
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 10-Aug-2017

Subject: Planning Application 2016/91967 Outline application for residential development and convenience store, and provision of open space Land at, Dunford Road, Hade Edge, Holmfirth, HD9 2RT

APPLICANT

Jones Homes (Yorkshire)
Limited

DATE VALID

04-Aug-2016

TARGET DATE

03-Nov-2016

EXTENSION EXPIRY DATE

30-Jun-2017

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 .

1.0 INTRODUCTION:

- 1.1 The application seeks outline planning permission for residential development 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 is referred to the Strategic Planning Committee for a decision

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 seeks outline permission for a residential development and convenience store and the provision of open space. The application seeks to approve details of the point of access only. All other matters (layout, scale, appearance and landscaping) are reserved for subsequent approval.
- 3.2 The proposed access would be off Dunford Road via a priority junction.
- 3.3 An indicative layout has been provided which proposes 64 plots and a convenience store fronting onto Dunford Road.

4.0 RELEVANT PLANNING HISTORY:

2017/92202 - Erection of 59 dwellings and associated access – Pending Decision

5.0 HISTORY OF NEGOTIATIONS:

5.1 Officers have negotiated with the applicant to secure:

- The omission of the adjacent green belt land from the red line boundary
- Bird Surveys
- Updated Flood Risk Assessment
- Amended Transport Statement, vehicle Swept Paths and Stage 1 Road Safety Audit
- Details of drainage proposals

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

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 initially advertised by neighbour letter, site notice and press notice expiring 9th September 2016. 171 objections were received including one from the Hade Edge Fight for the Fields Group (HEFF). The planning concerns raised are summarised as follows:

7.2 Principle of Development

- Hade Edge is an agricultural upland rural village. Industrial brownfield sites should be considered for development before ruining local villages.
- Provisional Open Land is not a default allocation for development for the period beyond the UDP.
- The eastern field of the application site falls within the green belt. Housing development is inappropriate within the green belt.
- On the draft local plan the site is designated "Safeguarded land". Areas identified as such will be protected from development.
- The Kirklees settlement appraisal ranks Hade Edge 52 out of 53 settlements with regard to accessibility to employment, education, health care and town and local centre facilities.
- The location of the application site is not sustainable in transport terms.
- The Inspector at the UDP Inquiry noted expressly that the allocation of the land for housing would be contrary to the principles of sustainability in PPG13.
- The existing amenities are not considered to offer a comprehensive range of essential services and facilities. Walking will not be a viable alternative to the private car for everyday trips.

- The location of the site is not considered to offer a reasonable level of access to public transport. It would not provide a viable alternative mode of travel to the private car.
- Policy T1 of the UDP states that priority will be given to encouraging modal shift away from travel by private car. The proposal is contrary to this policy.
- The area will be tarnished and the increased traffic and fumes will impact on the countryside and wildlife.
- The development would be an unreasonable increase in the size of the village.
- It would lead to the whole of the safeguarded land being developed which would double the size of the village
- The Council should heed the directive to make use of brownfield sites as a priority for house building. Alternative brownfield sites include land off Woodhead Road at Bottoms Mill, Land adjacent to New Mill Road, and Land in Thongsbridge between Holmfirth Garages and Thongsbridge Tennis Club
- A further increase in development would be unsustainable. The site has never been allocated for residential development
- The site is in an unsustainable location in terms of lack of facilities and very poor public transport. The nearest shop is a butchers on Penistone Road, a 20 minute walk away. Other nearest facilities are in Scholes.
- Concern the development would have a high carbon footprint contrary to the principles of sustainable development.
- The proposal does not accord with the Kirklees Sustainability appraisal.
- Farming land and meadow land should be protected.
- The nearest doctor's surgery is in Holmfirth, the nearest hospitals in Barnsley and Huddersfield.
- The provision of Metro Cards does not guarantee the use of public transport.
- Kirklees rejected a single dwelling in Hade Edge on sustainability grounds Ref 2009/62/91808/W1.

7.3 **Highway Safety**

- Concern about the impact on Dunford Road from additional traffic.
- Concern there is no proper technical assessment of trip distribution and assignment in the TA. The application does not comply with local or national transport planning policy.
- Dunford Road is narrow due to parked cars. Busses and lorries cannot pass. In winter conditions people park along Dunford Road.
- Transport links to the main highways are poor. An increase in traffic will make the village a dangerous place.
- Concern about the impact on children walking to school.
- There have been numerous road traffic accidents around the junctions between Greave Road and Dunford or Penistone Road.
- The public transport service to and from the village is poor and infrequent.
- The siting of the access roads would be a detriment to road users and pedestrians and create a safety concern outside the Methodist Church and cemetery gates.
- The proposal will cause havoc on the overstretched minor highway arterial network.

7.4 **Impact on the Character of the area**

- The site falls within the Kirklees District Landscape Character Assessment (KDLCA) and the Peak District Landscape Character Assessment (PDLCA). The proposed development would result in substantial adverse effects upon many of the defining characteristics at the local level and would result in harm to the landscape character area.
- The proposed development would be a clearly visible, prominent and uncharacteristic extension to Hade Edge.
- The site makes an important contribution to the 'flow of landscape character across and beyond the national park boundary'
- The D&A illustrates housing stock which is entirely at odds with the local vernacular.
- Infilling this open land would result in the loss of this attractive landscaping setting and replace it with views of modern houses in a suburban housing estate.
- The application would result in harm to the character of the landscape, harming the cultural character of the area and be in conflict with the adopted landscape strategy for the Peal District National Park.
- The development would result in harm to open views from publically accessible points within the National Park and to views from Hade Edge to the National Park.
- The site should be considered as a 'valued landscape' in terms of paragraph 109 of the NPPF and warrants protection.
- The application would destroy the setting of the Grade II listed Methodist Church. Part of its significance is that it retains a rural outlook.
- The scale of the project will change the visual impact of the area for residents and visitors. Tourism is an essential part of the local economy
- The density of houses in no way reflects the density of the existing housing
- The retail unit will be an eyesore
- Concern the proposal will swamp the village. 66 houses are being shoehorned into an area that is occupied by 23 or 24 houses on the other side of Dunford Road.
- Ancient field boundaries will be destroyed.

7.5 **Ecological Matters**

- The Council cannot determine the application until an appropriate assessment under the Habitat Regulations has been undertaken. There is insufficient information to judge whether the likelihood of significant effects can be ruled out, particularly in regard to the use of the site by South Pennine Moors Phase 1 SPA Birds.
- Hade Edge sits on the boundary of the internationally important South Pennine Moors SPA Phase 2 which is a moorland and moorland fringe habitat protected under EC law. There are a very high number of species living within 1km of the proposed development.
- Much of the area (South Pennines Moors) is already facing severe pressure from human activity which may be exacerbated by further development.
- The current fields are used by summer maternity roosting bats. They also support birds and local mammalian wildlife.
- The site is adjacent to two sites of Special Scientific Interest.

- The Ecological Survey was conducted in January when bats are dormant.
- Concern about the impact on ground nesting birds

7.6 **Drainage Matters**

- Concern about the resultant surface water. The drains are already full and have to be pumped out.
- Any further development will put increased pressure on foul drainage and surface water disposal.
- There will be an increased risk of flooding of Penistone Road, as the water will enter the local watercourse close to the highway.

7.7 **Residential Amenity**

- Concern about the impact due to the proximity to a Turkey and Poultry Farm. This is a source of noise and gives rise to the potential for conflict and disturbance.
- Concern about overlooking and overshadowing to White Abbey Farm, 351 Dunford Road.

7.8 **Other Matters**

- The retail unit with the scheme is intended to provide some compensation for the poor sustainability credentials of the site. The store is too small to be viable. Little weight can be attached to the shop as a beneficial part of the proposal.
- It would be a detriment to the Junior and Infant school that are struggling for spaces for local children. Transport to Holmfirth High School would additionally add a costly overhead.
- Concern how the primary school would cope
- All amenities require car journeys
- Concern about emissions from traffic.
- Existing services are substandard and stretched beyond capacity. Broadband capacity is not existent at peak times Alternative brownfield sites in other Holme Valley locations would be preferable from a services aspect.
- There is no need for this kind of open market housing development in the village. The highest priority in the Kirklees area is for 1 and 2 bedroom affordable starter homes.
- The surface drainage feeds into Bowshaw Whams reservoir. 66 gardens using pesticide and fertiliser would increase the pollution hazard.
- There are a number of discrepancies on the application form.
- Frequent interruptions to electric and water supply.
- Concern about the ruination of three farms

7.9 The additional information submitted by the end of 2016 was advertised by neighbour letter expiring 25th January 2017. This period of publicity was undertaken due to the length of time the ecological surveys would take to be submitted, to allow residents an opportunity to comments on other matters. 21 further objections were received.

The main comments made were that they reserved the right to make comment on the scheme when the ecological surveys had been submitted.

7.10 The additional ecological information was re-advertised by neighbour letter on 30th May with the publicity period expiring 13th June. As a result of this publicity 42 further objections have been received. No additional concerns in addition to those already noted above have been received.

7.11 **Holme Valley Parish Council** – Object to the application on the following grounds:

- 1) Detrimental impact on rural community
- 2) Lack of infrastructure, sewerage and public transport.
- 3) Highways issues, access and insufficient onsite parking, not alternative parking on Dunford Road or Sheffield Road which are already congested and could not cope with the additional vehicles generated from this proposed development.
- 4) Development not sustainable in this location and this site should be retained as safeguarded land; there are more appropriate sites which should be developed first.
- 5) Over-intensification within the rural Greenfield site
- 6) Hade Edge is more suitable for organic growth and would support a smaller, better mix of housing (including more one or two bedroom properties, affordable housing, and properties for first time buyers and the elderly).

8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory:**

K.C Highways Development Management – No objections

Yorkshire Water – No objections

8.2 **Non-statutory:**

Natural England – No objections advice given, further comments upon HRA awaited.

K.C. Flood Management – No objections

K.C Environmental Services – No objection

K.C Arboricultural Officer - No objections

K.C Conservation & Design – No objections to the principle of development, a revised layout scheme would be required.

K.C Ecology – Awaiting comments upon HRA

K.C Strategic Housing – The development is eligible for an affordable housing contribution.

K.C Education – An education contribution of £280,109 is required.

K.C Parks & Recreation – No objections

9.0 MAIN ISSUES

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

10.0 APPRAISAL

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 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.
- 10.5 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:
- 10.6 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.
- 10.7 A proposal for residential development 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.

- 10.8 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

- 10.9 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.
- 10.10 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).*

- 10.11 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.*

10.12 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

10.13 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 64 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 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:

10.14 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.

10.15 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 development, 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.

- 10.16 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.
- 10.17 A full assessment of the layout, scale, and appearance of the dwellings and the landscaping of the site would be assessed as reserved matters. Officers have concern that the layout submitted is too dense and out of character with Hade Edge. Consideration needs to be given to protecting views in and out of the development, including the important landscape views out of Dunford Road to the east. The development should make use of them and protect them. Further consideration will need to be given to the positioning and orientation of dwellings, and to house types and road hierarchy. The proposed houses need to turn corners, whilst gables on to open land will give a harsh appearance to the edge of the development. Boundary treatments need to be carefully considered throughout the site. There is no delineation of front gardens and it is not clear what the treatment is at the access road entrance. Consideration needs to be given to the internal boundary treatments on corners or leading from corners, and to the relationship between dwellings and Dunford Road. Existing boundary treatments such as stone walls should be used. The access areas between rear gardens also need to be reconsidered as they propose unattractive corridors. There is no design for landscape or planting, screening or adaption of the development into the local landscape to make comment on. Landscaping needs to be included as mitigation and include greening of boundaries/edges to act as screening. Integral planting will help soften the landscape into the locality, and a comprehensive new tree planting will be required, to mitigate for the loss of the existing young scrub trees on site and enhance the tree scape of the wider area. The local character and vernacular of the area needs to be retained within the buildings and in the landscape and must be demonstrated as part of the design process. The proposal also needs to take the opportunity to provide biodiversity and green infrastructure. This would be assessed in any future reserved matters applications.
- 10.18 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.

Residential Amenity:

- 10.19 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.
- 10.20 It is considered a scheme could be brought forward which would not have a detrimental impact on the residential amenity of occupiers of neighbouring properties.
- 10.21 In respect of future occupiers of the site, the proposed retail unit will be located within new residential properties to three sides. Environmental Services therefore recommend that the use shall not be open outside of the hours of 0800 to 2300 Monday to Sunday. It is also recommended that there shall be no deliveries or dispatches in Sundays or Bank Holidays and that prior to first use, details of all external plant, including predicted noise levels and siting (air conditioning, fridge/freezer coolers/motors) shall be submitted for approval. These matters can be addressed by condition.

Highway Safety issues:

- 10.22 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. Access is proposed via a priority junction to Dunford Road. The geometric design of the access provides for a carriageway width of some 5.5m with 6, kerb radii. A 2m wide footway is proposed adjacent to the carriageway and across the site frontage. In terms of geometric parameters the proposed access is considered acceptable and in line with the required design features.
- 10.23 The application was supported by a Transport Statement (Sanderson Associates May 2016) which the applicants have now updated and contains a Stage 1 Road Safety Audit and associated swept path analysis vehicle tracking. All issues raised by Highways DM have been dealt with and conditions will be attached to any grant of planning permission.

Flood Risk & Drainage issues:

- 10.24 The application site is located with flood zone 1 but due to the size of the site is support by a Flood Risk Assessment (FRA). The proposal is to drain surface water by soakaway, and to drain foul water to a Yorkshire Water combined sewer. There would be 1 domestic soakaway per unit and 2 for the retail unit. Surface water from the roads would also be drained by soakaway.

- 10.25 Yorkshire Water initially requested confirmation on the proposed surface water drainage route, because the local public sewer does not have capacity to accept any surface water. A revised FRA confirms surface water will be discharged to soakaways and ground testing has been undertaken to prove suitability. Yorkshire Water raise no objections to the proposal, subject to the inclusion of appropriate conditions.
- 10.26 Kirklees Flood Management supports the application subject to the indicative layout being labelled as such. They note changes may be required to accommodate highway soakaways in line with Kirklees requirements to adopt the road and early dialogue would be required. Flood routing must be accommodated for the highway drainage system with the general fall on the site being north-west. Indicative soakaways plans should be labelled as such given requirements for stand-off distances from property and road. Four season testing will be required prior to approving the use and design of soakaways. Permitted development rights will need to be removed to avoid encroachment on soakaways and other Suds features from building extensions. Alternative methods of drainage will only be considered with evidence that soakaways are impractical or provide risk. Discharge rates will be dependent on the size of the receiving infrastructure that could be less than a greenfield run off rate. Conditions are recommended and subject to this drainage issues are addressed.

Ecology:

- 10.27 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.
- 10.28 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.
- 10.29 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).

10.30 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.

10.31 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.

10.32 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 are awaited. The council ecologist is undertaking a Habitat Regulations Assessment (HRA), the conclusions of 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.

10.33 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

Planning Obligations

10.34 The proposal triggers the following contributions:

10.35 Affordable housing – The Council's Interim Affordable Housing Policy requires that 20% of all units are secured as affordable housing.

10.36 Public Open Space – Policy H18 requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares. The initial proposal indemnified an adjoining area of green belt to provide an area of public open space. This area of green belt has now been omitted from the scheme. There is no proposed public open space provided on the site layout and the requirement in line with H18 would be 1920sq.m. As the site falls within the area of the existing play facility at Hade Edge Recreation ground, it is considered this can be realised in the form of a lump sum off site contribution.

10.37 Education – 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 £280,109 is required based on the indicative layout.

10.38 Sustainable Travel Fund £31,762.50

10.39 In light of the concerns raised about the density of development the number of units which may be acceptable on this site are likely to reduce. The above contributions for affordable housing, public open space and education will therefore be addressed by condition.

Other Matters:

10.40 The site is not recorded as potentially contaminated. However, it is for a large residential site and it is recommended that a Phase I Report be submitted. This can be addressed by condition.

10.41 In accordance with WLYES Planning guidance this development would be regarded as a medium development. Low emission vehicle charging points would be required in all allocated parking and in 10% of unallocated parking spaces which may be phased with a 5% initial provision and the remainder at an agreed trigger level. A low emission travel plan will also be required. These matters can be addressed by condition.

Representations

10.42 28 representations were received. In so far as they have not been addressed above:

10.43 The section of Dunford Road that passes through Hade Edge is only paved on one side; the extra traffic therefore poses a danger to pedestrians who will be walking on the only narrow path available to them. Given there will be a much increased volume of traffic turning right into Hade Edge at the top of Dunford Road, there is an increased chance of traffic accidents. The turning is at the top of a blind hill along country roads and forward visibility is poor.

Response- Highways DM have assessed the application and do not object to the proposal

10.44 Gas pressure in Hade Edge is poor. Residents living at the top of the village already find it hard to use heating and hot water at peak times in winter as the Gas supply cannot cope with the number of residents already in the village.

Response- Services such as gas, electric and water are the responsibility of the utility companies to ensure a adequate supply at all times.

10.45 It would be to the detriment of the infant and junior school that are already struggling for spaces for local children to add this many houses to a small village.

Response: The proposal will attract a contribution towards additional School Places it would generate. This will be addressed by condition.

10.46 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.

11.0 CONCLUSION

11.1 The principle of development is accepted by officers, on this site 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 inclusive of the vehicular access is considered to be acceptable, 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 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 is

considered to accord with the Core Planning Principles of the NPPF and would not adversely impact upon highway safety, furthermore 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 Development Management)

It is proposed that the following planning conditions would be included should planning permission be granted:

1. Approval of details of the appearance, landscaping, and scale (standard O/L condition)
2. Plans and particulars of the reserved matters (standard O/L condition)
3. Application for approval of the reserved matters (standard O/L condition)
4. The timeframe for implementation of the development (Standard O/L condition)
- 5 Highways conditions
- 6-10 Contaminated Land
- 11-Noise
- 12 Soakaways
- 13 Overland Flood Routing
- 14 Education
- 15 Public Open Space
- 16 Affordable Housing

Background Papers:

Planning application: