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**Report of the Head of Strategic Investment**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 14-Dec-2017**

**Subject: Planning Application 2017/93347 Outline application for erection of 32 dwellings Land off, Fieldhead Lane, Birstall, Batley**

**APPLICANT**

Sir Robert Ogden Estates  
Limited

**DATE VALID**

20-Oct-2017

**TARGET DATE**

19-Jan-2018

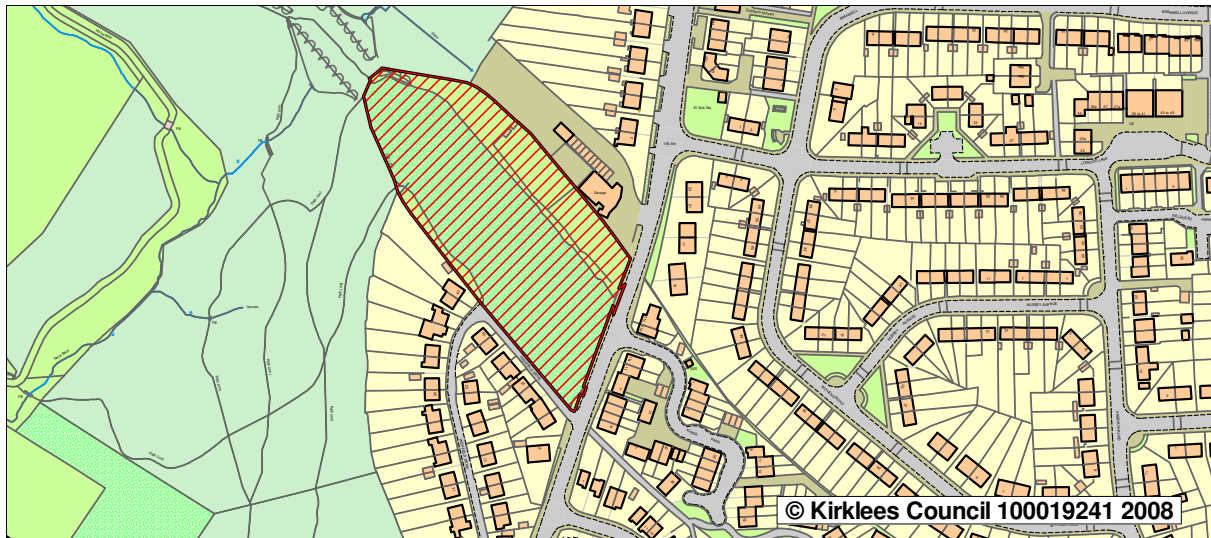
**EXTENSION EXPIRY DATE**

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<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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## Electoral Wards Affected: Birstall and Birkenshaw

Yes

Ward Members consulted  
(referred to in report)

### RECOMMENDATION:

**DELEGATE the outline 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 This application is brought to the Heavy Woollen Planning Sub-Committee as the proposal is for residential development on a site exceeding 0.5 ha in area. This is in accordance with the Council's Scheme of Delegation.

### 2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises an area of 1.05 ha, roughly rectangular in shape, and is located on the western side of Field Head Road, Birstall. The site is a disused railway viaduct that has been backfilled. To the north of the site is a car and MOT centre, and to the south residential properties on Highfield Drive.
- 2.2 To the west of the site is the Oakwell Country Park. The site is self-seeded, and also contains a number of mature trees, to the west that are part of a larger group Tree Preservation Order, that extends over large areas of Oakwell Country Park. The frontage onto Fieldhead Road, currently comprises a brick wall approx 1.5m in height.
- 2.3. The site is unallocated on the Kirklees Unitary Development Plan, and is designated a part of a Green Corridor, and potential pedestrian / cycle route link.
- 2.4. The site is identified as a housing allocation on the Publication Darft Local Plan.

### 3.0 PROPOSAL:

- 3.1 Outline consent is sought for residential use, with access only applied for, and illustrative drawing showing 32no. dwellings is submitted. The principle access is proposed to be taken off Fieldhead Road, serving what would be a cul de sac of dwellings. An additional access point serving dwellings in the south-west corner of the site nearest, to Highfield Drive, is also applied for.

#### **4.0 RELEVANT PLANNING HISTORY:**

4.1 No relevant history.

#### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Improved visibility splays, and provision of improved footpath along Field head Lane requested and received.

5.2. Amended plan requested, and received showing the completion of the pedestrian/ cycle link up to the boundary with Oakwell Hall Park.

#### **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. At this stage of the plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the Kirklees UDP proposals map and, on the PDLP is identified as a Housing allocation.

#### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 **D2** - Unallocated land  
**BE1** – Design principles  
**BE2** – Quality of design  
**BE12** – Space about buildings  
**BE23** – Crime prevention  
**T10** – Highway safety  
**T18** - Proposed cycleway route  
**T19**- Parking standards  
**D6** Green corridor  
**NE9** – Retention of mature trees  
**G6** – Land contamination  
**EP4** – Noise sensitive development  
**H10** – Affordable housing  
**H18** – Provision of open space

### Publication Draft Local Plan:

- 6.3. **PLP3** - Location of new development  
**PLP7** - Efficient and effective use of land and buildings  
**PLP11** - Housing mix and affordable housing  
**PLP20** - Sustainable travel  
**PLP21** - Highway safety and access  
**PLP22** - Parking  
**PLP23** - Core walking and cycling network  
**PLP24** - Design  
**PLP27** - Flood Risk  
**PLP28** - Drainage  
**PLP30** - Bio diversity and geodiversity  
**PLP32** - Landscape  
**PLP33** - Trees  
**PLP49** - Education and health needs  
**PLP63** - New open space

### Supplementary Planning Guidance / Documents:

- 6.3. KC Policy Guidance “Providing for Education Needs Generated by New Development”.
- Interim Affordable Housing Policy

### National Planning Policy Framework:

- 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 and coastal change  
**Chapter 11** - Conserving and enhancing the natural environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 Five letters of representation have been received (one of the letters is a petition on behalf of 20 residents in Highfield Drive). The main points of concern are summarised as follows:
- The application site is at a higher level than Highfield Drive, and this could lead to problems with overlooking and over dominance;
  - Would like to maintain a well-defined boundary edge with Highfield Drive and the proposed development
  - The number of extra vehicles generated will cause further traffic problems on this busy road, and result in additional parking on Field head Road; would like to see yellow lines either side of the proposed access , to prevent parking on the main road
  - The indicated access to the SW corner of the site is not adequate , and would result in on street parking;
  - The site is filled, and any development would necessitate piling, which could pose problems for the neighbouring dwellings in terms of stability or subsidence;

- The proposal will put additional pressure on local services and amenities;
- No pedestrian access is shown to Oakwell Hall Park- there has been pedestrian access across this site since the 1960's would like a pedestrian access retained.
- A number of the trees in the site are protected, and should be safeguarded as part of any layout or reserved a matters submission.
- Potential problems with surface water run off for existing neighbours;
- Query ownership of an area currently containing a post office storage box.
- No objection in principle to development of the site, but the site needs to be developed sensitively. Would like to be kept informed about any Reserved Matters Application, covering layout, scale and

7.2. The following submission has been received on behalf of the Oakwell Hall Country Park:-

*“As Kirklees Museums and Galleries Manager, I would like to request that consideration be given to any agreed development to include the allocation of funding for the creation of a surfaced route allowing access for residents from Fieldhead Lane down into and through Oakwell Hall Country Park, linking in to our existing accessible path network via a route. I appreciate that often such funding is allocated towards the provision of facilities within open spaces inside the curtilage of a development, but by steering this resource towards a ‘greenway’ down into the Park, it will offer the residents a greater opportunity to enjoy a much larger area of greenspace.*

*We feel this will provide existing and new residents with an easier, safer and traffic free route into the park, providing residents with more opportunity to enjoy the green space, facilities and events on offer in the Park.*

*Incidentally, we are also currently developing a mountain bike trail within the park and the vicinity of this development. This trail will be aimed at a family audience. We feel this could also be enjoyed by both existing and new residents from the Fieldhead Lane development, with this new ‘greenway’ into the Park providing safe, traffic free access to this trail, particularly for children and young people, playing a key role in promoting health and wellbeing among the local community.*

*Thank you for the opportunity to comment of the proposal.”*

7.3 Ward Councillor Robert Light: sought clarification that there would be no access directly onto Highfield Drive, if there would be footpath access to Oakwell Park; and the retention of trees at the rear of the site.  
No objection to the plan at this stage.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**The Environment Agency-** No objection, recommend the inclusion of informative notes.

**Yorkshire Water -** Recommend conditions.

**KC Highways Development Management -** request additional information.

## 8.2 Non-statutory:

**KC Public Rights of Way** - The indicative layout should show the safeguarded cycleway link right across the site, but it fails to do so.

**KC Environmental Health** - recommend conditions.

**KC Arboricultural officer** - Would require an accurate trees survey before considering any layout.

**KC Arboricultural officer** - The trees to the rear of the site are protected, and should be retained. There are a number of trees , on the front part of the site, that are worthy of keeping, and any reserved matters application should be accompanied by a full Tree Survey, and if trees are proposed to be lost, then alternative replacements should be provided as part of any landscape proposal.

**KC Conservation and Design** - the indicative layout is well conceived, and should safeguard the access across the site, to Oakwell Hall Park.

**KC Lead Local Flood Authority** - Request further information.

**KC Education Services** - No education contribution is required in this instance.

**KC Strategic Housing** - The Councils Interim Affordable Housing policy is applicable, and an affordable contribution should be secured via a condition.

**KC Landscape/Parks** - the site is above the size threshold for the provision of public open space. This should be secured by condition. Note: an off-site contribution is likely to be acceptable in this case, should approval be granted.

**Police Architectural Liaison Officer** - Any cycle access route across this site should not compromise residential security, dwellings should face onto the route, also any on site public open space needs to benefit from natural supervision. At reserved matters stage a condition requiring the submission of crime reduction measures will be requested.

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Flood Risk/Drainage issues
- Landscape/ Biodiversity
- Environmental Issues ( Noise; Remediation and Air Quality)
- Representations
- Conclusion.

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is unallocated on the Unitary Development Plan, and identified as a potential housing allocation in the Emerging Local Plan. As such the principle of a residential use, on the site accords with both the current UDP designation, and the proposed Local Plan designation (subject to satisfying other material planning considerations).
- 10.2 Paragraph 14 of the National Planning Policy Framework presumes in favour of sustainable development, indicating that for decision asking making purposes this means” approving development proposals that accord with the development plan without delay”. In addition the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, and in this context paragraph 49 of the National Planning Policy Framework indicates that “housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 The site is considered to be in a sustainable location with access to public transport, and local facilities, services and amenities As such there is no objection to releasing this site for housing at this time.
- 10.4 Given the scale of the development, and the numbers of units envisaged the Councils policies regarding the provision of Affordable Housing; Public Open Space and Education provision, are relevant.
- 10.5 No Education contribution is required in this instance, and given that the application is outline, with access only applied for the final numbers of dwellings is not being agreed at this time. As such the level of provision of Affordable Housing and Public Open Space, cannot be calculated, therefore both of these matters will be covered by condition.

### Urban Design issues

- 10.6 The site has a frontage onto a main road, and is located in a built up area, which is primarily residential. The frontage is currently marked by a brick wall, which would be reo[moved to form access points, and the illustrative layout indicates the provision of housing facing onto the road, of terrace and semi-detached type at a density of approx. 30 per ha. Additional housing with frontage onto Fieldhead Road, is a form of development, compatible with the area, the density of 30 per ha, is also appropriate, though in this case the satisfactory provision of a cycle route and access to the neighbouring Oakwell Hall Park needs to be incorporated in any future reserved matters layout.
- 10.7 To the rear of the site, and also neighbouring development is a substantial area of woodland which is protected by a group TPO, and forms part of the Oakwell Hall Country Park. This woodland provides an attractive green backdrop to the site, and the indicative layout indicates that these trees will be undisturbed, which is welcome.

- 10.8 The issues of scale and design will be the subject of Reserved Matters application, but 2 no storey dwellings would be the most appropriate form of development on this site, respecting the scale of the surrounding area

#### Residential Amenity

- 10.9 The nearest dwellings to this site are on Highfield Drive, to the south. Highfield Drive extends along the southern boundary of the application site linking to Fieldhead Road, as such the nearest dwellings on Highfield Drive look across Highfield Road towards the site. It is not consider that a residential use on this site will in itself result in any undue noise or nuisance to existing dwellings or their residential amenity.
- 10.10 The application site is at a slightly higher level (approx.1m) than the Highfield Drive dwellings. Layout and scale are not applied for at this stage, but any future siting/scale will be the subject of a Reserved Matters application that will be publicised, and the issues of safeguarding residential amenity in terms of privacy, and over dominance, will be considered at that stage.

#### Highway issues

- 10.11 The internal layout submitted at this stage is considered indicative and Highways Development Management (HDM) comments are therefore limited to the means of access from Field Head Lane only. Field Head Lane (B6125) forms the eastern boundary of the site with existing residential dwellings to the south (accessed via Highfield Drive), woodland to the west, and commercial buildings to the north. Field Head Lane is lit and subject to a 30mph speed limit and runs on a north/south alignment running from the A650 to Middlegate.
- 10.12 Adjacent to the proposed site, Field Head Lane has a carriageway width of approximately 6m with footways to both sides of some 1.6m to 2m.
- 10.13 The applicants have provided a Transport Statement prepared by Optima Highways consultants. This is summarised as follows:
- 10.14 Traffic surveys were undertaken in the vicinity of the Site on Tuesday 13<sup>th</sup> June. The resulting surveyed peak hours at the Field Head Lane/Kings Park junction are 07:30 - 08:30 in the AM and 17:00 - 18:00 in the PM period respectively.
- 10.15 Development trips generated by the proposed residential development have been determined using the TRICs data base for the AM and PM peaks. The two way peak hour trips are estimated as follows:

AM peak - 8 arrive and 11 depart - total 19

PM peak - 11 arrive and 7 depart - total 18

- 10.16 By comparison the traffic surveys undertaken by Optima on 13th June show the peak two way flows into Kings Park which is an existing development of 31 dwellings similar to the proposed development to be as follows

AM peak - 4 arrive and 15 depart - total 19

PM peak - 16 arrive and 7 depart - total 23



- 10.17 Speed surveys found 85th percentile northbound speeds of 31mph and southbound speeds of 30mph on Field Head Lane at the proposed site frontage.
- 10.18 Personal injury accident data has been obtained for the highway network in the vicinity of the Site for the most recently available five year period. The study area focuses on Field Head Lane, extending north to the Lowood Lane junction and the Middlegate/High Street junction to the south. For the 5 year period, there have been a total of 2 recorded accidents within the study area. Both accidents resulted in personal injuries being categorised as 'slight' in Nature. There have been no serious or fatal accidents within the study area during the 5 year period.
- 10.19 The nearest bus stops are located along Field Head Lane and Lowood Lane, 50 metres and 110 metres to the north and 120 and 145 metres to the south, of the proposed site access. These provide services running between Heckmondwike and Leeds and Dewsbury and Birstall at 60 and 30 minute intervals.
- 10.20 Vehicular access to the site is proposed from a new priority 'T' junction on Field Head Lane north of the Kings Park junction. The new site access is staggered some 17m north of the existing priority 'T' junction at Kings Park. Such a layout is acceptable forming a right-left stagger thereby separating out right turning movements into each access.
- 10.21 Vehicular access is also to be gained from Field Head Lane at the southern extent of the proposed site, north of Highfield Drive. This will provide access to two proposed dwellings with a maximum of 4 associated car parking spaces. Visibility splays are shown in both directions from the proposed new estate road and the proposed private driveway to the south, which include a 2.4m set back distance.

#### Drainage issues

- 10.22 The site is located within Flood Zone 1 (the areas least likely to flood), and given the size of the site (ie in excess of 1ha), a Flood Risk Assessment has been submitted with the application relating to surface water run off matters. The Environment Agency have been consulted and have raised no objection to the proposal.
- 10.23 As a greenfield site any new development should seek to at least maintain greenfield run off rates of 5l/s, in order to reduce risk of additional flooding down-stream. Additional details have been submitted at the request of the Local Lead Flood Authority, to clarify this and some other technical matters, and ensure development can be satisfactorily conditioned so as to comply with the aims of chapter 10 of the NPPF.

#### Landscape/ Biodiversity

- 10.24 The site is a former railway viaduct area, that has been grassed over and there are a number of trees across the site. Towards the rear of the site the trees are part of a larger wooded area that relates to the Oakwell Hall Park (and these trees are protected), with a number of trees on the north-east and south-west boundaries, that are not protected. Aside from the trees, the site does not have a significant amount of ecological value.

- 10.25 The proposal, whilst being in outline, does contain an indicative layout that confirms the protected woodland trees can be safeguarded and that a cycleway corridor, linking top the Oakwell Hall Park, can be achieved, as is required in the UDP policy T18 , and Policy PLP23 of the PDLP In terms of biodiversity enhancement, it is considered that this is best achieved on this site by the retention of the protected trees, a landscape scheme for the balance of the site, and the provision of bat and bird roost opportunities within any scheme.
- 10.26 Given the size of the scheme, the provision of POS is a material consideration. In this case the provision of on-site play equipment is not required, and an off-site contribution in lieu would be acceptable. Given the proximity to the Oakwell Hall Park and the requirement for a cycle / pedestrian link to it, it is considered appropriate that any financial off site contribution would be well spent improving access and links to a large number of people to Oakwell Hall Park, including possibly connecting up to a future mountain bike trail (see representations from Oakwell Hall Park (in paragraph 7.2 above). It is accepted that this is an early state in the development, and that numbers and financial contributions still have to be calculated and agreed, however it is appropriate to indicate that the Local Planning Authority, and the Kirklees Parks and Recreation Service are flexible in considering how best to use an off-site contribution.

#### Environmental Issues ( Remediation: Noise and Air Quality)

- 10.27 This site is a former railway viaduct that has been filled for some time. The applicant has submitted a phase 1 contaminated land report, that is considered to be broadly acceptable. It is considered that the site can be made acceptable to receive a new residential development, and standard conditions to this end are recommended, in accordance with policy G6 of the UDP and chapter 11 of the NPPF.
- 10.28 The site has a frontage onto Fieldhead Lane, and is approx. 450m from the M62. As such it would be appropriate to impose a condition, requiring a Noise Report, to be submitted at the Reserved Matters stage to safeguard the residential amenities of any new occupiers, in accordance with the aims of chapter 11 of the NPPF.
- 10.29 The site has been assessed as a minor development, in accordance with the West Yorkshire Low Emissions Strategic Guidance, and a condition requiring the provision of electric charging points is required. In addition on this application the safeguarding / provision of a cycle link through the site would be a positive mitigation measure.

#### Representations

- 10.30 The representations received (outlined in paragraph 7.1, fall, into 3 broad categories:
1. No objection in principle, but would require the site to be developed sensitively.
- Officer Response:** *This is an outline application and layout, scale, landscaping and appearance are all reserved. If this application is approved it cannot be developed without Reserved Matters being approved. The local*

*residents will be notified of such an application, to make comment on specifics. The access to the site is to be taken off Field head Road, and no access taken off Highfield Lane. Detailed comments about retaining a pedestrian access to the Oakwell Hall Park, and retaining protected trees are well made and agreed.*

2. The level of traffic generated will be a problem on Field head Lane, resulting in additional congestion and on-street parking problems on an already busy road.

**Officer Response:** *The application has been accompanied by a Transport Assessment. The proposed access is considered to be acceptable, and improvements to the pavement along the Field head Lane frontage are proposed and will be secured by condition. The surrounding road network is capable of accommodating the new development subject to the imposition of appropriate conditions.*

3. The development will put additional pressure on local services and amenities

**Officer response:** *The Council's Education Service has been consulted on this proposal, and has confirmed that no financial contribution is required in its case i.e. there is capacity in the local schools. As such, this proposal accords with the Council's Education guidance.*

## **11.0 CONCLUSION**

11.1 This site is unallocated on the UDP, and a housing allocation in the Emerging Local Plan. As such, there is no objection in principle to residential development on this site. In such cases the NPPF indicates that for decision making purposes such schemes should be approved without delay.

11.2 Access to the site is acceptable, and the site can be satisfactorily drained and remediated, making it fit to receive new residential development.

11.3 The principle constraint / opportunity on this site is the policy requirement to safeguard and deliver a pedestrian cycle link across the site to link up with Oakwell Hall Park. The indicative layout shows how this can be achieved, and in lieu of any on-site POS provision, the Landscape and Parks Service, have indicated they are willing to be flexible in seeking to connect up to the Oakwell Park network.

11.4 As such the development is considered to be acceptable and sustainable, and outline approval subject to the imposition of appropriate conditions is recommended.

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

1. Standard time frame for submission of reserved matters.
2. Requirement for Reserved Matters submission;
3. Highways conditions (access, visibility splays, improvement of footpath along frontage);
4. Environmental Health conditions (Site remediation; Noise mitigation; Electric charging points);
5. Drainage conditions (surface water/ run off, and foul connections)
6. Tree protection;

- 7 Bio diversity enhancement;
8. Provision of affordable Housing;
9. Provision of public open space contribution;
10. Footpath/cycleway connections from Fieldhead Lane down into and through Oakwell Hall Country Park

**Background Papers:**

Link to the application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93347>

Certificate of Ownership – Certificate B completed with Notice served on Kirklees Council, Civic Centre, dated 05/10/2017.