
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 13-Jul-2017

Subject: Planning Application 2017/91459 Erection of 149 dwellings with associated car parking, access, landscaping, public open space and drainage works Land off Rumble Road, Dewsbury, WF12 7LR

APPLICANT

Mr P Thornton,
Persimmon Homes West
Yorkshire

DATE VALID

26-Apr-2017

TARGET DATE

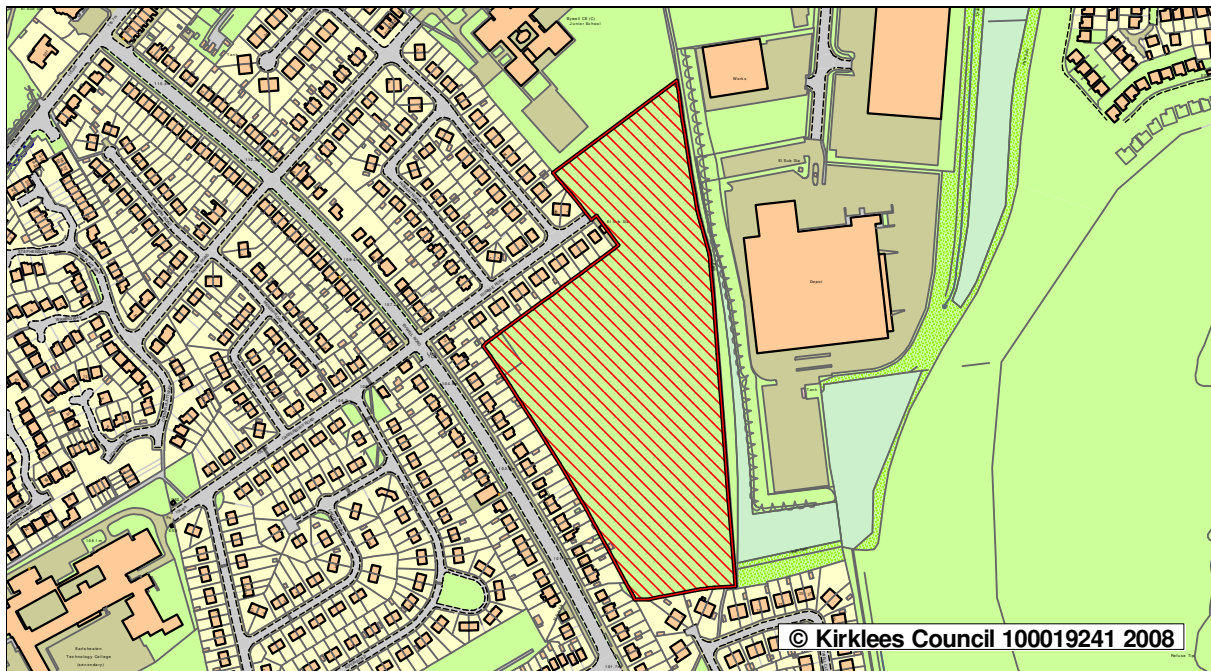
26-Jul-2017

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: Dewsbury East

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 Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Provision of 20% affordable housing ie 30 dwellings;
2. The provision and subsequent maintenance of public open space within the site; and off-site contribution towards improvement of local facilities of £102,374.07.
3. An Education contribution of £215,218;
4. Footpath improvements of £65,000
5. METRO card contribution of £71,524

6. £ 596,000 (£4,000 per dwelling) to fund specific community benefits and improvements within the Bywell Recreation ground, Wakefield Road recreation ground, and Earlsheaton Park

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 Strategic Investment 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 Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INFORMATION

- 1.1 This application is brought to Strategic Committee given the scale of the development. The site is allocated as Urban Greenspace in the Unitary Development Plan (UDP). This report sets out why the proposal accords with the development plan, but if the Local Planning Authority considers that the proposal does not identify 'specific community benefits' as set out in policy D3 of the UDP, this application would be a departure from the development plan.
- 1.2 An identical application (ref: 2016/93415) for 149 dwellings is the subject of an appeal for non- determination.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises an area of 0.43 ha, and is located approximately. 1.km east of Dewsbury town centre. The site is flanked to the west by residential properties on Rumble Road, Bywell Road and Selso Road. To the north are school playing fields of Bywell Junior School. To the east is, Shawcross Business Park, with industrial buildings backing onto the site, and to the south residential properties on Bywell Close.
- 2.2 Along the length of the eastern boundary, is a public footpath (DEW/131/10).This is marked by a series of railings adjacent to the business properties on Shawcross Business Park.
- 2.3 The site is a field, that has been ploughed and produced a crop. The land is relatively flat, and there are a number of trees, and hedgerows around the boundary of the site.
- 2.4 The site is allocated as Urban Greenspace in the Unitary Development Plan.

3.0 PROPOSAL:

- 3.1 Full permission is sought for the erection of 149 dwellings with associated car parking, access, landscaping, public open space and drainage works. A mixture of detached, semi- detached and terraced properties are proposed, with vehicular access taken off Rumble Road, which in turn links onto Bywell Road.

3.2 The scheme identifies a number of areas of open space for recreational use, also there are a number of pedestrian links throughout the site to the existing footpath, that provides an important link into the surrounding area footpath network.

4.0 RELEVANT PLANNING HISTORY:

4.1 There is no recent history on this site, however a previous application for 114 dwellings was dismissed at appeal 98/91581, in 1999.

4.2 2016/93415: Detailed application for the erection of 149 dwellings. Appeal Lodged against Non determination.

4.3 The site has an extensive history in relation to the allocation in the UDP as UGS. UDP Inspector's Recommendation was that the site should be allocated for residential development and that the proposed modification (to designate as urban greenspace) should not be made. Site does not merit UGS designation. The council's Planning & Economic Development Committee (1 April 1998) Rejected the UDP Inquiry Inspector's recommendation on the basis that "The site merits an open land designation given the visual relief, amenity and potential recreational benefits it can provide, located between housing and proposed general industry. Since the UDP Inquiry regeneration initiatives in the Dewsbury area have encouraged developer interest which it is anticipated will release additional land for housing. Consequently the UDP housing provision is expected to be accommodated without the need for the inclusion of the Rumble Road site as a housing allocation".

5.0 HISTORY OF NEGOTIATIONS:

5.1 This application was the subject of a pre application discussion, and a pre-application consultation exercise has been undertaken, this is detailed in the body of the report.

5.2. On the original submission some additional information and updated reports were required which were:

- An updated Flood Risk Assessment (FRA);
- An updated Noise attenuation report;
- Proper location of the large surface water sewer and associated easement;
- Additional traffic monitoring relating to access and use of neighbouring schools; and
- Alterations to the layout to address concerns regarding the objections from PROW and the Police Architectural Liaison Officer.

5.3 Amended plans and additional updated information has been received on all of the above, and in each case has addressed previous concerns in a positive manner, enabling positive recommendations from the consultees. (Each of these matters are dealt with in detail, in the relevant sections of the assessment).

- 5.4. In addition internal consultation has taken place and will continue with ward members on the potential use for the community benefit contribution. This contribution needs to deliver a specific community benefit, as well as satisfying the CIL regulations tests detailed in paragraph 204 of the National Planning Policy Framework (NPPF).

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).
- 6.2 The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. Considerable weight should be given to the Local Plan. Planning applications should be determined 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. As such pending the adoption of the Local Plan, the UDP remains the statutory development plan for Kirklees.
- 6.3 The site is allocated as Urban Greenspace in the Unitary Development Plan, and the Local Plan. Also the site has been put forward for a residential use as part of the Local Plan process which was rejected in favour of retaining the Urban Green Space allocation. Any unresolved objections are to be resolved at the Local Plan Examination in Public.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.4
- BE1 – Design principles
 - BE2 – Quality of design
 - BE11 – Materials
 - BE12 – Space about buildings
 - BE23 – Crime prevention
 - EP4 – Noise sensitive development
 - EP11 – Ecological landscaping
 - D3- Urban Green Space
 - T10 – Highway safety
 - T16- Provision of safe pedestrian routes within development
 - T17- Provision/ regards for needs of cyclists
 - T19 – Parking standards
 - NE9 – Retention of mature trees
 - R13 – Public Rights of Way
 - H10 – Affordable housing

H18 – Provision of open space
G6 – Land contamination

Kirklees Publication Draft Local Plan Policies: Submitted for examination April 2017

PLP1 Presumption in favour of sustainable development
PLP7 Efficient and effective use of land and buildings
PLP11 Housing mix and affordable housing
PLP 20 Sustainable travel
PLP21 Highway safety and access
PLP22 Parking
PLP23 Core walking and cycling network
PLP24 Design
PLP27 Flood Risk
PLP28 Drainage
PLP30 Bio diversity and geodiversity
PLP32 Landscape
PLP33 Trees
PLP 48 Community facilities and services
PLP4 Educational and Health facilities
PLP51 Protection and improvement of air quality
PLP52 Protection and improvement of environmental quality
PLP 53 Contaminated and unstable land
PLP61 Urban green space

National Planning Policies:

6.5. National Planning Policy Framework:-

Part 1 Building a strong effective economy
Part 4 Promoting sustainable transport
Part 6 Delivering a wide choice of high quality homes
Part 7 Promoting good design
Part 8 Promoting healthy communities
Part 10 Meeting the challenge of climate change, flooding and coastal change
Part 11 Conserving and enhancing the natural environment.

Paragraph 74 indicates that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment demonstrates the land is be surplus to requirements; or
- the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

It should be noted that the Strata Homes appeal (New Lane inquiry) Inspector allowed an appeal on UGS (without a specified community benefit). The Inspector here did not consider paragraph 74 germane to the appeal. This view was also set out in the Council's defence at the White Lee (Jones Homes) Inquiry in June 2017. As such for the typology of UGS in question (semi natural and natural) the use of paragraph 74 is not considered directly relevant to the outcome of the planning application. The position however is the Policy D3 of the UDP is in broad conformity with the NPPF and the UDP policy D3 is not out of date in the context of the Supreme Court Ruling.

Other Policy Considerations.

6.6. Supplementary Planning Document 2 "Affordable Housing".

Interim Affordable Housing Policy.

KMC Policy Guidance "Providing for Education Needs Generated by New Development".

Manual for Streets

Open Space Study 2015

Playing Pitch Strategy

7.0 PUBLIC/LOCAL RESPONSE:

7.1 A pre-application consultation exercise was undertaken. There was an exhibition and meeting at Bywell Junior School on 27th September.

7.2 This was attended by approx. 50 people, and feedback was received from 18 people.

7.3 The principle concerns were about

- The loss of green space;
- Traffic problems/ safety;
- Visual Impact.

A number of suggestions were received indicating local areas of greenspace or greenspace use, that might benefit from improvement, as a specific benefit to the community.

7.4 17 letters of objection were received on the application which are summarised below:

- Loss of valuable greenspace, development contrary to UDP and Emerging Local Plan;
- There has been a previous refusal for development on this site (1999, and that was for less units than currently proposed);

- The scheme will result in severe traffic problems in an already overly congested area, and an area which is used by school children, increasing hazard for them;
- The local infra structure can't cope- local schools oversubscribed;
- There are many empty properties and available brown field sites that should be developed in advance of green fields;
- There are problems with noise, air quality and site pollution (coal mining and radon) on this site;
- The introduction of social housing into the area, will result in an increase in the crime rate;
- A lot of the people in this area are elderly and the scheme will cause distress , during any construction;
- The development of housing at the rear of bungalows is inappropriate; The use Rumble Road as an access will cause problems for residents through additional noise and vehicle lights;
- There are surface water drainage problems.

There have been 2 letters of support for the scheme, one conditional upon satisfactory road markings being installed to safeguard junctions safety.

Ward Members have been consulted and both Cllr Eric Firth and Cllr Cathy Scott oppose the development as a matter of principle, and the loss of the Urban Greenspace.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

The Environment Agency- Requested an updated Flood Risk Assessment to address some initial concerns. No objections subject to conditions on the update Flood Risk Assessment.

The Coal Authority- Coal mining legacy in the area is a material concern that can be dealt with via the imposition of a standard condition

KC Highways DM- Sought additional information. This has been received and no objection is raised in principle to the scheme subject to the imposition of conditions and sustainable transport contributions to be secured as part of a Section 106 Agreement.

KC Strategic Drainage - No objections subject to conditions (recommend continuing dialogue with the applicant)

8.2 Non-statutory:

KC Environmental Health – Sought additional information regarding noise attenuation. This has been received and no objections are raised subject to conditions covering noise; air quality and contamination/ remediation.

KC Conservation and Design - were a number of detailed layout issues, including the relationship of dwellings to the open space, and footpath. these comments were considered As part of the amended layout discussions.

KC Public Rights of Way - Object to the original scheme on the basis of inaccurately plotting the line of the footpath, as well as the orientation of the dwellings backing onto the path and making it unattractive and less safe to use.

Yorkshire Water Authority- Initially objected, needed the large surface water sewer accurately locating. This has now been done in conjunction with YWA, and no objections are raised subject to conditions

KC Strategic Housing - There is a demonstrable need for affordable housing in this area. THE Councils interim policy is for the provision of 20% of units on site. This scheme offers 30 units ie 20% of units on site, and as such accords with the Interim Policy and is welcomed.

KC Education Services - An Education contribution of £215,218 is required in this instance.

KC Landscape - The scheme delivers public open space within the site, which is considered to be acceptable for 149 dwellings. The development also triggers the requirement for a LEAP. This has been calculated at £102,374.07 and is based on 5 pieces of equipment but with no fencing or gates. However due to the close proximity of existing equipped facilities it is proposed that this sum is to be spent on their improvements, which could benefit from either the wholly or shared contribution.

Police Architectural Liaison Officer - Strong objection to the original layout, concerns similar to those of the PROW officer regarding the relationship of the dwellings on the eastern edge of the site to the footpath. Amended plans have addressed this concern improving the relationship with the footpath, and making it a more attractive and safe route to use.

9.0 MAIN ISSUES

- Principle of development
- Highways Issues,
- Urban Design/ Layout
- Environmental Issues(Noise; Air Quality; Contamination)
- Bio diversity/ Landscape
- Flood Risk and Drainage
- Crime Prevention.
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 The site is allocated as Urban Greenspace in the UDP, and the site is also allocated as Urban Greenspace on the Local Plan. Whilst the Local Plan designation now carries considerable weight, the site is the subject of an unresolved objection (in that it has been put forward as a housing site as part of the Local Plan Inquiry). As such pending the adoption of the Local Plan, the UDP remains the statutory development plan for Kirklees, and policy D3 is the relevant policy

Policy D3 states:

On sites designated as Urban Greenspace planning permission will not be granted unless the development proposed:

i) is necessary for the continued enhancement of established uses or involves change of use to alternative open land uses, ,or would result in a specific community benefit, and, in all cases will protect visual amenity, wildlife value and opportunities for sport and recreation; or

ii) Includes alternative provision of urban greenspace equivalent in both quantity and qualitative terms to that which would be developed and reasonably accessible to existing users.

- 10.2 This application is for housing and is not therefore an alternative open land use. The site at present is a cultivated field in private use. The public footpath to the north is outside the site. The layout provided does provide 2 substantial areas of public open space which will be accessible to any future residents and existing residents, unlike the present field. As such there is an improvement in accessibility to open space / recreational land. In addition to the improved access to public open space, for the application to accord with Policy D3 the application would need to result in a “specific community benefit”. As set out in the report below a series of upgrades and improvements to existing local parks is provided for as a result of the developers commitment to provide a specified community benefit. The improvements to the masterplan showing improved landscaping and areas of public open space around the site result in the site maintaining visual amenity. As the site has no significant wildlife value the development of the site will not result in any serious impacts on wildlife. The creation of areas of public open space on the site will result in improved opportunities for sport and recreation. Accordingly the proposal complies with the requirements of Policy D3 of the adopted UDP.
- 10.3 Given the size of the site and the numbers proposed, the council’s policies on affordable housing, public open space and education contributions are applicable, as well as sustainable transport offers (ie travel cards, bus stop improvements). In this respect the policies within both the UDP, and Local Plan correspond, and accord with guidance contained in the NPPF.

- 10.4 The applicants have submitted draft heads of terms for these matters, and these are listed below.
- 10.5 Affordable Housing. The Councils interim policy seeks 20% of numbers of units on new development sites (both brown and greenfield). With a 45% to 55% split between social rental, and intermediate housing. The applicants have offered 30 units which is 20%, and as such accords with the Interim Housing policy.
- 10.6 Public Open Space. The proposed layout identifies 2 substantial areas of open space within the development, and in terms of area this satisfies policy H18 of the UDP. However there is no provision of play equipment required on this site, and an off- site payment in lieu to upgrade nearby facilities is required as set out in the recommendation.
- 10.7 Education Contribution. Education Services have indicated that a contribution of £215,218 is required in this instance..
- 10.8 Sustainable Transport. The applicants have agreed to provision of METRO card scheme for the development, and a financial contribution towards Travel Plan monitoring total £71,524.35
- 10.9 As such apart from the anomaly on the education contribution, the Section 106 offer is considered to be a good offer, and largely policy compliant.
- 10.10 In addition to the above the applicant has offered a Community Benefit Contribution of £4,000 per dwelling towards the improvement of sports and recreational facilities in the area. This totals £596,000.
- 10.11 This contribution in order to be in accordance with Policy D3 and satisfying the CIL tests needs to be used towards providing a new specific community benefit, linked with sport and recreation in the area. There are a number of potential areas of improvement, projects within the vicinity that would benefit from this contribution, and satisfy the CIL tests.
- 10.12 Below is a summary of the potential improvements to neighbouring facilities, that will be secured with this sum:

Wakefield Road recreation ground;

- Develop through age play provision on the site, focussing around the current equipped area and skate park.
- Improve access to the site from the Chickenley estate (south) side
- Provide seating around the site
- Bins at access points
- Plant up areas not used as football pitches with trees
- Land drainage improvements to facilitate all year round use for sports and informal recreation
- Improve planting along the Wakefield Road boundary

Bywell Road recreation ground

- Land drainage improvements to facilitate year round use for sports and informal recreation
- Reconfigure sports pitches and level areas as required
- Increased tree planting around the boundaries and in 'spare' areas
- Provide seating and bins at access points
- Enhance informal play facilities on the site, incorporating elements of natural and imaginative play

Earlsheaton Park

- Level and drain open space to east of the park to allow for greater community sports use
- Access improvements around the site – gates, boulders, etc
- Improvements to planting – scope and diversity – around the park
- Refurbishment of footpaths in high footfall areas
- Enhancements to play provision, including elements of natural play, and also opportunities for adults and older people – trim trail
- Refurbish tennis court to encourage greater participation in tennis
- Enhancements to war memorial and surrounding area
- Increased tree planting in the park

10.13 The Councils Playing Pitch Strategy makes recommendations regarding the improvements of all 3 of the above Recreation Areas to address current shortfalls in the area. As such it is considered that the detailed improvements satisfy the Community Infrastructure Levy Tests as detailed in paragraph 204 of the National Planning Policy Framework, which are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Highways

10.14 This proposal consists of a full planning application for the erection of 149 dwellings with 278 associated parking spaces on land off Rumble Road. The application site is to be served by a singular vehicular access taken from an extension of the existing carriageway of Rumble Road. A Transport Assessment has been submitted in support of this application (Optima 2016). The details contained within the Transport Assessment have been utilised in terms of assessing the appropriateness of the development proposals.

10.15 Rumble Road forms a residential estate road and junctions with Bywell Road circa 160m from the application site. The highway is of some 7.3m in width with 1.8m footways on both sides. Rumble Road at its junction with Bywell Road forms a 4-arm priority crossroads junction. A school crossing patrol is in attendance at this junction.

10.16 In order to determine base traffic flows, full classified turning counts were undertaken in April 2016 for the local highway network of interest between 0700-1000 and 1600-1900 hrs respectively. The survey data has identified AM and PM network peak hours of 0745-0845 and 1700-1800 respectively.

The survey data has confirmed traffic flows in the region of what would be expected for the nature and classification of the highway in question. Highways Development Management is satisfied with this approach.

- 10.17 A full Personal Injury Accident Analysis has been undertaken for the most recent 5-year period between January 2011 - January 2016. In that period there have been a total of 13 accidents classified as slight with no serious or fatal classifications. Highways Development Management is satisfied that there are no existing accident trends that this development would likely exacerbate.
- 10.18 The site is considered to be generally well served by existing public transport facilities in line with what would be expected by the nature of the area. Vehicular access serving the site is taken from an extension of Rumble Road into the site. The newly created highway continues the geometric design of the carriageway into the site. Existing footways are continued into the site.
- 10.19 In terms of the geometric characteristics of the proposed access layout, it is considered acceptable and supported in this regard.
- 10.20 The internal estate Road carriageway is 5.5m in width with 2.0m footways on either side throughout the majority of the site. Traffic calming measures in order to achieve low vehicle speeds in the form of raised table tops at junctions are provided which is supported. The submitted Transport Assessment states that all turning heads have been designed to accommodate an 11.6m long refuse vehicle, however this has not been demonstrated within the assessment. The applicant is expected and should provide detailed swept path analysis vehicle tracking drawings that demonstrate that an 11.6m refuse vehicle can access and egress the site and turn within the site in a safe and efficient manner

With regards to parking provision, the development site is provided with 278 parking spaces. This is in line with the standards as prescribed within the UDP and is supported. Visitor parking is provided in line with the prescribed standards and is provided via a mixture of dedicated and natural spaces. This is again supported.

- 10.21 At pre-application Stage, Highways Development Management requested that the applicant consider the impact of the development upon the potential conflict with school traffic on Rumble Road during pick-up/drop-off times in relation to the proximity of the development with Bywell Junior School and Manor Croft Academy.
- 10.22 An assessment has identified no particular parking issues occurring along Rumble Road during school peak periods, although it has been noted that Rumble Road sees a large amount of pedestrian traffic at these times. Anecdotal evidence by this office does suggest that some additional parking does occur but was limited at the time of my site visit. In line with this, the submitted Transport Assessment confirms that the applicant is willing to provide a financial contribution secured via a S.106 Agreement towards the

provision of traffic calming measures along Rumble Road in order to improve safety and to improve the experience for pedestrians. This is welcomed and supported by this office. Notwithstanding the above, further assessment of the impact upon the safety and efficiency of the existing school crossing patrol is requested from the applicant which has not been covered within the assessment (This additional information has been received and is commented on later in this section).

10.23 In order to assess the vehicular impact of the development upon the surrounding highway network, the submitted Transport Assessment has undertaken an exercise to determine the likely trip rates and associated resultant level of traffic generation along with a materiality exercise and operational capacity assessment of the local highway network of interest.

10.24 In order to derive trip rates to be applied to the new development, the submitted Transport Assessment contains the results from an interrogation of the TRICS (Trip Rate Information Computer System) database. The residential trip rates provided are considered on the low side. Highways development Management would consider trip rates in the region of 0.7 trips per dwelling to be an appropriate trip rate for a new build residential development, although the submitted TA provides a comparison site, the TRICS data also provides only 6 selection sites. Further discussion and agreement is required between HDM and the applicant in this regard.

10.25 Notwithstanding this concern, the resultant operational assessment has been considered as presented within the submitted Transport Assessment. From the above trip rates, the proposed development consisting of 149 residential dwellings would expect to see a 76 vehicular movements during the AM peak hour (55 arrivals and 61 departures) and 70 movements during the PM peak hour (51 arrivals and 19 departures). 2011 Journey to work census data has been extrapolated in order to determine traffic distribution upon the local network. This approach is supported and accepted. With regards to traffic impact upon the network a base year of 2021 has been calculated and traffic growth using an appropriate TEMPRO growth factor. A materiality exercise has been undertaken which is supported. This has determined that the following junctions should be operationally assessed:

- Bywell Road/Rumble Road/Canterbury Road – 4-arm priority crossroads.
- A653 Leeds Road/Bywell Road – Simple priority junction.

10.26 In relation to assessing the capacity of the Bywell Road/Rumble Road/Canterbury Road junction arrangement, the submitted Transport Assessment contains a PICADY (Priority Intersection CApacity And DelaY) model. With regards to the modelling of this junction, the results of the operational assessment for a 2016 Survey Year see an RFC (Ratio of Flow to Capacity) of 0.15 (15%) with an associated MaxQ (Maximum Queue Length) of 0.0 pcus (passenger car units) occurring on the Canterbury Road arm of the junction during the AM peak hour.

- 10.27 The results demonstrate that the junction currently operates well below its Theoretical capacity limit. The operational assessment for the 2021 Base Year sees an RFC of 0.17 with an associated MaxQ of 0.0 pcus occurring on the Canterbury Road arm of the junction during the AM peak hour. The results demonstrate that the junction is expected to operate well below its theoretical capacity limit in 2021.
- 10.28 The operational assessment for the 2021 Design Year sees an RFC of 0.28 with an associated MaxQ of 0.0 pcus occurring on the Rumble Road arm of the junction during the AM peak hour. The results demonstrate that the junction is expected to operate well below its theoretical capacity limit in 2021 with the development in place.
- 10.29 In relation to assessing the capacity of the A653 Leeds Road/Bywell Road junction arrangement, the submitted Transport Assessment contains a PICADY model. With regards to the modelling of this junction, the results of the operational assessment for a 2016 Survey Year see an RFC of 0.65 with an associated MaxQ of 2 pcus occurring on the Bywell Road (RT) arm of the junction during the AM peak hour. The results demonstrate that the junction currently operates below its theoretical capacity limit. The operational assessment for the 2021 Base Year sees an RFC of 0.74 with an associated MaxQ of 3 pcus occurring on the Bywell Road (RT) arm of the junction during the AM peak hour. The results demonstrate that the junction is expected to operate below its theoretical capacity limit in 2021.
- 10.30 The operational assessment for the 2021 Design Year sees an RFC of 0.84 with an associated MaxQ of 4 pcus occurring on the Bywell Road (RT) arm of the junction during the AM peak hour. The results demonstrate that the junction is expected to operate within its theoretical capacity limit in 2021 with the development in place. The results do demonstrate that the junction begins to approach a point of 85% ratio of flow to capacity, in the 2021 design year, however, the junction would be predicted to approach this level even without the addition of the proposed development traffic and as such the impact is considered acceptable in this regard given that the traffic generation figures are considered sufficiently robust without taking into account and travel plan measures proposed.
- 10.31 Following the submission of the above comments discussions have taken place between HDM and the applicant, and the applicant highways consultants have submitted further information in reference to the above concerns.
- 10.32 Revised swept path analysis vehicle tracking drawings (ART-01 Rev A) have been provided. The correct size and type of vehicle has been utilised for the assessment and the tracking demonstrates that the turning heads provided are fit for purpose and that a large refuse vehicle as utilised by Kirklees Council is able to turn in a safe and efficient manner within the confines of the carriageway. The proposal is therefore considered acceptable in this regard. Further detailed assessment of the proposed development's impact upon the school crossing patrol currently in operation on Bywell Road has been

undertaken following discussions with this office. The applicant's highways consultants have now considered safety and efficiency impacts upon the school crossing patrol that was originally absent from the submitted Transport Assessment. Highways Development Management is satisfied that there are no existing safety or efficiency issues in this location that the proposed development would exacerbate

- 10.33 Highways DM Raises no objections to this application, subject to appropriate conditions.
- 10.34 PROW has been consulted on this application and they raise the following concerns:
The public footpath Dewsbury 131 is not shown correctly on submissions – this is a fundamental issue which has a knock-on effect for all the following concerns. Footpath 131 runs generally nearer the boundaries of plots 5-48 than indicated. We would encourage and expect good connectivity to PROW network, protection of and improvement to existing public footpath 131 (as off-site highway improvements if land not in control of applicant) – site drainage should be designed to not negatively affect PROW. Improvements and general design considerations may include, appropriate adequate width, surfacing, levels, reconstruction, street lighting, drainage etc. Footpaths should be minimum of 2 metres width and of appropriate hard construction to the satisfaction of LHA.
- 10.35 A whole length new hard construction of Dewsbury 131 would appear appropriate in connection with this proposed development. Design/layout and boundary treatments along the east of site appears to 'turn its back' to the public footpath (undesirable design with little oversight) and should actually be appropriate for the proximity to the public footpath.

Urban Design/ Layout

- 10.36 The application is for 149 dwellings on a 4.9ha site, which delivers a density of just over 30 per ha. This is a comparable density to the surrounding areas, and considered to be appropriate for this area. The scheme is also considered to deliver an efficient use of the site.
- 10.37 The mix of dwellings propose, mainly detached and semi- detached with a small number of terraced together with the scale of the units ie 2 to 2.5 storeys, are also appropriate for this location and reflective of the surrounding mix. There are no levels issues on this site, that would justify the removal of dwellings for bungalows on any boundary, with existing properties.
- 10.38 The layout incorporates 2 sizeable areas of open space, one at the north and one at the south, which in turn link into the existing footpath network around the site, and this space would also be accessible and usable by existing users unlike the existing ploughed field. The scheme represents a considerable improvement in pedestrian permeability across the site, and between the site and neighbouring developments, existing and currently under construction.

- 10.39 The layout satisfies the councils space about buildings standards, both in terms of the relationships to existing dwellings on the perimeter of the site, and also internally.
- 10.40 An alternative layout has been submitted for consideration, aimed at improving the relationship of the dwellings to the open space and the public footpath that runs for the length of the site to the east. The orientation of dwellings has been altered to create a more open aspect onto the footpath (as opposed to a line of back gardens and fences previously), that is considered to represent an improvement upon the original submission, both in terms of visual amenity and in terms of the safer use of the public footpath.
- 10.41 As such the changes to the layout received are considered to be positive, and satisfactorily address initial concerns. The layout is also considered to protect visual amenity, wildlife value and provide opportunities for sport and recreation, as required by policy D3 of the UDP by virtue of including appropriate areas of green space and buffer to the adjacent industrial area whilst providing value for wildlife.

Environmental Issues (Noise, Air Quality; Contamination)

- 10.42 Noise- a Noise Attenuation Report was submitted with the application, dealing with the principle noise source issue, ie the relationship of the dwellings on the eastern edge of the site to the industrial buildings on the neighbouring Shawcross Industrial Estate. This report was updated and improved at the request of the Environmental Health Service, and the distances were improved. Additionally satisfactory mitigation measures have been demonstrated and Environmental Health are satisfied with the updated scheme.
- 10.43 As such it is considered that the residential development can be provided on this site and deliver an acceptable level of residential amenity for new occupiers, without prejudicing the operational requirements of the neighbouring factory buildings.
- 10.45 Air Quality- the site is not within an area identified as having significant Air Quality issues, however as a potential contributor and receiver, this is a material planning consideration. There is not considered to be any decrease in air quality as a result of the new dwellings, and the existing sources are unaltered. As such it is considered that the issue of air quality can be dealt with via the provision of electric charging points throughout the development together with the sustainable transport contributions(METRO cards, Travel Plan monitoring), and improved pedestrian links, that should reduce the numbers of vehicle trips emanating from the new residential site.
- 10.46 Contamination-the site is capable of being satisfactorily remediated, and made fit to receive the new development. This can be satisfactorily achieved by the use of conditions.

Bio-Diversity/Landscape

- 10.47 The application has been accompanied by an Ecological Survey of the site. The site was last used as agricultural land to grow crop (it has been ploughed and planted) and previously was grazing. There are a number of mature trees and areas of hedgerow on the perimeter of the site, that are of some merit, and for the most part these have been retained as part of the scheme. The site is at present of little ecological merit. And as such in accordance with the guidance contained in part 11 of the NPPF "Conserving and enhancing the natural environment", this opportunity should be taken to deliver bio- diversity enhancement across this site, linking with neighbouring sites.
- 10.48 The scheme introduces 2 new areas of open space on the site, as well as additional space and planting adjacent the public footpath to the east that links with these two areas of space. These areas will be the subject of an appropriate landscape scheme, and subsequent maintenance. It is considered that the use of appropriate species incorporated within this scheme should deliver enhancement. Also a scheme requiring the delivery of bat and bird roosting opportunities within the development, would be the subject of a condition. The applicant will also contribute towards improving play equipment in the locality in lieu of onsite provision. It should be noted this is would be in addition to any improvements provided as part of the specified community benefit scheme detailed above.
- 10.49 Of equal, importance to the above is the location of these areas of open space and the linking sections, in relation to the wider green infrastructure network in the area. Owl Lane sits to the south east of the site and new green corridor improvements are to be provided effectively linking up with the Owl Lane green corridor improvements.
- 10.50 As such it is consider that the issue of bio-diversity and landscape enhancement can be satisfactorily dealt with within this amended layout, and subject to conditions.

Flood Risk and Drainage

- 10.51 This site is located within Flood Zone 1 (ie an area least likely to flood). However, given the size of the site a Flood Risk Assessment was required, regarding the treatment of surface water drainage within the site, and as part of the negotiation process this has been updated, and revised at the request of the Environment Agency. A large water main is located along the eastern boundary along roughly the same route as the footpath but its definitive location is required to be established by Yorkshire Water Authority.
- 10.52 On the basis of the update Flood Risk information and accurate location of the large surface water sewer, and associated easement the drainage solution on the site is considered to be acceptable in principle, subject to the imposition of conditions.

10.53 The Council Drainage Authority (as Lead Authority in this respect) supports the proposal subject to a series of conditions being attached to any permission, that would include details of surface and foul drainage, temporary storage measures during construction, and overland flow routes being demonstrated on site.

Crime prevention

10.54. The initial layout caused some concerns from the crime prevention perspective, principally regarding the relationship of the dwellings on the eastern side of the development to the public footpath, which runs the length of the site. The layout had dwellings all backing onto the footpath, for its entire length, resulting in a poor street scene and a very long stretch of narrow footpath with no natural surveillance, at odds with the guidance regarding Secure by Design and Policy BE23 of the UDP. It is noted that there was also an objection, on similar grounds from the Public Rights of Way Team.

10.55 The amended layout has sought to address this concern, by altering the layout, and introducing additional space next to the footpath, and opening up the footpath links from within the site to the main footpath. This together with the reorientation of residential units to face or be side on to the footpath and the 2 areas of open space is considered to deliver a much improved situation, both in terms of an improved street scene and therefore visual amenity, and also a safer more welcoming path for pedestrians to use.

10.56 In other respects there are no major concerns regarding secure by design and crime prevention across the site, that are not capable of being resolved by the imposition of conditions. (ie there are no remote areas of parking, boundary treatments will, be capable of being implemented safely and affording privacy and defensible space, and the POS benefits from natural supervision, from the amended layout.

10.58 It is considered that concerns regarding crime prevention and secure by design have been satisfactorily addressed by the amended layout plan.

11.0 CONCLUSION

11.1 The proposal accords with the Kirklees development plan by virtue with compliance with policy D3 (Urban Green Space) of the UDP. The development will secure the provision of a full affordable housing interim policy requirement, POS, education and transport contributions within the scheme, as well as the offer of a £4,000 sum per dwelling to be used towards specific community benefits within the area that weighs significantly in favour of the proposal.

11.2 Other key material considerations include the lack of a 5 year supply of deliverable housing sites, and the subsequent presumption in favour of sustainable housing sites as detailed in the National Planning Policy Framework. There are no other material planning considerations that outweigh this finding.

11.3 As such approval subject to a Section 106 Agreement is recommended.

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

1. Standard 3 year implementation;
2. Development to be carried out in accordance with the approved plans.
3. Material schedule to be agreed
4. Boundary Treatments
5. Landscape Plan and maintenance.
6. Environmental Health conditions- Remediation;
 - Noise attenuation;
 - Electric charging points
7. Highways conditions- access visibility, ensuring parking provision, construction management plan
8. Drainage conditions- foul and surface water details in accordance with agreed Flood Risk Strategy and Drainage Strategy.
9. Bio diversity enhancements

Background Papers:

Application and history files.

Certificate of Ownership – Notice served on/ or Certificate A signed: