, a Travel Plan has been submitted. This sets out measures to achieve a reduction in single occupancy car trips during the peak hours including the provision of information packs to all residents and the promotion of a car share database. It is proposed that this travel plan forms the basis for further negotiation with the applicant if this application progresses.
- 10.62 An analysis of personal injury accidents over a five year period has been undertaken by the applicant. No specific hot spots have been identified.
- 10.63 Both Highways England and the West Yorkshire Combined Authority have commented on this application and both have raised no objections to the development proposal.
- 10.64 Based on this analysis of the development proposal, its impact on transport networks and the proposed mitigation measures, the proposals are considered acceptable and the Highways Development Management has no wish to resist the granting of planning permission subject to conditions and a S106 agreement.

Drainage issues

- 10.65 It is proposed that surface water will connect to watercourse at a restricted discharge rate. Some surface water attenuation will be provided for within underground pipes or tanks with further attenuation provided by three above ground detention basins. The basins are within open space next to each area of development and would be designed to cope with the 1 in 100 year storm events. The basins would form grassed areas and the applicant envisages that they will be adopted by Yorkshire Water.
- 10.66 The principle of the drainage strategy is supported by Kirklees Flood Management and Drainage. A detailed drainage scheme can be secured by condition.
- 10.67 The proposal site is not within an area of flood risk although flooding from surface water is a consideration. Based on the submitted layout and site levels Kirklees Council Flood Management and Drainage are satisfied that flood routing would not put property at significant risk.
- 10.68 No objections raised by Yorkshire Water and The Environment Agency.
- 10.69 The application is considered to satisfy Policy BE1 (iv) of the UDP and guidance in the NPPF.

Noise

- 10.70 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.”
- 10.71 A noise report was undertaken as part of the previous outline application and forms part of the current submission. as part of the planning application.
- 10.72 The report establishes that the ambient noise climate across the application site is associated with local and distant road traffic. Noise levels are considered to be low throughout the application site during both the daytime and at night.
- 10.73 An indicative scheme of sound insulation works has been developed to protect the proposed development from the ambient noise climate in accordance with the requirements of the National Planning Policy Framework. On this basis, the applicants assert that the ambient noise climate is not considered to represent a constraint to the proposed development of the application site.
- 10.74 Officers agree with these conclusions and concur with the recommendation to agree any necessary sound insulation works through a suitably worded condition.

Air quality:

- 10.75 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.....”
- 10.76 This development is in close proximity to Halifax Road and the Ainley Top roundabout, where monitored air quality levels have exceeded the health related annual objective for NO₂.
- 10.77 The application is accompanied by an air quality statement which essentially forms an addendum to the air quality assessment carried out under the previous outline application. The statement was prepared to establish whether the conclusions of the original air quality assessment are still relevant for the proposed scheme of 95 dwellings. Consideration has been given to air quality during the construction phase and the impacts once the development is built and occupied through future occupiers’ choices in modes of transport. Future occupiers’ exposure to unacceptable air pollution is also considered.
- 10.78 The conclusions of the statement are that the proposals will have lower impacts on local air quality than the previous air quality assessment had

concluded due to the smaller number of residential units. As such, the previous air quality assessment can be considered to be a conservative assessment.

- 10.79 The council previously accepted that the air quality impacts would be imperceptible having regard to national guidance and given the smaller number of units now proposed this remains the case.
- 10.80 The submitted travel plan along with the provision of electric vehicle charging points for each dwelling will help to mitigate the limited air quality impacts of the development.

Representations

- 10.81 89 representations have been received raising concerns. The main thrust of concerns relate to air quality, the use of artificial stone, impact on traffic and congestion and the impact on local services, especially schools.
- 10.82 Air quality and highway matters have been addressed within this report. In terms of materials, a good quality artificial stone is considered to be acceptable in this location. With regard to school places, the development triggers a contribution towards education provision. The impact on medical facilities is an issue for those providers and cannot be dealt with through this planning application.
- 10.83 Of the other matters raised these do not materially alter the assessment of the application and the recommendation.

Planning obligations

Affordable housing:

- 10.84 Ten on-site affordable houses are proposed. These are contained within the northern parcel. This equates to just over 10% of the total number of units. The interim affordable housing policy requires 20%.
- 10.85 A viability appraisal has been submitted with the application and has been independently reviewed.
- 10.86 The developer's own appraisal indicates that the development can stand 5% of the houses as affordable units however the developer has made an offer of 10% in the interests of promoting a speedy resolution to the application which will help with an early start on site ahead of the winter.
- 10.87 There are some areas of disagreement between the developer's appraisal and the council's independent evaluation; this is mainly around the sales value of the properties which the council's consultant considers will be significantly higher than those predicted by the applicant. Negotiations are ongoing on this particular matter and an update will be provided on this prior to the committee meeting.

Public open space:

- 10.88 On-site public open space is provided which exceeds policy H18 requirements. The site sits within the catchment area for the existing play space on Halifax Road and officers consider that use of the public open spaces within the site for natural play is considered to be more beneficial than having equipped play provision on site.

Education:

- 10.89 An education contribution of £234,752 towards infant and junior school places within the local area is required.

Residential Metro Cards & travel plan monitoring:

- 10.90 A contribution towards residential metro cards and travel plan monitoring is considered necessary to meet wider sustainability objectives and the aims of the travel plan. This can be secured by S106.

Other Matters

- 10.91 In terms of historic coal workings, the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- 10.92 Coal mine entries have been identified within the site and the layout has been informed by the location of these mine entries. The Coal Authority has not raised any significant objections to the development however further information has been requested in respect of details of remedial measures including shaft caps and foundations given the proximity of certain dwellings. The Coal Authority wishes for this information to be provided pre-determination and officers are satisfied that this matter can be resolved through the delegation of the application.
- 10.93 Although no land contamination is recorded or suspected in this location, Environmental Services recommend conditions requiring appropriate surveys and remediation in the unlikely event any contamination is identified.
- 10.94 There are not considered to be any significant ecological constraints to the development. The Ecology Unit has not raised any objections subject to conditions regarding lighting, a construction environmental management plan and a landscape and ecological management plan to mitigate and compensate for biodiversity impacts.
- 10.95 The arboricultural officer is satisfied that the scheme will avoid harm to protected trees and a method statement to protect trees during construction has been submitted and is acceptable.

11.0 CONCLUSION

- 11.1 The principle of residential development on the land has already been established under an extant outline consent and the current proposal represents a significant reduction in the quantum of development.
- 11.2 The design and appearance of the development would sit comfortably within the surrounding area and the development would not prejudice highway safety. Whilst the development is not fully policy compliant in terms of separation distances between dwellings it is considered that an acceptable standard of amenity would be provided for existing and future occupiers and when balanced against the overall benefits of the scheme the application remains acceptable.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Time limit condition
2. Development in accordance with approved plans
3. Approval of sample of materials
4. Detailed highway design
5. Contaminated land
6. Measures to deal with coal mining legacy as may be necessary
7. Lighting strategy for biodiversity
8. Landscape and ecological management plan
9. Construction environmental management plan
10. Development in accordance with arboricultural method statement (and evidence provided)
11. Details of any additional trees works that may be required during construction
12. Archaeological investigation
13. No building within 3m of sewers across the site
14. Detailed drainage scheme
15. Watercourse piping
16. Flood routing plan
17. Temporary drainage scheme for construction
18. Electric vehicle charge in points
19. Sound attenuation measures

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90180>

Certificate of Ownership – Notice served on Mrs J, Mr G & Ms E Carter, Burn Road, Huddersfield and on Thornhill Estates.