

---

**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 05-Oct-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**

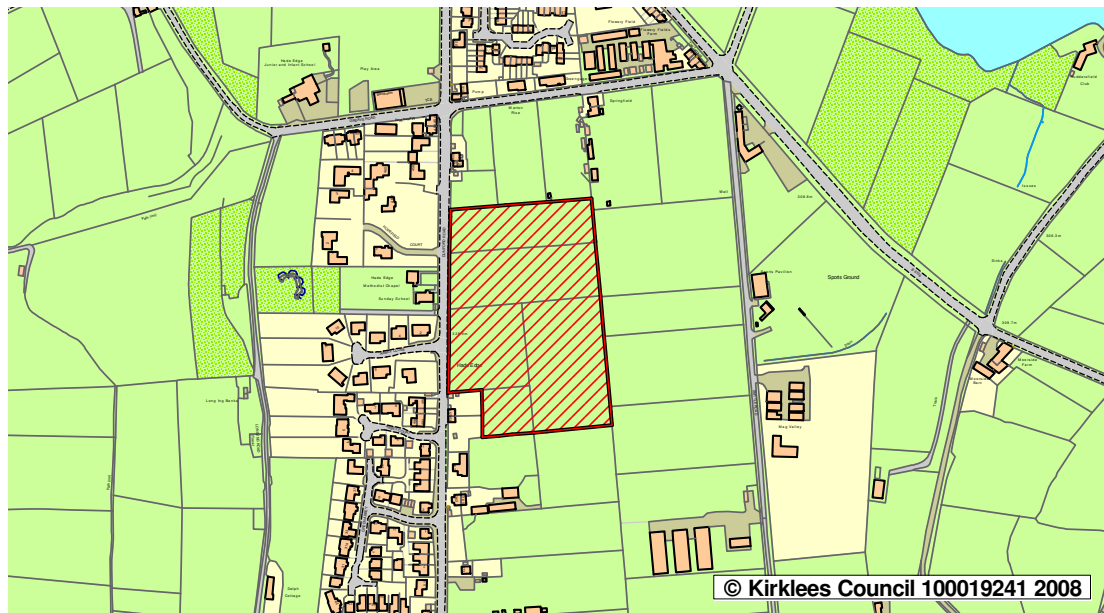
30-Jun-2017

---

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**

**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 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.
- 1.2 The application was deferred from the 10<sup>th</sup> August meeting to await the consultation responses from Natural England and the Peak Park, and to consider how the S106 contributions could be best spent in the local area. Natural England have now provided their comments and they have agreed with the councils Habitat Regulations Assessment conclusion that, subject to mitigation measures being implemented, the scheme will not have an adverse effect on the integrity of the South Pennine Moors SAC / SPA.
- 1.3 The Peak Park objected to the development. Specifically they made details comments on the corresponding full application for 58 dwellings (Ref 2017/91623). They commented that the proposed suburban house designs, layout and use of artificial building materials would fail to re-inforce local distinctiveness and would have an adverse impact on the setting of the National Park. An indicative block plan has been provided for this outline application but approval is not being sought for details of layout, scale, appearance and landscaping at this time.
- 1.4 Ward Members were invited to discuss how S106 contributions could be best spent with reference to reviewing reallocating the S106 package to secure highway improvements within Hade Edge village. These discussions are detailed in the report below.

## **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 25<sup>th</sup> 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 9<sup>th</sup> 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 Peak 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 25<sup>th</sup> 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 30<sup>th</sup> May with the publicity period expiring 13<sup>th</sup> 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 propertied 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

**Natural England** – Subject to mitigation measures being implemented, the scheme will not have an adverse effect on the integrity of the South Pennine Moors SAC / SPA.

**Peak District National Park Authority-** Object

### 8.2 Non-statutory:

**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 25<sup>th</sup> 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 KPDL, 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 KPDL. 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 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 KPDL 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 dwelling houses 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 indicative layout submitted for 64 dwellings 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. Boundary treatments need to be carefully considered throughout the site and 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 A landscape and Visual Impact Assessment accompanies the corresponding full application and is relevant to this outline application. A summary of the comments of the Council's Landscape architect are included below.

*Assessment*

- 10.19 The report identifies the site as lying within local landscape character type D 'Moorland Fringes/Upland pastures' and within landscape character D7 Low Common, Royd Moor and Whitley Common. This is incorrect and should be D7 Peak Fringe Upland Pastures.
- 10.20 The report's Landscape Baseline assesses the site as being in a moderate condition and having a moderate landscape value. The Council's Landscape Architect notes the site has character and value as a local working landscape and part of the village plan. It has features worthy of conservation; a defined sense of place and some detracting features. The assessment of moderate is considered to be fair.
- 10.21 The report addresses the magnitude of the landscape effects upon the receptors in particular the effect on the North Peak District fringe the border of which is 1 Km to the south. The sensitivity of the landscape character is considered to be Medium. There will be more impact at a local level but the site will be seen from some medium and long distance views that are not the peak district edge; the impact is subjective and will depend on the design mitigation used to blend the development into the landscape.
- 10.22 The report states the magnitude of effects on landscape character is small; and the extent of the landscape change would be localised and confined to the immediate setting due to the existing vegetation and varied natural topography. It goes on to say the effect on the landscape character will be slight, bringing some change to the landscape and would not constitute an adverse landscape effect or significant environmental effect' The Council's Landscape architect considers the development will have an impact greater, and will be a matter of how well the impact can be mitigated by design and planting. The proposal will have a medium landscape impact.
- 10.23 The susceptibility and sensitivity of neighbouring residential visual receptors is considered to be High. The value of the receptors in close proximity such as on Dunford Road and Greave Road are considered to be High and at further distances, for example individual properties at Flight Road, Medium. The

value of the view is judged because of the relatively moderate scale of the proposed development and intervening vegetation on the varied topography.

*Assessment of Visual Effects on the Peak District National Park*

- 10.24 The Peak District Boundary is 1 Km south of the proposed site. Hade Edge sits on a lower Pennine plateau and the landscape rises to the edge of the higher plateau where the boundary line is along Bare Bones Road. It is agreed that the views from the Park boundary would be deemed to be of High sensitivity but actual magnitude of change would be assessed as Moderate from the viewpoints where the site can be seen and will have a slight effect on the National Park as a whole.

*Overall Conclusions*

- 10.25 The site should be seen as characteristic and valuable as part of the local landscape and although within it is seen as moderate or of medium importance and should accept capacity to change, it needs to change within the context of the locality; it still requires to be part of the local landscape and the landscape plan does not express this. There is no consistency with existing areas of vegetation; there is no clear screening; there is no evidence of improved biodiversity and it is hard to understand what reinforces the landscape character of the locality. A correct landscape plan that pays some respect to the locality; that screens and mitigates views; that seeks to integrate with the locality and provides opportunities for nature and biodiversity would affect the necessary positive change that is required and negate any concerns over moderate effects.
- 10.26 The Peak Park has provided their comments on the application, together with their comments on the corresponding full planning application (Ref 2017/91623). They are concerned that the scale and layout of the proposal would significantly fill this space and add a heavier urban quality that would be conspicuous in the scenery and landscape character flowing from the National Park. They note the location of the site, proposed suburban housing designs, layout and use artificial building materials would fail to re-inforce local distinctiveness by introducing a further development of a suburban character. As such it would be incongruous and have an adverse effect on the setting of the National Park and therefore the character and enjoyment of the National Park itself. It is noted these comments apply mostly to the layout of the corresponding full planning application as the layout is indicative at this stage. This matters would be addressed as part of any future reserved matters application.
- 10.27 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:**

- 10.28 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.
- 10.29 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.
- 10.30 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:**

- 10.31 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.
- 10.32 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:**

- 10.33 The application site is located with flood zone 1 but due to the size of the site is supported 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.
- 10.34 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.

10.35 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 Matters:**

10.36 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.

10.37 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.

10.38 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).

10.39 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.



#### 10.40 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.*

10.41 The Council have undertaken a Habitat Regulations Assessment (HRA). Natural England agree with the mitigation measures, however residential impacts remain and they require the in-combination impacts with other housing proposals in the vicinity to be considered, within a 7km radius of the SPA. The LPA has undertaken an in-combination effects assessment and Natural England have now confirmed that subject to mitigation measures being implemented, the scheme will not have an adverse effect on the integrity of the South Pennine Moors SAC / SPA.

10.42 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**

10.43 The proposal triggers the following contributions:

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

10.45 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.

10.46 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.

10.47 Sustainable Travel Fund £31,762.50

10.48 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 need to be addressed by condition.

10.49 In the previous committee meeting Members indicated that they would prefer to see the Sustainable Travel Fund monies and Public Open Space monies spent on associated highway improvement works, which they indicated would be necessary to mitigate against the impacts of the proposed development. This discussion included a possible improvement to the Junction of Penistone Road with Dunford Road. Such associated highway improvement works would be directed related to the development as the proposal will increase traffic using the junction of Penistone Road and Dunford Road. They would also be fairly and reasonably related in scale and kind. In respect of their necessity, Members have indicated that such works would be necessary to mitigate against the impacts of development in this rural location which has a limited public transport service.

10.50 In respect of a possible junction improvement the land required is unregistered and the process of undertaking such improvement works will be dependent on separate process and on whether any landowner comes forward to claim ownership.

10.51 As this is an outline application and the numbers of dwellings are unknown, the above contributions will be addressed through condition.

**Other Matters:**

10.52 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.

10.53 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

- 10.54 28 representations were received. In so far as they have not been addressed above:
- 10.55 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
- 10.56 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 an adequate supply at all times.
- 10.57 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.
- 10.58 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.
- 10.59 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.  
**Response:** The proposed layout is indicative, however it is considered that the significant improvements could be made at reserved matter stage with respect to the number and layout of the dwellings.
- 10.60 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.  
**Response:** The proposed layout is indicative and this is a matter which would be considered as reserved matters,
- 10.61 The site should be considered as a 'valued landscape' in terms of paragraph 109 of the NPPF and warrants protection.  
**Response:** The site is not considered to be an elevated landscape within the meaning of paragraph 109 of the NPPF.
- 10.62 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.  
**Response:** The proposed layout is indicative and this is a matter which would be considered as reserved matters,

- 10.63 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.  
**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.
- 10.64 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.  
**Response:** The proposed shop is not considered to be fundamental to the overall sustainability of the proposed scheme.
- 10.65 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.  
**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.
- 10.66 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.  
**Response:** The Council cannot demonstrate a five year housing supply. In these circumstances the proposal for housing is given significant weight.
- 10.67 Frequent interruptions to electric and water supply.  
**Response:** This matter is noted but it is not a reason to refuse the application.
- 10.68 Holme Valley Parish Council object to the application due to concerns raised about the impact on rural community, the lack of infrastructure, sewerage and public transport. They consider development is not sustainable in this location and this site should be retained as safeguarded land. There are also concerned about the over-intensification within a rural Greenfield site and that 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).  
**Response:** The Council's stance on the principle of development is set out in the committee report. The application is an outline application however is it is considered a scheme could be brought forward at reserved matter stage which would preserve the landscape character of the area.
- 10.69 Holme Valley Parish Council have also raised concerns about access and insufficient onsite parking, that there is no 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.  
**Response:** Highways DM have assessed the proposal and do not object to the scheme subject to conditions and a financial contribution towards a Travel Plan measures to assist in providing incentives to encourage the use of public transport and other sustainable travel modes.

## 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, public open space, 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
17. Sustainable Travel Fund
18. A mitigation plan for the SPA/SAC including signage in the SPA/SAC, leafleting and a program of path maintenance

### **Background Papers:**

*Planning application:*