
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 10-Aug-2017

Subject: Planning Application 2017/91623 Erection of 59 dwellings and associated means of access Land at, Dunford Road, Hade Edge, Holmfirth, HD9 2RT

APPLICANT

Jones Homes (Yorkshire)
Limited

DATE VALID

11-May-2017

TARGET DATE

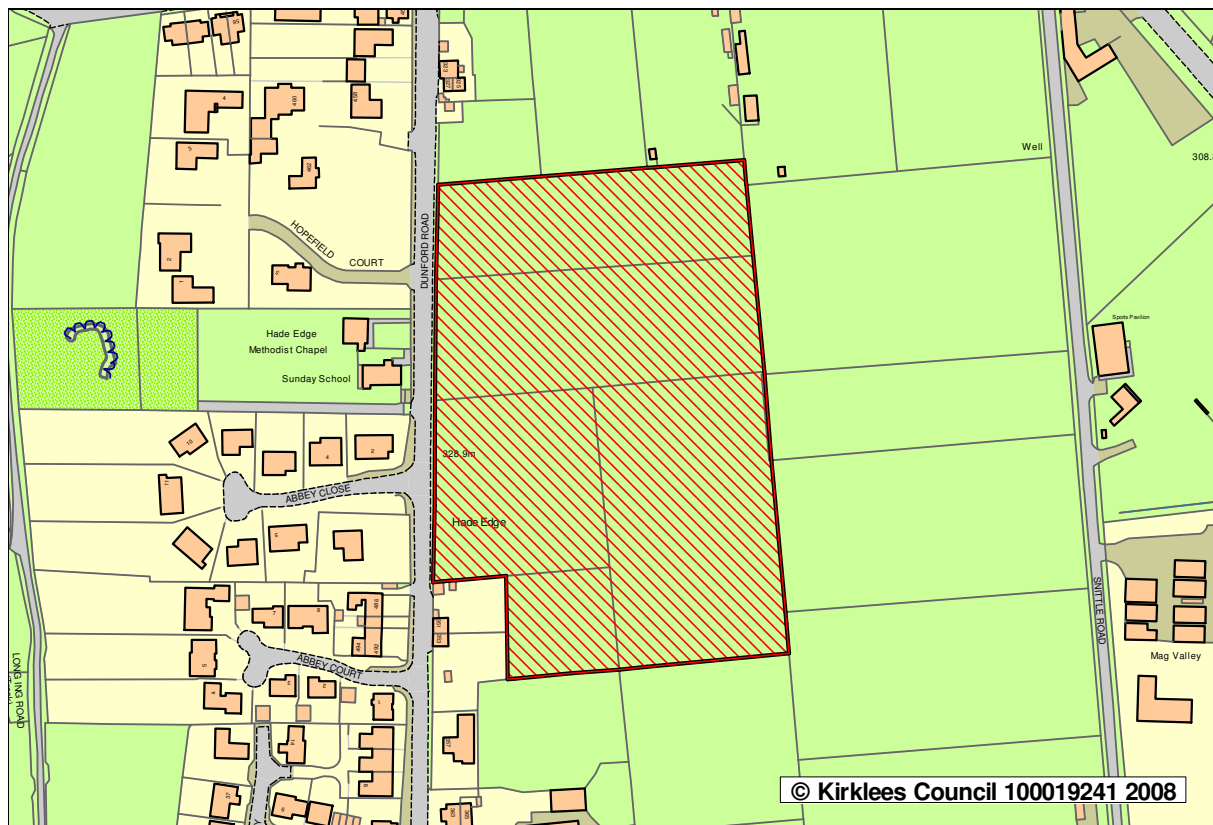
10-Aug-2017

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: Holme Valley South

Yes

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to:

Consult Natural England on the outcome of the Habitat Regulations & Visual Impact Assessment and have regard to their advice (in the event that an objection is received the application will be referred back to Strategic Planning Committee for re-determination)

Await consultation response from Peak Park Authority (in the event that an objection is received the application will be referred back to Strategic Planning Committee for re-determination)

Complete the list of conditions including those contained within this report and secure a section 106 agreement to cover the following matters

- 1. Public open space contribution of £256,474*
- 2. 12 dwellings to be affordable with a tenure split of 6 being Social Rented and six being Sub Market.*
- 3. £250,400 towards Education requirements arising from the development*
- 4. Sustainable Transport fund £31,762.50*

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 INTRODUCTION:

- 1.1 The application seeks full planning permission for the erection of 59 dwellings and associated means of access on land at Dunford Road, Hade Edge. The site is allocated as Provisional Open Land on the Kirklees Unitary Development Plan (UDP). The application represents a departure from the Development Plan and under the Councils delegation agreement the application would usually be referred to Huddersfield Planning Sub-Committee for a decision. The Local Planning Authority however are also considering an outline application for residential development on the same site which indicatively proposes over 60 dwellings and which would be referred to Strategic Planning Committee for a decision. Officers consider it appropriate to refer both applications to the same planning committee for determination. This is in accordance with the agreement of the Chair of Strategic Committee.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is approximately 2.5 hectares in size and comprises of open grassed fields located to the east of Dunford Road at Hade Edge. The site is delineated by a stone boundary wall adjacent to Dunford Road and is relatively flat with levels falling gradually to the east.
- 2.2 The site is located within the village of Hade Edge. Dwellinghouses are located to the west of Dunford Road and to the north of Greave Road, and local facilities include a school, butchers and food hall, public house, band room, and a Methodist chapel and Sunday school. The land to the north, east and south of the site is largely undeveloped with some residential development, and a Turkey Farm.

2.3 The site is part of a wider allocation of Provisional Open Land on the Kirklees UDP proposals Map which extends to the north and south of the application site. The adjacent land to the east is within the green belt.

3.0 PROPOSAL:

3.1 The application is a full application for 59 dwellings and associated means of access.

3.2 The proposed layout includes a mix of detached, semi-detached and terraced properties. The dwellings would be two storeys in height with the exception of a pair of semi-detached bungalows. The proposed materials are Cottingley Natural Walling stone to all plots fronting onto Dunford Road and Costhorpe Black old Weathered artificial stone for the remainder of the plots. The design of the dwellings also includes render. Cemex Grampain Slate grey roofing tiles are proposed for all plots.

3.3 Vehicular access is proposed via a new access point off Dunford Road, opposite the Hade Edge Methodist Chapel.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2016/91967 –Outline application for residential development and convenience store, and provision of open space – Pending decision

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

5.1 Officers negotiated with the applicant to:

- Secure revisions to the layout to address the density of development and landscaping matters.

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 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. The weight to be given to the Local Plan will 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. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 D5 – Provisional open land
- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Materials
- BE12 – Space about buildings
- T10 – Highway Safety
- T16 – Pedestrians Safety
- D2 – Unallocated Land
- EP11 – Ecological landscaping
- NE9 – Retention of mature trees
- G6 – Contaminated Land
- H1 – Meeting housing needs in the district
- H10 – Affordable housing
- H12 – Affordable housing
- H18 – Public Open Space
- EP4 – Noise sensitive development
- EP10 – Energy efficiency
- EP11 – Integral landscaping scheme to protect / enhance ecology

Kirklees Draft Local Plan

- PLP – Presumption in favour of sustainable development
- PL11 – Housing Mix and affordable housing
- PLP 24 – Design
- PLP25 – Highway safety and access
- PLP 28 – Drainage
- PLP 30 – Biodiversity and Geodiversity

Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Council Interim Affordable Housing Policy

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

National Planning Guidance:

- 6.4 Chapter 4 - Promoting sustainable transport
- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 7 - Requiring good design
- Chapter 8 - Promoting healthy communities
- Chapter 10 - Meeting the challenge of climate change, flooding
- Chapter 11- Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by neighbour letter, site notice and press notice with the final publicity expiring 16th June 2017. As a result of this publicity 61 letters of objection have been received including an objection from the Hade Edge Fight for the Fields (HEFF) committee. The HEFF have submitted copies of a community questionnaire, sustainability/energy footprint calculations and ecological information.

The concerns raised have been précised below as follows:

7.2 Principle of Development

- Hade Edge is an isolated upland village, closely linked to the Peak National Park. The village is located at high altitude with inclement climate. Hade Edge is in an unsustainable location due to the topography of the area, lack of services and poor public transport.
- HEFF consider the proposed housing allocation is flawed and unsound. HEFF contend that the draft allocation should carry little weight and time should be given to debate the relevant issues before the Inspector. A decision on the application before then would be premature given the unique characteristics of the village and the application site.
- As part of the evidence base for the emerging local plan, Kirklees produced a settlement appraisal which ranked Hade Edge 52 out of 53 settlements for access to employment, education, healthcare and town and local centre facilities.
- HEFF consider the Council's sustainability appraisal is unreliable.
- The application does not improve local infrastructure or services and it disproportionate in size for a small village.
- The development is contrary to the need to move towards a lower energy and carbon footprint future and have provided supporting calculations.
- The number of houses is too high given the lack of sustainability and the size of the village.
- The development will spoil a rural village, have an impact on the local Farming community and reduce farming land.
- The development will change a beautiful small village into a town and is not wanted by local residents.
- The development is not sustainable, public transport is infrequent and easily disrupted. The nature of the incline means that residents in Hade Edge rarely travel on foot or by cycle.
- Kirklees has rejected a single dwelling in Hade Edge Ref 2009/91808 on sustainability grounds.
- Working from home is infeasible due to fragmented broadband infrastructure.
- In the Local Plan Rejected site options the land was cited as being inappropriate for development.
- The main demand for housing is in Kirklees North, a development of 3-5 bedroom homes will not target this demand.
- The development will be solely reliant on private car commuting.
- The size of the development will increase the village's overall size by around 30%.

- The proposal will contravene the NPPF for limiting infilling of villages in the green belt.
- This is a sensitive site, and proposing a housing estate on this scale would be inappropriate. It is only 1Km from the Peak District National Park boundary, visible from it, and only ½ Km from the substantial area of upland Pennine Access Land. Bare Bones Road is the PDNP boundary, as well as the Barnsley and S. Yorks boundaries.
- Bus Services to and from the village run only 3 return services per day.
- Although the village is only 2km from Holmfirth, the topography makes walking to amenities impossible.

7.3 Highway Safety

- Concern about the implications for the local transport infrastructure. There are minimal bus services around the village. To live in Hade Edge it is necessary to own a car. The development would mean an additional 100 vehicles using significantly congested local roads which are totally unsuitable for modern traffic. The b6106 Dunford Road is narrow with on-street parking. It is used by the bus service to Scholes and Hepworth and HGVS. Regular congestion occurs as a consequence of large vehicles attempting to pass each other.
- Visitors to the Methodist Chapel and Sunday School would cause a traffic hazard.
- There are significant pinch points on Dunford Road and at Scholes and Jackson Bridge. Delays are commonplace.
- The location of the access roads would be a detriment to road users and pedestrians.
- The development will cause highway safety issues due to the nature of the access to Dunford Road, a right or left turn on a blind summit in a 60mph speed limit.
- The highway network will not cope with the increase in private car commuting.
- Consideration of the application is premature considering the proximity of the public examination of the local plan.

7.4 Air Quality

- Health effect of vehicular air pollution

7.5 Design and heritage

- The types of houses shown are standard, little effort has been made to assess the character and nature of the village. The design of the houses needs to incorporate materials which are more complementary to the village and suitable for the location.
- The property's proposed are completely out of character with the local environment and other buildings and property's. Will be a complete eyesore and spoil the landscape.
- The scale of development will swamp the village and change its character.
- The site access will be directly across from a Grade II listed chapel.
- The Kirklees landscape character assessment stated that this character area provides an immediate setting to the Peal District National Park.
- The design and materials are not in keeping.

- The character of the area will lose its wildness and make it a plastic commuter belt.
- The grade II listed Methodist Chapel and Sunday School will lose its open aspect across the fields.
- The design is of poor quality that does not reflect the nature or character of the Valley's vernacular.
- Concern about an urban 'canyon effect' along this stretch of Dunford Road, out of keeping with the village's open character, and proximity to the moors.

7.6 **Residential Amenity**

- White Abbey Farm will be engulfed by 8 houses. The access will be overlooked. Concern about overshadowing and overlooking.
- The proposal will result in excessive noise and disturbance.
- Concern about the impact on the quality of life of residents.

7.7 **Wildlife**

- Concern about the damage to local wildlife we have a lot of bird species here.
- The local fields are habitat for a number of species. These include Golden Plover, brown hare, hedgehog, curlew, short eared owl, bats, turtle dove, stock dove, bullfinches and lapwing and oyster catchers. Winter visitors include fieldfares and redwings.
- The development would not mean 'organic' urban growth, more suited to such a Green Belt village, but mass suburbanisation to within a field or two of damp upland habitats.
- The ecological survey was conducted in winter and is not a suitable time.

7.8 **Drainage**

- Concern about the impact on the local sewage and drainage systems.
- Hade Edge is served by a sewerage system installed in the 1960s. this system fails to cope with current demand in bad weather.
- Yorkshire Water calculations for not include residences in Bayfield Close or Hill Top View.
- The site acts as a soakaway.

7.9 **Other**

- The layout raises concern that the scheme could be extended onto land either side. This application could increase the size of the village by around 35%, by incorporating adjoining land, the village could double in size – this is completely disproportionate for a small village with its current level of services and infrastructure.
- Concern the proposal will have a serious impact on the operation of the Turkey Farm.
- If we have to have a new development in Hade Edge, then please could it include a shop
- The local village school is at full capacity, there are no vacancies and it is operating at full numbers. The school infrastructure in Hade Edge and the surrounding schools will not cope.
- Transport to Holmfirth High School would add a costly overhead for Kirklees. The burden would be £246 per child per year.

- The clean water supply is reliant on pumps at Hade Edge Reservoir. There have been 8 losses of pressure in 999 days.
- Concern about noise from the turkey farm.
- The residents questionnaire issued by Savill's was not balanced. HEFF have carried out their own community questionnaire. The village questionnaire shows without exception that local residents are opposed to the development.
- Hade Edge experiences colder weather which has an impact on heating a house. It takes a lot more to heat a house in Hade Edge than Huddersfield. Building a new estate will lead to people moving in and then moving again after the first winter. That will lead to a lot of expense for low income residents.
- There is no need for this kind of open market housing development in the village.

7.10 **Holme Valley Parish Council**

Object to the application on the grounds of sustainability and this is land designated as "POL" in the UDP.

Section D5 of the UDP states "On sites designated as provisional open land, 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".

Until the Local Plan is adapted this policy D5 is still valid and therefore granting approval of this application would contradict Kirklees' current policy for a POL site.

The Parish Council supports its constituent' strong feelings on this matter and share their concerns that this scale of development is inappropriate in the Green Belt.

Members also have concerns about the following:

- 1) Highways/traffic issues – transport and other infrastructure is inadequate, eg. Lack of public transport means property owners would be reliant upon cars and this development alone could add 100 additional vehicles. The local roads in this area are already significantly congested and unsuitable for modern traffic use, with narrow roads and a lack of off street parking.
- 2) Previous consultations by the developer have been dismissive of the views of neighbouring property owners.
- 3) A development of this scale will swamp the village and change its character irreversibly.
- 4) The site is functionally linked to a designated site of specific scientific interest (SSSI) as defined by Natural England and protected by law to conserve the site's wildlife and/or geology.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways – No objections subject to conditions

Yorkshire Water – No objection

Peak District National Park Authority- No response at the time of writing

8.2 Non-statutory:

K.C Environmental Services – No objection

K.C Arboricultural Officer – No objection

K.C Conservation and Design – Requested revisions to the design and layout

K.C Ecology Unit – the application cannot be determined until Habitat Regulations Assessment has been completed.

K.C Flood Management –No objection

Natural England – No objections

Crime Prevention –No objection

Housing – No objections

Education – An education contribution of £250,400.00 is required

Landscape – No objections.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Ecology Issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development:

- 10.1 The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).
- 10.2 The site is allocated as Provisional Open Land (POL) on the Unitary Development Plan. As such the proposal is considered against Policy D5. Policy D5 states that:
- “Planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term”*
- 10.3 The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 49 and 215. These indicate that policies regarding housing should not be considered up to date unless the authority can demonstrate a five year supply of housing. The Council is currently unable to demonstrate a five year supply of deliverable housing sites.
- 10.4 The weight that can be given to policy D5 in these circumstances is that this policy is up to date and must be weighed in the balance.
- 10.5 Paragraph 14 states that there is a presumption in favour of sustainable development. For ‘decision taking’ this paragraph goes on to state that this means where relevant policies are out-of-date, planning permission should be granted *“unless any adverse impacts ... 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”*. However, Paragraph 119 of the NPPF makes it clear that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats directive is being considered. Paragraph 119 states: *The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined*. Consequently given the need for a Habitat Regulations Assessment the presumption in favour of sustainable development will not apply in this case and consideration of the merits of the proposal must be weighed against the negatives.

- 10.6 Consideration must be given as to whether the proposal is sustainable development. The NPPF identifies the dimensions of sustainable development as economic, social and environmental (Para.7). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8). The proposal has been assessed against each role as follows:
- 10.7 The site is located within the village of Hade Edge. The village is within a rural location with a limited public transport service. The closest bus stops are located on Dunford Road and Greave Road and provide services to Penistone and Holmfirth, New Mill, Hepworth, and Huddersfield. Future residents of the development are likely to rely on private transport to access jobs, shops and other services and it is acknowledged that the site is not well served by public transport. There are some local facilities within the village, including a junior and infant school, a butchers and food hall, a band room, recreational area, a public house and a Methodist chapel and Sunday school. Residents would generally have to travel outside of the village however to access health, shops and employment opportunities. The village has a bus service, but is poorly connected in comparison with many other towns and villages in the district. It could be argued that an increase in population could create demand to help generate a degree of voluntary social / community organisation although it is recognised that this would be extremely marginal. Accessibility however is only one aspect of overall sustainability and it is necessary to assess the economic, social and environmental aspects of the proposal.
- 10.8 A proposal for 59 dwellings provides economic gains by providing business opportunities for contractors and local suppliers. There will be a social gain through the provision of new housing at a time of general shortage and the scheme will be subject to an affordable housing contribution which is a positive role of the development. The development of a greenfield site represents an environmental loss. However, whilst national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.
- 10.9 In terms of more detailed issues within the site, NPPF paragraph 58 sets out the requirement for developments to “*optimise the potential of the site to accommodate development*”. As this proposal only covers part of the POL site, the proposal would need to demonstrate that it does not prevent the remainder of the POL site being developed. The POL allocation includes land to the north and the south of the site which could be accessed off Dunford Road. Accordingly, the proposal would not prevent the remainder of the POL site being developed.

Kirklees Publication Draft Local Plan

- 10.10 The Publication Draft Local Plan (PDLP) was submitted to the Secretary of State on 25th April 2017 for examination in public. The site forms a housing allocation (H288a) within the PDLP. Given that the PDLP has now been submitted consideration needs to be given to the weight afforded to the site's allocation in the PDLP.

10.11 The NPPF provides guidance in relation to the weight afforded to emerging local plans, paragraph 216 which states:

216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

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

10.12 The above is further supplemented by guidance in the Planning Practice Guidance (PPG). The PPG states that “*arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

- a. *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and*
- b. *the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

10.13 Given the scale of the development when assessed against the wider context of the Local Plan the application could not be deemed to be premature as it is not considered to be central to the delivery of the Local Plan. Whilst Planning Officers do not consider that the application is premature in terms of the KPDLP, it has been confirmed that given the advanced stage at which the Local Plan has progressed considerable weight should be afforded to the policies within the KPDLP. An assessment of the relevant local plan policies is therefore undertaken throughout this report.

The Planning Balance

10.14 In assessing the planning balance of the application consideration has been given in relation to social, economic and environmental factors. The social and economic benefits the proposal would provide the provision 59 dwellings and would make a significant contribution to the housing land supply. In conclusion the planning judgement on the proposal is that the benefits of housing provision weigh heavily in favour of the proposal and the adverse impacts of the loss of this green field and POL site do not demonstrably outweigh the benefits of developing the site, when considered as a whole along with all other relevant material considerations. The proposal would accord with the Core Planning Principles of the NPPF.

Urban Design, Landscape Impact and Character of the Local Area:

10.15 The landscape impact of the development and its impact on the character of the local area need to be considered, particularly given the scale of the development relative to the existing village of Hade Edge. The NPPF sets out that advice in relation to design in the core planning principle and paragraphs 56 and 58. These policies are considered appropriate when considering the impact the development would have on the character of the local area.

10.16 The core planning principles in the NPPF provide guidance on design and state that new development should “*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*” Paragraph 56 states, “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*” Paragraph 58 states that decision should aim to ensure that developments establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. These policies are further supported by Policies BE1 and BE2 of the UDP which state that new development should create or retain a sense of local identity and is in keeping with surrounding development in respect of design and layout. Policy PLP24 of the KPDLP states good design should be at the core of all proposals such that the form, scale, layout and details of all development respects and enhances the character of the landscape. The applicants are undertaking a landscape and visual impact assessment which will be assessed and commented upon when it is received. This is likely to be reported within the update.

10.17 Within the village existing dwellinghouses are predominately two storeys in height and of natural stone construction, with stone boundary walls. There are prominent views of the site from Penistone Road looking west towards Dunford Road. The existing village and the application site are not within a conservation area; however to the west of the site (opposite the proposed access) are the Hade Edge Methodist Chapel and Sunday School which are grade II listed buildings.

- 10.18 A proposal for 59 dwellings will represent a relatively substantial increase in the number of existing dwellings within the village and the development would be prominent, in particular from views off Penistone Road. The application seeks permission for a high density of development and there are no submitted landscape plans at this stage with little detail provided with regard to hard and soft landscape on the layout. The layout proposes a row of dwelling houses fronting onto Dunford Road, with the remainder of the dwellings located off a central estate road leading to cul-de-sacs and private drives. Some of the properties are positioned close to the northern and southern boundaries of the site. A mix of property types are proposed, the majority of which would be two storeys in scale, and a mix of materials are proposed, to include natural stone to all plots fronting onto Dunford Road and at the site entrance, and artificial stone and render.
- 10.19 The dwellings in the south-eastern corner of the site are considered to be cramped in their layout and the applicant has been asked to omit plot 37 and increase the spacing between dwellings. The applicant was also asked to re-consider the proposed boundary treatment and propose mitigative planting as part of the wider layer. Amended plans are awaited and this matter will be reported within the update. To preserve the character of the village, and taking into account the prominence of the site, it is considered the use of render and artificial stone is unacceptable and it will be conditioned that the dwellings are constructed of natural stone.
- 10.20 Section 66 (1) of the Listed Buildings Act states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. It is proposed to form an access to serve the development directly opposite the grade II listed Methodist Chapel and Sunday School. The proposal would also introduce built development along the Dunford Road frontage opposite the listed buildings. It is considered however the proposal would not adversely impact upon the architectural significance of the adjacent Grade II listed buildings.
- 10.21 UDP Policy BE23 states that new developments should incorporate crime prevention measures to achieve pedestrian safety on footpaths; natural surveillance of public spaces; and secure locations for parking areas. The NPPF states that planning should promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. This consideration relates equally to the impact of the development on existing residents and the future amenity of users of the application site. The West Yorkshire Police Liaison officer raises no objections to the proposal.

Residential Amenity:

10.22 UDP Policy D2 requires the effect on residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings. The nearest neighbouring properties to the site which would be affected by the development include No's 351 and 353 to the south of the site, No's 325 and 327 to the north of the site and properties directly opposite the site off Dunford Road, Abbey Close and Hopfield Court.

10.23 The proposed relationships with neighbouring properties are as follows:

- A distance of 32 metres from the rear of plots 43-46 to No.351 and No.353 Dunford Road.
- A distance of 16 metres from the gable of Plot 51 to No.351 Dunford Road
- A distance of 37 metres from Plot 1 to No's 325 and 327
- A distance of over 50 metres from plot 1 to 462 Dunford Road
- A distance of 55 metres from plots 3 and 4 to No.5 Hopfield Court
- A distance of 21 metres from plot 54 to No.2 Abbey Close
- A distance of over 30 metres from plots 51 and 52 to No.1 Abbey Close

The proposal will meet the requirements of policy BE12 in respect of the distances to neighbouring properties.

10.24 The principal outlook of No's 351 and 353 is to the east of the site. There would be a distance of over 22 metres to the boundary of the development site and an additional distance of 10 metres to the rear elevations of plots 43 and 46. There would be loss of views available to these properties and some impact on outlook. Taking into account the distance between the properties however it is considered that there not be an undue impact on these properties.

10.25 The proposal would not have a detrimental impact on the amenity of neighbouring properties and would accord with policies D2 and BE12 of the UDP.

Highway Safety Matters:

10.26 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety.

10.27 The proposed vehicular access provides for a carriageway width of 5.5m with 6m kerb radii. A 2m wide footway is also proposed adjacent to the carriageway and across the site frontage. Vehicular visibility splays of 2.4m x 120m have been shown by the applicants which is achievable at the site access. The internal layout is considered acceptable and provides sufficient off-street parking and internal turning for a large refuse vehicle. The trip rates obtained are considered sufficiently robust and would predict circa 47 two-way trips during the AM peak and 50 two-way trips during the PM peak. A Stage 1 Road Safety Audit and associated swept path analysis vehicle tracking have been provided and are considered acceptable.

10.28 These proposals are considered acceptable and highways have no wish to object to the granting of planning permission subject to the imposition of conditions. Highways DM also recommend that the developer contributes towards sustainable travel incentives to encourage the use of public transport and other sustainable travel modes through a sustainable travel fund. The fund could be used to purchase discounted MetroCards for all or part of the site. Other uses could include personalised travel planning, car club use, cycle purchase schemes, car sharing promotion, walking / cycling promotion and or further infrastructure enhancements. The payment schedule, mechanism and administration of the fund and RMC scheme would be agreed with KCC and WYCA and detailed in a planning condition or S106 agreement. The contribution appropriate for this development would be £31,762.50

Ecology Matters:

10.29 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. Policy PLP 30 of the KPDLP states the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designed wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.

10.30 The application site is located within proximity to the South Pennine Moors Special Protection Area (SPA) which is designated for internationally important populations of birds. Any land outside of the SPA boundary that is used for foraging by individual birds breeding within the SPA should be considered functionally linked to the SPA. Golden plover in particular will utilise agriculturally improved grassland and females regularly fly in excess of 6 km from nest to feed. Males forage exclusively at night during the breeding season and fly up to approximately 2.5km from the nest site.

10.31 The applicant is required to provide evidence to demonstrate that the proposal would not result in a likely significant effect on the SPA or its qualifying features or lead to an adverse effect on the integrity of the SPA. In order to demonstrate that the proposals will not have an impact on functionally connected land a suite of bird surveys was required during the breeding season to determine whether the site is used for foraging by SPA birds (and therefore considered to be functionally connected to the SPA).

10.32 The application is supported by a Phase I survey and a Golden Plover Survey to ascertain if the site is being used for foraging by the qualifying features of the South Pennine SPA. The survey was undertaken from mid-March to mid-May. Throughout the course of the surveys no Golden Plover, Merlin or short-eared Owl (SPA Qualifying features) or other designated features Dunlin, Twite, Curlew or Kapwing were recorded using the site or wider study area. There are no species recorded within the site or the wider study area that are protected.

10.33 Natural England comments:

The results of the vantage point surveys indicate that the site is not used by significant numbers of birds which are qualifying species of the SPA, such as golden plover. We therefore do not consider that the proposal is likely to result in the direct loss of land which is functionally linked to the SPA. However, it may result in an increase in recreational visits to the SPA/SAC which is approximately 1km from the development site. Due to the scale of the development, these impacts are not likely to be significant when considered alone.

It should also be noted that the development will result in an increase in air traffic movements in the vicinity of the SPA, and consequently an increase in air emissions. This is unlikely to be significant when considered for this project alone.

However, we advise that the impacts of increased recreational pressure in combination with other housing proposals in the vicinity are considered as part of the Habitat Regulations Assessment (HRA).

The proposed development is located approximately 1km from the Peak District National Park. The applicant has not submitted a Landscape and Visual Impact Assessment. The proposed development has the potential to impact on views from the National Park, and on the landscape character of its setting. We therefore advise that an assessment is carried out in accordance with the Guidelines for Landscape and Visual Assessment, and that you seek the views of the Peak District National Park Authority, as their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the special qualities of the National Park.

10.34 The applicants are producing a Landscape and Visual Impact Assessment that will be assessed and reported to members. The Peak District National Park Authority has also been consulted and their comments will be reported to committee if they are awaited . The council ecologist is undertaking a Habitat Regulations Assessment (HRA), the conclusions of which which will be reported to members within the committee update and will be sent to Natural England for their comments. The HRA will look specifically at three issues

1. Issues are highlighted and need to be considered in the HRA:
2. Impact on land functionally connected to the SPA
3. Increased recreational pressure on SPA/SAC
4. Increased air pollution from vehicles affecting SPA.

10.35 The arboricultural officer raises no objections. There are no trees requiring removal that are protected or could be made the subject of a new order. Would prefer to see detailing landscaping, but happy for this to be conditions. Suggest a condition for a scheme detailing landscaping, tree/shrub planting.

Flood Risk and Drainage issues:

- 10.36 The site is located in flood zone 1. Due to the size of the site however the application is supported by a Flood Risk Assessment. Policy PLP 28 of the KPDLP states the presumption is that Sustainable Drainage Systems (SuDS) will be used.
- 10.37 Kirklees Flood Management support the application. There is no notable flood risk to the site from outside identified by available risk mapping. The proposal is to drain surface water via soakaways and foul water to a public combined sewer. It is noted soakaways have been used on neighbouring small developments and a robust testing process and an analysis of potential re-emergence will be required. It is considered the site has viable safe overland flood routing and the details will be required to be conditioned. Soakaways should be protected in the building phase from siltation, spoil and other potential blockages and a temporary drainage plan can be conditioned. Further soakaway testing will be required to reflect the positioning of soakaways throughout the site and can be conditioned. Highway soakaways are located outside of the red line boundary which will require a robust maintenance and management plan to be agreed.
- 10.38 Yorkshire Water consider the Flood Risk Assessment to be acceptable. Foul water will be discharged to public combined sewer and sub-soil conditions support the use of soakaways, an approach that Yorkshire Water fully endorses. As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water is required. Yorkshire Water raise no objections and recommend a condition that no piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall has been approved. Subject to conditions, drainage matters are addressed.

Planning obligations:

- 10.39 The development triggers the following contributions:

Affordable Housing - The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. The applicant has offer 12 affordable units which is fully policy compliant. 6 units will be required for rent and 6 intermediate units.

Public Open Space - Policy H18 requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares. There is no proposed public open space provided on the site and the requirement in line with H18 would be 1770sq.m. As the site falls within the area of the existing play facility at Hade Edge Recreation ground, it would not require its own on site equipped provision in line with the Fields in Trust Guidelines for England. This can be realised in the form of a lump sum off site contribution. A without prejudice off-site lump sum is £256,474.

Education Contribution - In line with the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional School Places it would generate. In order to satisfy a shortfall in additional school places generated by the development, an education contribution of £250,400 is required.

Sustainable Travel Fund - £31,762.50

Jones Homes are in agreement to provide the above. This will be secured by a Section 106 agreement.

Other Matters:

- 10.40 In accordance with WYLES Planning Guidance, the development is regarded as a medium development. The threshold for C3 use for medium size development is 50 dwellings. Conditions are required for low emission vehicle charging points in all allocated parking and in 10% of unallocated parking spaces which may be phased with 5% initial provision and the remainder at an agreed trigger level. A low emission travel plan is also required.
- 10.41 The application is supported by a Phase I Geoenvironmental Risk Assessment and Phase 2 Ground Investigation. Environmental Services agree with the conclusion of the Phase I/II report. No further site investigation is required at this time. However, as no contamination land investigation can eliminate all risk of unexpected contamination being found, it is appropriate to include a condition for the reporting of any unexpected contamination.

Representations:

- 10.42 61 letters of objection have been received. In so far as the concerns raised have not been addressed above:
- 10.43 Kirklees has rejected a single dwelling in Hade Edge Ref 2009/91808 on sustainability grounds.
Response: This application pre-dates the introduction of the National Planning Policy Framework (NPPF). One of the aims of the NPPF is to boost significantly the supply of housing. The Council are unable to demonstrate a five year supply which weighs heavily in support of the proposal.
- 10.44 The development is contrary to the need to move towards a lower energy and carbon footprint future. Supporting calculations have been provided.
Response: The HEFF have submitted energy footprint calculations and weather station data which concludes it is more efficient to build houses away from locations like Hade Edge. This is a matter however which is only affordable limited weight in the assessment of the application.

- 10.45 HEFF have submitted a document entitled 'MAGIC software – HRA assessment – Quantech Systems'.
- Response:** The document has been prepared by a software company with no specialist knowledge of the subject of ecological assessment and relies entirely on data extracted from the MAGIC website. The MAGIC website is administered by Natural England and is a useful tool for ecologists. The report is undated, however, it appears to have been produced prior to publication of the Kirklees Local Plan Publication Draft Habitat Regulations Assessment. The purpose of the report appears to be to highlight information that demonstrates the potential for ecological impacts as a result of the proposed development at Hade Edge. Further information has been requested by KC to inform the project level HRA, which will be completed following the receipt of comments from Natural England. The ecologist is satisfied that, with the exception of the potential for impacts to European protected sites that is to be considered separately, the ecological information submitted by the applicant is sufficient to determine that the proposals will not result in a significant ecological impact. The document submitted by HEFF does not include information that would alter the conclusions of the other report.
- 10.46 The layout raises concern that the scheme could be extended onto land either side. This application could increase the size of the village by around 35%, by incorporating adjoining land, the village could double in size – this is completely disproportionate for a small village with its current level of services and infrastructure.
- Response:** The site is part of a wider allocation of Provisional Open Land on the Unitary Development Plan. With the exception of this site however the others areas of Provisional open Land are proposed to be allocated as safeguarded land in the Kirklees Publication Draft Local Plan. Notwithstanding this every application has to be considered on its own merits.
- 10.47 Concern the proposal will have a serious impact on the operation of the Turkey Farm.
- Response:** Environmental Services have considered this matter but due to the distance of the proposed development to the Turkey Farm do not consider the proposal would have any detrimental impact on future residents. The viability of the Turkey Farm would therefore be unaffected.
- 10.48 The local village school is at full capacity, there are no vacancies and it is operating at full numbers. The school infrastructure in Hade Edge and the surrounding schools will not cope.
- Response:** In line with the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional School Places it would generate. In order to satisfy a shortfall in additional school places generated by the development, an education contribution of £250,400 is required. The applicant has agreed to pay the full requirement.

- 10.49 The residents questionnaire issued by Savill's was not balanced. HEFF have carried out their own community questionnaire. The village questionnaire shows without exception that local residents are opposed to the development.
Response: The HEFF have submitted a copy of a questionnaire they undertook. It concludes "there is a considerable ill-feeling about the style and content of question in the Saville's survey and the possible outcomes' most residents wanted an extra option so they could answer the questions in a more fairly, reasoned and constructive manner". They also note "Far from being an extensive consultation response it was a few heavily weighted questions posed to a small subset of local residents and took no notice of the wider public opinion or views. The comments and the conclusions of the HEFF's own questionnaire are noted.
- 10.50 There is no need for this kind of open market housing development in the village.
Response: The Council cannot demonstrate a five year housing supply. In these circumstances the proposal for housing is given significant weight.
- 10.51 The clean water supply is reliant on pumps at Hade Edge Reservoir. There have been 8 losses of pressure in 999 days.
Response: This matter is noted but it is not a reason to refuse the application.
- 10.52 Holme Valley Parish Council object to the application on the grounds of sustainability and that until the Local Plan is adopted policy D5 is valid and granting approval would contradict Kirklees' current policy. The Parish Council are concern the scale of development is inappropriate in the Green Belt. T
Response: The Council's stance on the principle of development in relation to policy D5 is set out above.
- 10.53 The Holme Valley Parish Council also raise concern about highways/traffic issues – transport and other infrastructure is inadequate, eg. Lack of public transport means property owners would be reliant upon cars and this development along could add 100 additional vehicles. The local roads in this area are already significantly congested and unsuitable for modern traffic use, with narrow roads and a lack of off street parking. Previous consultations by the developer have been dismissive of the views of neighbouring property owners. A development of this scale will swamp the village and change its character irreversibly. The site is functionally linked to a designated site of specific scientific interest (SSSI) as defined by Natural England and protected by law to conserve the site's wildlife and/or geology.
Response: Highways DM have assessed the proposal and can do not object to the scheme subject to conditions and a financial contribution towards a sustainable travel fund to assist in providing incentives to encourage the use of public transport and other sustainable travel modes. Ecology and Landscape issues are addressed in the relevant sections of the report.

11.0 CONCLUSION

- 11.1 The principle of development is accepted on this site by officers that is allocated as a POL site within the UDP providing that the proposals are not found to have an adverse effect on the integrity of the nearby European protected sites. The proposal is considered to represent an appropriate response to the site and its surroundings which has a village setting. The benefits of housing provision weigh heavily in favour of the proposal given the councils lack of a 5 year housing supply and the adverse impacts of the loss of this green field site do not demonstrably outweigh the benefits of developing the site, when considered as a whole along with all other relevant material considerations. The proposal is considered to accord with the Core Planning Principles of the NPPF and would not adversely impact upon the setting of nearby designated heritage assets or prejudice highway safety and officers are satisfied that the site can be adequately drained.
- 11.2 The proposal will secure community benefits in terms of affordable housing, education and an off site contribution towards Hade Edge Recreation ground and a sustainable travel fund will assist in enhancing the use of public transport in the vicinity.
- 11.3 The development complies with relevant local and national planning policies.

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

1. 3 year time limit
2. Development shall be implemented in accordance with the plans
3. Unexpected Land Contamination
4. Construction operations hours
5. Visibility Splays to be provided
6. Areas to be surfaced and drained
7. Internal adoptable roads
8. Footway to be provided
9. Soakaways
10. Overland Flood Routing
11. Temporary Drainage Provision
12. Vehicle Charging Points
13. Low emissions Travel Plan
14. Yorkshire Water- satisfactory outfall
15. Detailed landscaping tree/ shrub planting scheme

Background Papers:

Weblink: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91623>

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