
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 13-Dec-2018

Subject: Planning Application 2018/91838 Outline application for erection of residential development Land off, Burn Road, Birchencliffe, Huddersfield

APPLICANT

J Dyson, R Bentley and S Hill

DATE VALID

05-Jun-2018

TARGET DATE

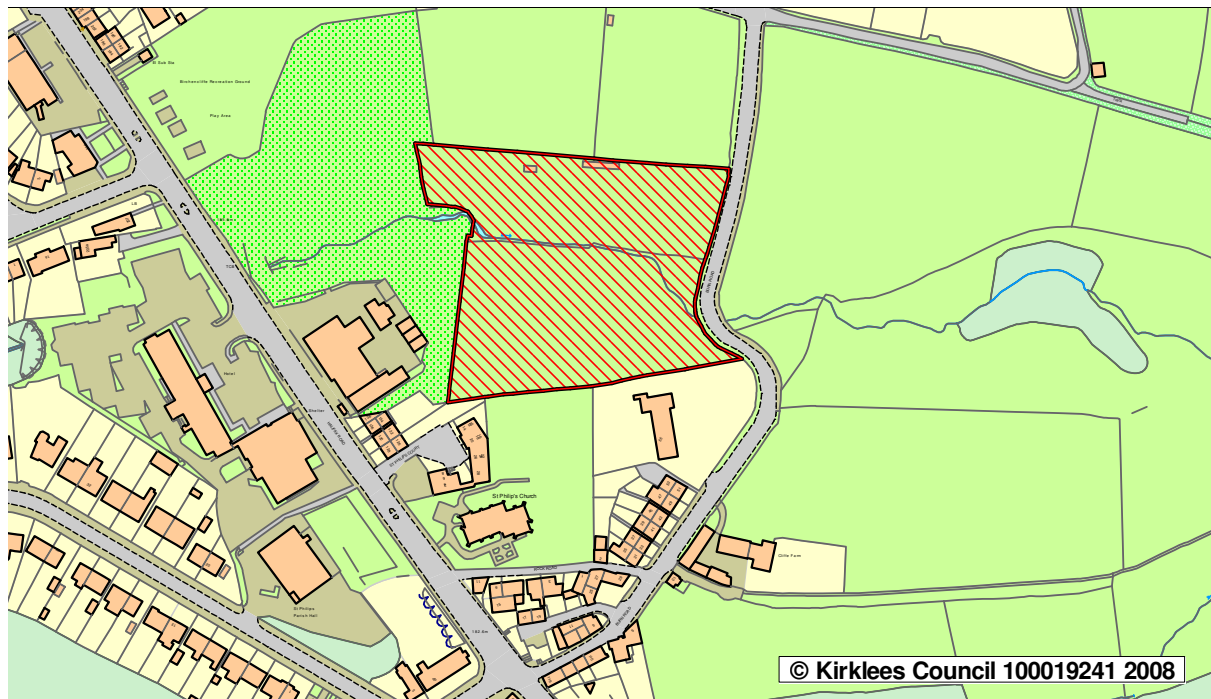
04-Sep-2018

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Lindley

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 obtain a satisfactory Road Safety Audit for the proposed point of access and complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Education contribution (figure to be established once the number of dwellings on the site is known and taking into account development on land to the north)
2. Affordable housing (20% of the total number of units on the site)
3. Public Open Space (form of provision to be established following masterplanning exercise and once the number of dwellings on the site is known; to include provision/contribution towards play facilities and provision of a link to Birchencliffe Recreation Ground)
4. Financial contribution towards off-site improvement works at the Halifax Road/East Street (Cavalry Arms) junction (figure dependent on number of dwellings to be agreed under 'layout' at reserved matters)
5. Sustainable travel contribution (figure to be established once the number of dwellings on the site is known)

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 The application is brought forward to the Sub Committee in accordance with the Scheme of Delegation because the proposal is for residential development on Provisional Open Land and therefore represents a departure from Policy D5 of the development plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is an overgrown field that lies on the eastern side of Burn Road, Birchencliffe. The site slopes downwards from the northern and southern boundaries where it then forms a watercourse ditch that crosses the site from west to east and becomes culverted towards the east.

2.2 There is residential development and a church to the south of the site partly separated by mature trees. There are two fields to the north that are each subject of an outline application for residential development. Towards the west is a garage site off Halifax Road which is also separated by an area of protected woodland. There is open land to the east that is being developed as part of an approved scheme for 95 dwellings.

3.0 PROPOSAL:

3.1 Outline application for residential development. Access is the only matter that has been applied for. The layout, scale, appearance and landscaping of the site are reserved for future approval.

3.2 The proposed access is a single priority junction on Burn Road.

3.3 Layout is a reserved matter however an indicative site layout plan has been submitted showing how the site could be developed. The layout shows 20 detached dwellings. The agent has confirmed that the total number of dwellings is not being applied for at this stage.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

Field immediately to the north of the application site:

2018/90151 – Outline application for residential development – Approved by the Sub Committee 21/6/18 (decision notice not yet issued)

Field immediately to the north of the application site:

2018/90776 Outline application for erection of up to 10 dwellings – Approved by the Sub Committee 20/9/18 (decision notice not yet issued)

Land to the east and towards the north of the application site:

2017/90180 – Erection of 95 dwellings with access from Yew Tree Road and Road – Approved and site currently under construction

2014/93039 – Outline application for residential development – Approved

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

5.1 The original submission proposed two points of access off Burn Road however Highways Development Management had concerns with the access arrangements and consequently an amended plan was submitted with a single point of access.

5.2 Additional ecological information was provided during the course of the application.

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 Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). 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 (2018), 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.
- 6.2 The site is allocated as Provisional Open Land (POL) on the Unitary Development Plan Proposals Map. The site is part of Housing Allocation H706 within the Publication Draft Local Plan.
- 6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:
- D5 – Provisional Open Land
 - BE1 – Design principles
 - BE2 – Quality of design
 - BE12 – Space about dwellings
 - T10 – Highway safety
 - G6 – Land contamination
 - NE9 – Retention of mature trees
 - H18 – Provision of open space for new housing
- 6.4 Kirklees Publication Draft Local Plan (submitted for examination 25th April 2017):
- Spatial Development Strategy
 - PLP3 – Location of New Development
 - PLP5 – Masterplanning sites
 - PLP7 – Efficient and effective use of land and buildings
 - PLP11 – Housing mix and affordable housing
 - PLP21 – Highway safety and access
 - PLP24 – Design
 - PLP28 – Drainage
 - PLP30 – Biodiversity and Geodiversity
 - PLP32 – Landscape
 - PLP33 – Trees
 - PLP51 – Protection and improvement of local air quality
 - PLP53 – Contaminated and unstable land
 - PLP63 – New open space

6.5 Supplementary Planning Guidance / Documents:

N/A

6.6 National Planning Guidance:

Chapter 2 Achieving sustainable development
Chapter 4 Decision-making
Chapter 5 Delivering a sufficient supply of homes
Chapter 9 Promoting sustainable transport
Chapter 11 Making effective use of land
Chapter 12 Achieving well-designed places
Chapter 15 Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notice, press advert and neighbour notification letters. No representations were received in response to the publicity.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – The amended plan indicating a single point of access is considered to be acceptable, subject to the submission of a Road Safety Audit.

Lead Local Flood Authority – Objects as the effects on the ordinary watercourse within the site have not been adequately assessed against the proposed access and potential site layout.

Yorkshire Water – No objection subject to conditions, including prescribed stand-off distances to sewers and storm water overflows within the site.

8.2 Non-statutory:

KC Environmental Services – No objection subject to conditions relating to contaminated land, noise mitigation, electric vehicle charging points and dust suppression during construction

KC Trees – No objections

KC Landscaping Section – Development triggers a requirement for POS and a Local Area of Play (LAP). Recommend that this is in the form of an off-site commuted sum to upgrade the existing facility at Birchencliffe Recreation Ground; the contribution could also be used towards provide natural play opportunities within the adjacent woodland. Based on the 20 dwellings indicated the sum would be £97,000.

Recommend that the site layout provides a connection through to the adjacent woodland and link through to the recreation ground; the linking path could also connect to the existing public right of way (HUD/405/10) just to the west of the site which in turn links to Yew Tree Road and Halifax Road.

KC Ecology Unit – No objection subject to conditions.

West Yorkshire Archaeology Advisory Service – Recommend that the archaeological potential of the site is investigated.

9.0 MAIN ISSUES

- Principle of development
- Overview of planned development within the area
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues (including planning history and cumulative highway impacts)
- Drainage issues
- Air quality
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site forms part of a much larger area of land which is allocated as Provisional Open Land (POL) on the Unitary Development Plan (UDP) Proposals Map.
- 10.2 The National Planning Policy Framework (NPPF) outlines the government's definition of how sustainable development will be achieved and paragraph 11 of the Framework sets out a presumption in favour of sustainable development.
- 10.3 In situations where local planning authorities are unable to demonstrate a five year supply of deliverable housing sites, policies which are most important for determining the application are deemed to be out-of-date.
- 10.4 As evidenced in recent appeal decisions (e.g. APP/Z4718/W/16/3147937 - Land off New Lane, Cleckheaton), the Council is failing to meet its requirement to ensure a five year housing land supply by a substantial margin. This is important in the context of paragraph 11 of the NPPF.
- 10.5 As the Council is unable to demonstrate a 5 year housing land supply as required by the NPPF, relevant policies relating to housing are considered to be out-of-date. Indeed, the housing land supply shortfall is substantial and falls below 3 years. Whilst the PDLP has been through examination, the Local Plan has not yet been adopted and the council is therefore unable to identify a five year supply of specific deliverable housing sites against the requirement.
- 10.6 Based on the above, there is a presumption in favour of sustainable development and planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.

10.7 Policy D5 of the UDP relates to development on POL. It states:

On sites designated as provisional open land planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the long term.

10.8 It is considered that policy D5 is not a policy for the supply of housing having regard to the NPPF and therefore policy D5 is considered to be up-to-date.

10.9 The proposed development is clearly at odds with policy D5 of the UDP partly because the scheme of housing development fails to maintain the character of the land as it stands and fails to retain the open character. The proposed development therefore constitutes a departure from the development plan.

Emerging Local Plan

10.10 The site is part of Housing Allocation H706 within the Publication Draft Local Plan (PDLP). The PDLP was submitted to the Secretary of State on 25th April 2017 for examination in public. The Examination in Public began in October 2017. Given that the PDLP has now been submitted and is undergoing examination consideration needs to be given to the weight afforded to the site's allocation in the PDLP.

10.11 The NPPF provides guidance in relation to the weight afforded to emerging local plans. Paragraph 48 states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

10.12 Paragraph 49 of the NPPF relates to prematurity and states that in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances 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 plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

10.13 Given the scale of the development proposed when assessed against the wider context of the PDLP the application could not be deemed to be premature.

- 10.14 Given the advanced stage at which the Local Plan has progressed considerable weight should be afforded to the policies and allocations within the emerging Local Plan. There are two unresolved objections to proposed housing allocation H706, one from Historic England and one from a member of the public. The objection from Historic England relates to the impact on the significance and/or setting of Middle Burn Farm and Lower Burn Farm, which are both over 150m away from the application site. Given that the site is well separated from Middle Burn Farm and Lower Burn Farm, with new development also planned in between, it is considered that Historic England's unresolved objection does not significantly reduce the weight that can be afforded to the application site's allocation in the emerging plan.
- 10.15 If the emerging Local Plan was to be adopted in its current form, the Council would be able to demonstrate a five year housing land supply. However, whilst the PDLP has been through examination, as it stands the Council is a substantial way off from being able to demonstrate a five year housing land supply and housing delivery has persistently fallen short of the emerging Local Plan requirement. This triggers the presumption in favour of sustainable development as advocated by paragraph 11 of the NPPF.
- 10.16 Planning permission should therefore be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Overview of planned development within the area:

- 10.17 The site forms part of a large housing allocation within the Publication Draft Local Plan (PDLP). The gross site area is 16.8 hectares but the net site area is reduced to 12.91 hectares because the developable area is constrained. The indicative capacity of the allocation is 392 dwellings.
- 10.18 Planning permission for 95 dwellings (2017/90180) has been approved on a significant proportion of the allocation and this development is currently under construction. Outline consent for 4 dwellings has also been approved on a separate part of the allocation to the north east of the site (2016/90073).
- 10.19 The Sub Committee recently resolved to approve two outline applications for residential development on the adjoining fields to the north under application numbers 2018/90151 and 2018/90776. The latter application is for up to 10 dwellings and the former application did not specify a total number of dwellings but officers estimate the capacity to be in the region of 10 units. The Sub Committee has also approved an outline application for 3 dwellings on another part of the allocation to the north east of the site (2016/90524).
- 10.20 The indicative site plan submitted with the current application indicates 20 detached dwellings.
- 10.21 The above developments plus the 20 dwellings as indicated under the current application totals 142 dwellings and the combined area of all of these sites amounts to approximately 10 hectares of the 16.8 hectare allocation. This equates to 36% of the indicative capacity of the allocation on roughly 60% of the land.

- 10.22 Of the remainder of the allocation there are two relatively substantial swathes of land left over along with a number of small pockets of land. All of these areas are however constrained because of the presence of protected woodland or the proximity of listed buildings. It is to be noted as well that parts of the allocation already take in a small number of existing dwellinghouses as well as the road network which further reduces the amount of the developable part of the allocation that is left over.
- 10.23 Policy PLP5 of the emerging Local Plan relates to masterplanning sites. Masterplanning seeks to ensure that development is properly integrated with existing settlements and that local infrastructure and facilities for the wider area are expanded and enhanced. The policy sets out the objectives of masterplans and the policy justification sets out circumstances when a masterplan will normally be required. This includes multi-plot developments where there may be multiple landowners and it is important to co-ordinate the delivery of infrastructure and ensuring the place shaping principles and other policy requirements are met as set out in the plan.
- 10.24 There are unresolved objections to this policy, however, following the examination in public, modifications have been made to the policy which seek to address the unresolved objections. One of the amendments deals with piecemeal development. These modifications have been through public consultation. Unresolved objections would normally reduce the weight that can be afforded to an emerging policy but the proposed modifications allow the weight that that can be afforded to policy PLP5 to be increased.
- 10.25 There has not been a masterplan prepared for Housing Allocation H706 although almost half of the allocation has already been taken up with a single development of 95 dwellings across two large parcels of land. It is nevertheless considered appropriate for the proposal site and the two adjoining development sites to the north to be considered in the context of a 'masterplan' for this particular part of the emerging housing allocation. This is because together these three sites amount to a substantial part of the remaining allocation and fall within the definition of multi-plot developments within different ownership. A masterplanning approach to the design and layout of all three sites is relevant to ensuring the respective developments integrate with the surrounding area, as well as being relevant in the context of planning obligations. This is consistent with the approach taken on the applications to the north.

Landscape character and urban design issues

- 10.25 The site lies towards the edge of the built-up part of Birchencliffe with open fields to the north and east and an area of woodland towards the west. The land to the east is however currently being developed as part of a development of 95 dwellings that also includes a further area of open land on the northern side of Yew Tree Road. This approved development will therefore substantially alter the semi-rural character of the area and in this context it is considered that additional residential development on the site would not significantly harm the landscape character. What is more, outline consent for development on the adjoining fields to the north has also been approved by the Sub Committee and if these fields are developed it would further alter the character of the area.

- 10.26 The application is in outline form with access the only matter applied for. The indicative layout shows 20 detached dwellings which equates to a density of just under 19 dwellings per hectare. Within the emerging Local Plan Policy PLP7 seeks to achieve a net density of at least 35 dwellings per hectare, where appropriate. The indicative density is quite low, partly as a result of the dwellings all being detached properties. The topography of the site does impose a constraint to developing the land and there may be further constraints on the layout arising from the required stand-off distances to Yorkshire Water infrastructure and the ordinary watercourse within the site.
- 10.27 The density of the development will need to respect the character of the area, including that of the development currently being built under application 2017/90180. Issues of density and housing mix will need to be addressed through a masterplan that takes into account the adjoining fields to the north.
- 10.28 Consideration of scale and appearance are reserved for future approval but officers are satisfied that a scheme can be brought forward that respects existing development as well as new development planned within the immediate vicinity. This includes the fields to the north that are to be assessed holistically as part of a masterplanning exercise for this part of the housing allocation.
- 10.29 In principle the application is in accordance with Policies BE1 and BE2 of the UDP, PLP24 of the emerging Local Plan and guidance in the NPPF.

Residential Amenity

- 10.30 Officers are satisfied that a development can be brought forward that preserves residential amenity, including adequate separation distances to 55 Burn Road that is set up from the site to the south.
- 10.31 Environmental Services have recommended that a condition is imposed to address potential noise disturbance from road traffic (including from the M62 motorway).

Landscape issues

- 10.32 The landscaping of the site is a reserved matter. It is nevertheless considered that external boundary treatment should respect the established character of the area which includes drystone walling to field boundaries. Drystone walling has been retained to the boundaries of approved developments on other parts of the POL allocation.
- 10.33 There is scope for a link to be provided between the development and Birchencliffe Recreation Ground to promote connectivity. The link could also connect to the existing PROW HUD/405/10 which lies a short distance to the west of the site and in turn links to Yew Tree Road and Halifax Road. Such a link would therefore improve accessibility to local amenities and public transport for residents. This would enhance the sustainability of the development and is consistent with PLP3 of the emerging Local Plan and guidance in the NPPF. The adjacent land is within council ownership and so the formation of this link is feasible. The provision of a link is supported by the Council's Landscape section and PROW section. The link would need detailed design to ensure that it is suitable and safe. The link can be secured through the S106 agreement/planning condition and consideration of 'layout' at reserved matters.

Housing issues

- 10.34 The site is allocated for housing in the emerging Local Plan and the development would contribute towards the supply of housing in the district at a time when the council is currently unable to demonstrate a 5 year housing land supply. The scheme would also deliver affordable housing.

Highway issues

- 10.35 The site is located to the western side of Burn Road. This section of Burn Road is steep with severe bends to the site frontage.
- 10.36 Two new accesses onto Burn Road have been approved towards the north and south of the site as part of planning permission 2017/90180 for 95 dwellings. The approved accesses serve two separate parcels of land on the eastern side of Burn Road.
- 10.37 It was originally proposed for the application site to be served by two separate points of access off Burn Road. Highways Development Management raised concerns with these points of access, which were only 31m apart and had substandard sightlines. In response to these concerns the access proposals have been amended and it is now proposed to have a single point of access off Burn Road.
- 10.38 Highways Development Management have confirmed that the amended access plan is acceptable, subject to a Road Safety Audit. The Road Safety Audit is to be provided by the applicant before the decision is issued.
- 10.39 Conditions are considered necessary in relation to detailed junction design and for the provision of a 2m wide footway to the site frontage.
- 10.40 The application is considered to comply with Policies T10 and BE1 of the UDP and PLP21 of the emerging Local Plan.

Planning history and cumulative highway impacts:

- 10.41 The site forms part of a larger POL allocation/emerging housing allocation where planning permissions have previously been granted for residential development on a significant proportion of the allocation.
- 10.42 The first permission on this POL allocation was an outline consent for up to 190 dwellings (ref 2014/93039) on two parcels of land accessed from Yew Tree Road (one access) and Burn Road (two accesses). A suite of highway works were required including:
- a) Capacity and safety improvement of the Burn Road / Grimescar Road junction: Increase visibility along Grimescar Road.
 - b) Capacity and safety improvement of the Grimescar Road / Brighthouse Road junction: Increase entry junction radii and width to Grimescar Road
 - c) Capacity and safety improvement of the A629 Halifax Road / Yew Tree Road junction; Increase visibility along Halifax Road.
 - d) Widen Yew Tree Road along site frontage and provide footway.
 - e) Change Burn Road priorities making 'one way' from Halifax Road for approximately 150m.

- 10.43 In addition to the above, financial contributions towards improvements to the A629 Halifax Road and a residential travel plan (including Metro Cards) were required.
- 10.44 The constraints of the aforementioned site meant that the developer (Harron Homes) was unable to accommodate anywhere close to 190 dwellings and so a full application was submitted for 95 dwellings on the same parcels of land and with the same points of access (ref: 2017/90180). As part of the permission the developer was still required to provide all of the highway improvements that were necessary for the 190 dwelling scheme, as listed at points a) to e) above, along with commensurate financial contributions towards improvements to the A629 Halifax Road and a residential travel plan (including Metro Cards).
- 10.45 The development approved under application 2017/90180 is under construction and the current position in relation to the secured highway works is that S278 agreements with the Council for the delivery of the highway works are in place and are/will be constructed as the development is being built out.
- 10.46 There are also a number of permissions/proposals for much smaller residential developments on other parts of the POL/emerging housing allocation. These are:
- 2016/90073 – Outline consent for 4 dwellings on land at the junction of Yew Tree Road/Burn Road (access and layout approved). The site would be accessed off Burn Road via an existing private shared driveway.
- 2016/90524 – Outline consent for 3 dwellings on land to the north east of the site. The site would be accessed off Yew Tree Road (Bridleway) east of its junction with Burn Road.
- 2018/90151 – Outline application for residential development on an adjoining field to the north of the site. The Sub Committee has previously resolved to approve this application. Access was the only matter considered with the access being a single point of access off Yew Tree Road. Officers estimate the capacity of the site to be circa 10 dwellings. A financial contribution to the A629 Halifax Road improvement scheme is to be provided.
- 2018/90776 - Outline application for up to 10 dwellings on an adjoining field to the north of the site. The Sub Committee has previously resolved to approve this application. Access was the only matter considered with the access being a single point of access off Yew Tree Road. A financial contribution to the A629 Halifax Road improvement scheme is to be provided.
- 10.47 To summarise the cumulative impacts of the above developments, the initial application for 190 dwellings on a significant proportion of the POL/emerging housing allocation undertook a robust modelling analysis of the local highway network which identified the highway works set out in paragraph 10.42. The subsequent approval for 95 dwellings on the same land provides for the same highway works. This essentially leaves a residual of 95 dwellings which was assessed within the initial highway modelling.

10.48 Taking into account the total number of dwellings associated with the planning proposals/permissions set out in paragraph 10.46 along with the 20 dwellings as shown for indicative purposes within the application now under consideration, this results in a total of 47 dwellings. When this is added to the 95 houses already under construction it gives a cumulative total of 142 dwellings on the allocation. As such there is still highway capacity for a further 48 dwellings based on the original 190 dwellings analysis.

10.49 In addition to the above, a 'West Yorkshire Local Transport' funded scheme is being promoted for the extensive improvements along the A629 Halifax Road corridor at the following locations:

- **Blacker Road / New North Road / Edgerton Road / Edgerton Grove Road junction (Blacker Road Jct):**

Widening will be carried out along New North Road, Edgerton Road and Blacker Road to provide more traffic lanes approaching the junction.

- **Halifax Road / Birkby Road / East Street junction (Cavalry Arms Jct):**

Birkby Road will be re-aligned to remove the wide stagger.

- **Between Cavalry Arms Jct and Birchenclyffe Hill Road:**

Propose to remove parking from both sides of the road to improve traffic flow and enable footways to be used safely.

- **Yew Tree Road to Ainley Top roundabout (Ainley Top):**

- Lengthening the approach lanes to the roundabout from Yew Tree Road
- A new signal controlled left slip to bypass the roundabout for traffic travelling to the M62
- Dedicated northbound cycle lane (Yew Tree Road to roundabout)

10.50 The proposed development will provide a contribution towards the improvements to this main arterial route.

Flood risk and drainage issues

10.51 The Lead Local Flood Authority (LLFA) has identified a number of potential constraints to development arising from the location of a watercourse that crosses the site from west to east. Investigation of the watercourse and its impacts on the access and indicative layout has been recommended in order to establish the risk of flooding.

10.52 Layout is not under consideration at this stage and it is only the point of access that is being considered. The proposed access arrangements have been amended and a single point of access is proposed and this is slightly further away from the watercourse (circa 20m). The point of access also sits above the level of the watercourse.

10.53 Officers consider that it is reasonable for conditions to be imposed requiring investigation of the watercourse to be submitted alongside details of 'layout' at reserved matters stage, with the watercourse investigation having been used by the applicant to inform the proposed site layout.

- 10.54 Updated comments have been sought on the revised access arrangements from the LLFA in respect of the impact on flood risk and an update will be provided to the committee on this issue.
- 10.55 Yorkshire Water have not objected to the application but have identified that a number of their sewers and storm water overflows cross the site. It has been recommended that conditions are imposed that provide specific stand-off distances to this infrastructure in order to allow sufficient access for repair and maintenance. There is also a combined sewer overflow within the site and it is recommended that no habitable buildings are located within 15m of this feature. The Yorkshire Water infrastructure will need to be taken into account by the applicant when planning the site layout. The applicant has been asked to comment on the Yorkshire Water infrastructure in the context of the proposed point of access; an update will be provided to the committee on this matter.

Ecology

- 10.56 The application is supported by an ecological appraisal. No objections from the Ecology Unit subject to a condition requiring an ecological design strategy in support of the scheme that comes forward at reserved matters. Subject to this condition the application accords with PLP 30 of the emerging Local Plan and guidance in the NPPF.

Air quality:

- 10.57 NPPF Paragraph 170 states that “ the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.....”
- 10.58 This development is in close proximity to Halifax Road and the Ainley Top roundabout, where monitored air quality levels have exceeded the health related annual objective for NO₂.
- 10.59 An air quality impact assessment was submitted for application 2014/93039 for the erection of 190 dwellings on the majority of the POL and an update to this assessment was carried out for a subsequent full planning application for 95 dwellings on the same part of the POL (2017/90180), with the development for 95 houses currently being built out. Under both assessments the air quality impacts were found to be imperceptible having regard to national guidance.
- 10.60 Given that the quantum of development on the full POL allocation from both approved and proposed developments is below the number of dwellings which was originally assessed (190) it is considered that the previous conclusions on air quality impact hold for this application. The provision of electric vehicle charging points within the development will help to mitigate air quality impacts and this would be in line with the West Yorkshire Low Emissions Strategy for minor developments such as this as well as being in accordance with PLP24 of the emerging Plan. A contribution towards sustainable travel would also help to mitigate the limited air quality impacts of the development.

Planning obligations

- 10.61 The indicative number of dwellings meets the trigger for affordable housing provision and the size of the site meets the trigger for public open space provision. The indicative number of dwellings does not meet the trigger for an education contribution although it is possible that the 25 dwelling threshold is met when layout is applied for at reserved matters. In any event, it is considered reasonable to take into account the wider context of the site when assessing planning contributions and in particular in relation to an education contribution.
- 10.62 The site forms one of a group of three adjoining fields that are all subject to separate outline applications for residential development. These fields form a distinct and self-contained part of the emerging housing allocation, separated from adjacent development land by Yew Tree Road and Burn Road. Together these fields comprise approximately 12% of the emerging housing allocation.
- 10.63 Development on these three fields could reasonably result in 40 dwellings and considerably more if the PDLP minimum density requirement of 35 dwellings per hectare were to be applied.
- 10.64 The adjoining development sites to the north would not trigger an education contribution on their own and the application site also may not trigger an education contribution. Taken together however the developments are extremely likely to exceed the 25 dwelling threshold for an education contribution.
- 10.65 The three applications represent a piecemeal approach to development on this part of the allocation and as a consequence normal planning obligations would either not apply or would apply at a lesser rate. The potential also exists for there being three permissions which could ultimately be built out by a single developer without an education contribution.
- 10.66 It is recognised that these three sites are in different ownership and that they are not reliant on one another for access and can be built out independently. However, as set out at paragraphs 10.23-10.25, Policy PLP5 (as modified) of the emerging Local Plan takes into account piecemeal development and enables the council to co-ordinate the delivery of infrastructure through the masterplanning of allocated sites such as this.
- 10.67 Officers are therefore of the opinion that it is in the public interest to calculate contributions based on there being development on the two adjoining fields to the north that are subject to live outline planning applications, with a mechanism within the S106 to deliver a proportionate contribution towards education on this development. This is consistent with the approach taken on applications 2018/90151 and 2018/90776.
- 10.68 It is also appropriate to consider a contribution towards sustainable travel given the number of dwellings. Such a contribution would normally be towards Metro Cards, or alternatively it could be used towards other highway/transport improvements in the vicinity of the site, such as the suggested link to existing PROW HUD/405/10 to the west of the site and described at paragraph 10.33. One Metro Card would cost approximately £500. This can be secured by S106 or condition.

- 10.69 A contribution is also sought towards planned highway improvement works at the Halifax Road/East Street (Cavalry Arms) junction. These works include road widening, resurfacing, repositioned pedestrian crossings and repositioned footways. The scheme is being funded by the West Yorkshire plus Transport Fund. A contribution towards works at this junction was secured as part of the Harron Homes development (2017/90180) and has recently been sought as part of the outline application on the adjoining fields to the north (2018/90151 & 2018/90776). It is therefore considered reasonable for the proposed development to deliver a proportionate contribution. Based on these other applications the contribution is £790 per dwelling. This is to be secured via S106.
- 10.70 Affordable housing provision would apply at 20% of the total number of units on the site, which is to be agreed at reserved matters.
- 10.71 The development triggers a requirement for POS provision and a Local Area of Play (LAP). It may be appropriate for some on-site POS to be provided when a masterplan is prepared for the site and the adjoining fields to the north. Alternatively an off-site commuted sum to upgrade the existing facility at Birchencliffe Recreation Ground and/or to provide opportunities for natural play within the adjacent woodland would be appropriate. In any event it is unlikely that the provision of play facilities would be provided on site because of the need to provide suitable separation between such facilities and housing; such play facilities would therefore be targeted at the nearby recreation ground and/or adjacent woodland. It is reasonable for some of the POS contribution to be used to deliver the link to the recreation ground through the woodland.

Representations

- 10.72 No representations received.

Other Matters

- 10.73 Environmental Services recommend that conditions are imposed requiring intrusive site investigations and a remediation strategy, as may be necessary, to address potential land contaminated issues.
- 10.74 There is an area of protected woodland to the western site boundary as well as some unprotected mature trees to the south and some immature trees within the site. The Planning Service's Arboricultural Officer has assessed the application and raises no objections although the layout submitted at reserved matters will need to take account of the protected trees.
- 10.75 West Yorkshire Archaeology Advisory Service have recommended that the archaeological potential of the site is investigated given its location, features present and previous archaeological findings in the surrounding area. This matter can be addressed via a planning condition.

11.0 CONCLUSION

- 11.1 Officers consider the principle of development on this part of the POL allocation to be acceptable; there are not any specific constraints to developing the site and applications for residential development have recently been approved on other parts of the POL allocation, including a scheme for 95 houses. Furthermore the land is allocated for housing in the emerging Local Plan and significant weight can be afforded to this.
- 11.2 Access is the only matter that has been applied for and the proposed single point of access off Burn Road to serve the development is considered to be acceptable from a highway safety point of view, subject to the submission of a Road Safety Audit. An update will be provided to the committee in relation to the proposed point of access (and consequential position of the internal access road) and potential flood risk issues and impacts on the watercourse and drainage infrastructure within the site.
- 11.3 Officers are satisfied that an appropriate scheme can be brought forward at reserved matters that integrates with the existing area and new planned development in the vicinity of the site. Subject to consideration of the reserved matters officers are also satisfied that residential amenity would be protected. Ecology matters can be dealt with by conditions.
- 11.4 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Standard conditions for outline consents (including submission of reserved matters and time limit)
2. Intrusive site investigations and remediation to address contaminated land issues
3. Detailed drainage design including future maintenance and management of surface water infrastructure
4. Provision of footway to site frontage
5. Detailed road junction design
6. Internal estate road design
7. Noise report and mitigation
8. Ecological Design Strategy
9. Sustainable travel contribution
10. Construction management plan
11. Scheme for dust suppression during construction
12. Scheme for archaeological investigation
13. Provision for footpath link to Birchencliffe Recreation Ground/PROW HUD/405/10
14. Electric vehicle charging points to be provided
15. Stand-off distances to drainage infrastructure

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91838>

Certificate of Ownership – Certificate A signed.

