
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 29-Jul-2020

Subject: Planning Application 2019/94051 Outline application of up to 39 dwellings and associated works Land off Burn Road, Huddersfield, HD3 3BT

APPLICANT

Mrs Carter

DATE VALID

13-Dec-2019

TARGET DATE

13-Mar-2020

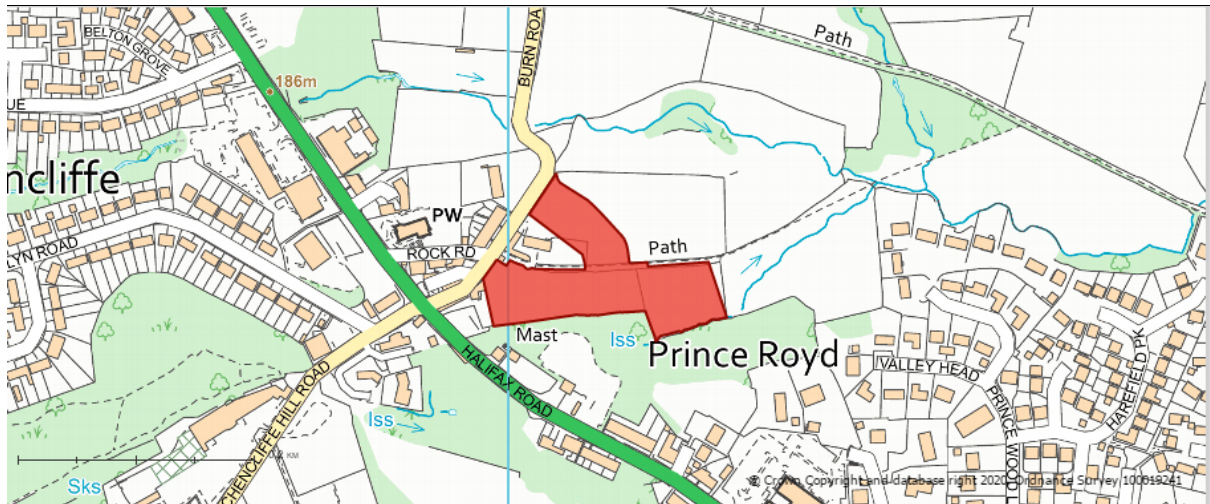
EXTENSION EXPIRY DATE

07-May-2020

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

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Financial contribution towards off-site improvement works along the Halifax Road
2. Management and maintenance of surface water features, prior to adoption.

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 Planning and Development 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 Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

- 1.1 The application seeks outline permission, with access as a consideration, for residential development. The site is a greenfield site allocated for housing (HS35) within the Kirklees Local Plan.
- 1.2 The application is brought to the Planning Sub-Committee (Huddersfield Area) because the site area exceeds 0.5ha (but less than 61 units), in accordance with the requirements of the Scheme of Delegation to Officers.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is a field to the east of Burn Road. The site is level to the north half and slopes steeply downwards to the south. PROW HUD/399/10, part of the Kirklees Way, runs through the site.
- 2.2 To the site's south and east is woodland. A watercourse runs through the southern woodland. To the north is a former field which is being developed for residential use (95 units, approved June 2018), with other residential developments ongoing further north (see planning history). Burn Road connects to Halifax Road to the south (beyond the woodland).

3.0 PROPOSAL

- 3.1 Outline application for the erection of up to 39 dwellings.

3.2 Access is the only matter that has been applied for. The proposed priority junction access is from Burn Road. It has already been part implemented, as the access is shared with the development of 2017/90180 which is being implemented at the time of writing.

3.2 Layout is a reserved matter however an indicative site layout plan has been submitted showing how the site could be developed. Notwithstanding the description, the indicative layout shows how 35 dwellings could be accommodated on site. All would be accessed from the proposed new road.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

2014/93039: Outline application for residential development – S106 Outline Permission

Note: This application included other land outside of the current application's boundary.

4.2 Surrounding Area

*Land at, Ainley Top/, Yew Tree Road and Burn Road**

2020/90942: Erection of 30 dwellings and associated works – Ongoing

*Land off, Burn Road**

2018/91838: Outline application for erection of residential development – S106 Outline Permission

*adj, 208, Yew Tree Road**

2018/90151: Outline application for erection of residential development – S106 Outline Permission

*Land at, Yew Tree Road/Burn Road**

2018/90776: Outline application for erection of up to 10 dwellings – Ongoing

*Land at Ainley Top/Yew Tree Road/Burn Road**

2017/90180: Erection of 95 dwellings with access from Yew Tree Road and Burn Road – S106 Full Permission

*98, Burn Road**

2016/90073: Outline application for erection of residential development – S106 Outline Permission

*Middle Burn Farm**

2016/90524: Outline application for erection of three dwellings (Within the curtilage of a Listed Building) – Conditional Outline Permission

2018/93944: Demolition of link and conservatory, erection of extension and alterations to convert existing leisure annex into separate dwelling (Listed Building) – Conditional Full Permission (2018/93945 allied LBC)

Note: the addresses marked by * either fully or partly fall within housing allocation HS35.

2020/90942: Erection of 30 dwellings and associated works – Ongoing

Note: re-plan seeking an increase of 10 units on part of the development approved via 2017/90180.

4.3 Planning Enforcement

Nonrelevant to the current application.

5.0 HISTORY OF NEGOTIATIONS

5.1 The application initially sought outline permission for 29 units. Officers did not consider this compliant with density policy. Discussions took place regarding increasing the density, which cumulated in an agreement of a new description of 'up to 39 units', which is policy compliant. This secures the potential for policy compliance at reserved matters stage, but also fixability should sufficient justification be given for a lesser density.

5.2 Further information regarding drainage, ecology and highways was requested. This was provided and accessed to be acceptable. Amendments were also secured to remove direct access for several units (on the indicative plan) directly onto Burn Road.

6.0 PLANNING POLICY

Kirklees Local Plan (2019)

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 The site is part (1.2ha) of a housing allocation HS35 (16.8ha) on the LP Policies Map.

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity

- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental air quality
- **LP53** – Contaminated and unstable land
- **LP63** – New open space

Supplementary Planning Guidance / Documents

6.3 The following are relevant Supplementary Planning Guidance / Documents published by Kirklees Council or national government.

- MHCLG: National Design Guide
- MHCLG: Technical Housing Standards
- Kirklees Local Plan Supplementary Planning Document – Highways Design Guide

National Planning Guidance

6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **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 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE

Statement of community involvement

7.1 The application is supported by a Statement of Community Involvement. Their process included sending letters to the closest neighbouring dwellings (83 premises) as well as forwarding the letter onto local ward members. The letter detailed that the site was allocated for residential development, however they welcomed feedback regarding the indicative layout (then 29 units).

7.2 15 responses were received. No comments from Ward Councillors were received.

- 7.3 A summary of the comments received is available in the Statement of Community Involvement. Subjects included, but were not limited to; residential amenity, the density being too much, technical issues including drainage, flooding and pollution.
- 7.4 The applicant notes these concerns, however considers that their final submission addresses all points raised.

Public representation

- 7.5 The application has been advertised via site notice and through neighbour letters to addresses bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.
- 7.6 Following the amendment to the scheme's description to 'up to 39 dwellings', the application was re-advertised via neighbour notification letter. These were sent to all neighbouring residents as well as to those who provided comments to the original.
- 7.7 The 2nd public representation period for the application expired on Wednesday the 15th of April, 2020. Nineteen public representations have been received in response to the public representation period. The following is a summary of the comments made:

- Insufficient infrastructure within the local area (i.e. schools and doctors) to support the increase in dwellings. Improvements are needed to local recreation areas.
- Traffic in the area is an issue; the proposal will exacerbate this. Improvements previously required have not been made yet. Several dwellings are fronting onto Burn Road and will result in the loss of parking.
- Loss of open rural fields which contribute to the character of the area, as well as the traditional form of nearby dwellings. Loss of natural stone wall on Burn Road, which is an attractive feature.
- The proposal is too close to other developments and will have cumulative effects.
- Noise and air pollution will be caused.
- Loss of amenity to neighbouring residents, including privacy.
- Concerns over access of waste service vehicles.
- Trees on site have been felled prior to the application.
- The proposal will cause flooding elsewhere.
- No. 10 Burn Road is a beautician and will be negatively impacted upon via the development.
- The PROW running through the site is popular and often used. Concerns it may be lost or blocked. It should be improved.

Local ward member interest

- 7.8 Due to the scale of the development, representing a major proposal, the local ward members were notified of the proposed development. The site falls within Lindley Ward, with the members being Cllr Cahal Burke, Cllr Richard Eastwood and Cllr Anthony Smith. No comments were initially received.

7.9 Councillors were re-notified following the plans being amended. Each Cllr responded, with their comments being summarised as being unsupportive of the proposal as, they consider, the area cannot support the increase number of houses, as the proposal is an overdevelopment. The cumulative impact of this site and neighbouring developments would harm local infrastructure.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways: No objection subject to condition.

The Environment Agency: On drainage, refer to their standing advise. On ground contamination, advised consultation with the council's Environmental health group. Other non-planning related advisory notes suggested.

8.2 Non-statutory

K.C. Crime Prevention: Advice provided.

K.C. Ecology (and Yorkshire Wildlife Trust): No objection subject to conditions.

K.C. Education: Confirmed an education contribution will likely be required.

K.C. Environmental Health: No objection subject to condition.

K.C. Landscape: Confirmed that landscaping and Local Area of Play contributions will likely be required.

K.C. Lead Local Flood Authority: Initially objected. Based on their feedback more details were provided which were reviewed and found to be acceptable. No objection subject to condition.

K.C. PROW: Noted the presence of PROW HUD/399 through the site and provided advise.

K.C. Strategic Housing: Advised provided on desired house type and tenure for affordable housing contribution.

K.C. Strategic Waste: Provided commentary on nearby contamination sources.

K.C. Trees: No objection subject to condition.

WYCA Metro: Provided advise on sustainable transport funding.

Yorkshire Water: No objection subject to condition.

9.0 MAIN ISSUES

- Principle of development
- Urban design
- Residential amenity
- Highway issues
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable development

- 10.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land allocation

- 10.2 The site is allocated as Housing on the Local Plan proposal's map, falling within the larger allocation HS35. Accordingly, the proposed residential use is acceptable. This is supported by LP1 of the Local Plan and Chapters 1 and 5 of the NPPF which establish a general principle in favour of residential development and the need to allocate and develop out appropriate land for it.
- 10.3 Nonetheless local and national policy require additional tests to ensure the proposed residential development is appropriate. LP7 of the LP and Chapter 11 of the NPPF establish a need to provide appropriate densities of dwellings. LP11 of the Local Plan and Chapter 5 of the NPPF seek to ensure an appropriate mixture of dwelling types and sizes.
- 10.4 First considering density, LP7 establishes an expected minimum density for allocated housing sites of 35 dwellings per ha, where appropriate. The application originally sought permission for 29 dwellings. At a site area of 1.2ha the site would be expected to accommodate 42 dwellings to comply with LP7's 35 dwellings per ha. Therefore, the original proposal did not comply with policy. However, LP7 includes a test of 'where appropriate'.
- 10.5 The application is outline, with all matters that would establish density reserved (i.e. layout, scale, appearance). Without these details for consideration, it is not considered reasonable to discount the site as being able to secure the policy compliant density. An indicative layout plan has been provided demonstrating how 35 units could be accommodated, however it is layout only, without elevations or sections. The applicant considers that 35 is the appropriate maximum density for the site, highlighting the steep topography and shape of the site as being constraints. Officers do note these comments, however as no formal or detailed layout, scale or appearance plans have been provided as justification for assessment by the LPA, the applicant's comments are not considered satisfactorily evidenced to justify a departure from LP7 at this time.

- 10.6 The neighbouring woodland to the site is protected by an area Tree Preservation Order. Part of the trees' root protection areas (RPA) encroach into the site. It is considered reasonable to remove the RPAs from the developable area. This leaves the site with a developable area of 1.11ha, which at 35 dwellings per ha would require 39 dwellings.
- 10.7 It was therefore agreed with the applicant that the application be amended to 'up to 39 dwellings', to secure policy compliance at outline stage. Should the applicant demonstrate, through the detailed submission of layout, scale and appearance details at reserved matters that the 35 dwellings per ha density of LP7 is not 'appropriate' on design grounds the description allows for flexibility on the number of units.
- 10.8 It is accepted that the density, and whether it is 'appropriate', has relevance for other material considerations. This notably includes amenity. These will be considered where relevant below.
- 10.9 Turning to housing mixture, the Local Plan seeks for a considered mixture of housing sizes (bedrooms) and type (detached, semi etc..). No details on bedroom provision per unit has been provided. This will be established at reserved matter stage. Regarding type, the indicative scheme shows the majority of units as semi-detached, with some detached and terraced properties. More terraced properties than indicated may be necessary at reserved matters stage, to comply with density targets. A higher proportion of semi-detached or terraced properties on this site is not opposed in principle, given that neighbouring developments (which predate the Local Plan) have a notably high proportion of detached properties. Officers are satisfied that at this time there is no evidence to suggest that an appropriate housing mixture could be achieved on the site.

Master-planning and an overview of planned development within the area

- 10.10 The site forms part of a large housing allocation within the Local Plan: allocated HS35. 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 243 dwellings: this is below the Local Plan's standard 35 dwellings per ha as developments approved within the allocation prior to the local plan that were below the density were included in the calculation.
- 10.11 Planning permission for 95 dwellings (2017/90180) has been approved on a significant proportion of the allocation: the 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). A cluster of three fields in the allocation's west each have outline permission for residential development. These are unnumbered, but with an anticipated cumulative capacity of 40 – 50 units (with the exception of 2018/90776, which is 'up to ten dwellings (2018/90776 was approved via committee, but not yet determined as S106 matters are concluding). Elsewhere an outline application for 3 dwellings on another part of the allocation to the north east of the site (2016/90524) has been approved.
- 10.12 Finally, a full planning application is under consideration for 30 dwellings on a site within the centre of the allocation, although it is an amended proposal.

- 10.13 The proposed development and those elsewhere within the allocation total 12.7ha. This leaves 4.1ha of HS35 remaining for potential development. 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.
- 10.14 Policy LP5 of the Local Plan relates to master-planning sites. Master-planning 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.
- 10.15 It is appropriate to consider the site in the context of master-planning, as it represents an example of multi-plotting and is a substantial area of the overall allocation. However, there has not been a masterplan prepared for Housing Allocation HS35 because a vast amount of the site benefited from planning permission prior to the Local Plan (and therefore the master planning requirements of LP5). Almost half of the allocation has already been taken up with a single development of 95 dwellings across two large parcels of land.
- 10.16 Conversely, the site is to share an access with part of the 95-dwelling application. This provides opportunities for improved connection and harmonious design. The protected woodland to the south and east limits the site's interaction with the neighbouring plots in the allocation in these directions, but consideration has been given to their connection (i.e. the southern pedestrian bridge). Ensuring that the site can achieve these objectives, or would be able to at reserved matters stage, will be considered below. Furthermore, the planning contributions will be considered with the view of master planning. This is also considered later within this assessment.
- 10.17 To conclude on the above, officers consider the principle of an outline residential development, with all matters reserved for up to 39 dwellings, to be acceptable and compliant with the policies of the Local Plan. While at outline stage, with the majority of the submitted plans being indicative, consideration must be given to the local impact and whether there are any prohibitive reasons why appropriate details could not be provided at Reserved Matters stage.

Urban Design

- 10.18 The site lies towards the edge of the built-up part of Birchenclyffe. To the south is woodland, with woodland and field to the east. The land to the north is however currently being developed as part of a development of 95 dwellings that also includes a further area of open land towards the north-west. This approved development will therefore substantially alter the semi-rural character of the area. In this context, along with other committed development in the area, it is considered that additional residential development on the site would not significantly harm the landscape's character.

- 10.19 Turning to the specifics of the indicative plan, officers hold concerns over the indicative layout details as shown. The indicative proposal puts a heavy emphasis on vehicle parking to the front of dwellings. This, plus the linear road serving the southern plots, would result in a sterile environment of hard surfacing that would not create a visually pleasant and welcoming environment.
- 10.20 Notwithstanding this, the application is outline with access the only matter applied for. Consideration of landscape, layout, scale and appearance – which will determine the proposal’s impact on visual amenity – are also reserved for future approval. The site’s topography is acknowledged to be a constraint to development which a prospective developer would need to be addressed. Regardless, officers are satisfied that no prohibitive issues have been identified which would prevent a residential scheme being brought forward that would not cause undue harm to the built environment or wider landscape.
- 10.21 As referenced within paragraph 10.4 and 10.8, should it be demonstrated through detailed plans that the density of 35 dwellings per hectare is not appropriate from an urban design perspective (or other material consideration), there is scope for reduction at Reserved Matters stage.
- 10.22 Given the above considerations, officers are satisfied that there are no probative reasons why appropriate details could not be provided at reserved matters stage. Accordingly, based on the details held at this time, officers are satisfied that subject to appropriate details being provided at reserved matters the proposal would not cause harm to visual amenity or conflict with the aims and objectives of LP24 or the KLP or Chapter 12 of the NPPF.
- 10.23 Due west of the site is a cluster of Grade 2 listed buildings. This includes St Philip’s Church. Given the separation distance and built development between the site and the listed building, officers consider that the proposal would not impact upon these buildings. This is giving due regards to the requirements of S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Residential Amenity

- 10.24 LP24 seeks to protect the amenity of residents, stating proposals should ‘provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings’. This reflects the guidance of Chapter 12 of the NPPF.
- 10.25 There are no closely spaced residential properties to the south or east of the site. The dwellings that are sited in these directions are separated from the site by thick and mature woodland.
- 10.26 Cliffe Farm would be enveloped to its north, east and south by the proposed development. Based on the indicative separation distances, officers are satisfied that the site may be developed without causing overbearing, overshadowing or overlooking upon Cliffe Farm’s dwellinghouse. Appropriate boundary treatment will be needed to prevent harm to Cliffe Farm’s garden space, which backs onto the new dwellings’ gardens. Nonetheless this would be a consideration of landscape: no probative reason why appropriate details could not be provided at reserved matters stage have been identified.

- 10.27 Other neighbouring dwellings are on Burn Road, to the site's west. The majority of the new units would be removed from Burn Road and would not impact upon the existing properties upon it. Plots 1 and 33-35 are however adjacent to Burn Road. Plot 1 is well separated from properties on Burn Road and does not raise concerns. Plots 33-35 are shown as a terrace row and, on the indicative plan, are close to 3 properties; nos. 6, 10 and 29 Burn Road. Nos. 6 and 10 have blank side walls facing the new units and whereas no. 29 faces the (assumed) blank wall of plot 35. This arrangement does not raise immediate concerns, however careful consideration will be required of the further details at Reserved Matters stage to ensure the proximity does not result in harm.
- 10.28 2017/90180 approved dwellings along the north-side of the proposed access, while the proposed indicative plan shows dwellings along the south side. The separation distance typically varies between 19.5m to in excess of 21m. For new dwellings facing one another across a road, this is deemed acceptable. Plot 10's separation falls to 18m, which is a potential cause for concern. Nonetheless, given that the plan is indicative and the size of the site allows flexibility, this is not considered prohibitive at this time.
- 10.29 Dust, artificial light, noise and vibration associated with the construction phase of the development will have the potential to cause a significant impact on nearby residents. It is therefore necessary for the applicant to provide a construction environmental management plan that provided details of the mitigation measures that will be taken to minimise any adverse impact.
- 10.30 Consideration must also be given to the amenity of future occupiers. Layout and scale are reserved matters: based on the details held officers are satisfied that suitably sized dwellings, with commensurate garden spaces, can be accommodated on the site. The exemption to this is the indicative gardens for plots 34 and 35, which have relatively small gardens. However, the shortfall is not considered so great that it could not be addressed at reserved matters stage.
- 10.31 It is presumed that primary habitable room windows would be aligned front/rear. For the majority of units this presumption would prevent concerns of overbearing, overshadowing or overlooking. Based on the indicative details, plots 33 – 35 face the side elevation of plot 32 at a minimum of 10.8m. Topographical differences or screening may prevent concerns regarding overbearing, as would an increase in the size of these units' gardens (as considered above). The other exemption is plot 10, which faces plots 22 and 23 at 16.3m. As above, this shortfall is a cause for concern but will be addressed at outline stage: the concern is not so great to suggest that the site could not be reasonably developed at reserved matters stage.
- 10.32 The proposed development is close to busy highways. Noise from the highway will have the potential to have an adverse impact on the future occupiers of the site. The application is supported by a Noise Impact Assessment which identifies that noise mitigation measures will be necessary for certain plots. A condition requiring details of necessary noise mitigation measures is therefore necessary, to comply with the aims and objectives of LP52 of the KLP.

- 10.33 It is acknowledged that greater density, as discussed within paragraphs 10.4 – 10.8 may impact upon the assessment undertaken on the indicative plans (which shows 35 dwellings). Nonetheless, this will form a consideration for the reserved matters application. Based on the details held at this time, for the reasons given above and subject to condition, the proposal in principle is capable of complying with Policies LP24 and LP52 of the LP and Chapters 12 and 15 the NPPF in relation to residential amenity.

Highways

- 10.34 Consideration is first given to the proposals impact upon the local highway network. The anticipated traffic generation from this development based on 39 dwellings is 27 two-way movements in the AM peak and 28 in the PM peak periods. However, the site formed part of the land included within 2014/93039's outline consent for 190 dwellings. As part of 2014/93039's approval, a set of highway improvement 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.
- 10.35 In addition to the above, financial contributions towards improvements to the A629 Halifax Road and a residential travel plan (including Metro Cards) were required.
- 10.36 The constraints of the site subject to 2014/93039 prevented a reserved matter coming forward for the whole site. A separate full planning application, ref 2017/90180 was submitted for the majority of the site approved by 2014/93039, excluding that under consideration currently. As part of 2017/90180's approval, the developer was required to provide all of the highway improvements that were necessary for the 190-dwelling scheme, (as listed within a) to e) above), along with commensurate financial contributions towards improvements to the A629 Halifax Road and a residential travel plan (including Metro Cards).
- 10.37 The development approved under application 2017/90180 is under construction. The current position in relation to the abovementioned secured highway works is that S278 agreements with the Council for the delivery of the highway works is in place and are/will be constructed as 2017/90180 is being built out.
- 10.38 Accordingly, the local area highway network has already been enhanced (or shall be enhanced via secured improvements) to accommodate an increase of 190 dwellings. Subtracting the 95 units approved via 2017/90180, there essentially remains a residual of 95 dwellings which was assessed within the initial highway modelling. There are also a number of permissions/proposals for much smaller residential developments on other parts of the housing allocated and adjacent land. 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.

2018/91838 – Outline application for circa 20 units. Access was the only matter considered with the access being a single point of access off Burn Road. A financial contribution to the A629 Halifax Road improvement scheme was secured.

10.39 Adding the above approved units to those proposed (up to 39) gives a figure of 86. This, plus the 95 of 2017/90180, falls below the original 190 dwellings analysis that led to the secured improvements.

10.40 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 Birchencliffe 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)

- 10.41 The proposed development will provide a contribution towards the improvements to this main arterial route. A metro sustainable travel contribution will also be sought (considered further below). A Travel Plan shall also be sought via condition, to minimise vehicle movements.
- 10.42 Based on this assessment and provisions to be secured via condition and S106, planning officers and K.C. Highways are satisfied that the proposal development would not cause harm to the safe and efficient operation of the highway through increased traffic movements.
- 10.43 Looking beyond traffic generation to the specific details of the proposal, access has been applied for. However, the proposed access is the same as that approved via 2017/90180 and has been construction. The access is considered acceptable to serve the proposed development cumulative with 2017/90180.
- 10.44 Other factors relating to highways, including parking, serving and internal turning, fall under consideration of the Reserved Matters. The indicative details provided at this time suggests that acceptable parking, serving and internal turning arrangements could be secured and do not raise concerns. Additionally, conditions are to be imposed requiring technical details of the internal adoptable roads, any retaining walls adjacent to the highway and a construction management plan, along with relevant informative notes.
- 10.45 PROW HUD/399/10, part of the Kirklees Way, runs through the site. KC PROW welcomes the separation of the public footpath Huddersfield 399 from the proposed estate road, but would ask for further details of the surface, separation, boundary treatment and details of the estate road crossing the footpath. Public footpaths are not footways and KC PROW would not look to support the public footpath being subsumed into an adjacent tarmac surfaced footway. Officers proposed that the above be addressed via condition, with technical details of the proposed works to the PROW and its relationship to the development to be provided at Reserved Matters stage.
- 10.46 In conclusion, subject to the detailed conditions and S106 agreement provisions, officers and K.C. Highways are satisfied that the proposed development would not harm the safe and efficient operation of the Highway, in accordance with LP21 of the KLP and Chapter 9 of the NPPF.

Planning contributions

Affordable Housing

- 10.47 In accordance with Policy LP11 of the LP and the Interim Affordable Housing Policy 2016 the provision of affordable housing is a material planning consideration. These policies seek a contribution of 20% of built units is sought.
- 10.49 As the application is made at outline with the number of units and their size not detailed, in order to secure this requirement a standard condition securing this provision can be imposed for when further details are available.

Education

- 10.50 In line with the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), depending on the number of units sought at Reserved Matters stage (25+), the proposed development is likely to attract a contribution towards additional School Places it generates.
- 10.51 Given that the number of dwellings proposed is indeterminate at this stage, it is considered that a standard education contribution condition should be imposed and the matter examined at Reserved Matters stage, when the number of dwellings proposed is put forward.

Highways

- 10.52 It has been previously mentioned WYCAS Metro seek a contribution for sustainable travel, suggested as bus passes. The aim of this is to support sustainable transport measures. Another potential option is for the contribution to be used to enhance the Kirklees Way, which goes through the site. The need for such provisions would be determined at reserved matters stage, where the number of dwellings is confirmed, and a relevant condition is proposed.

Public Open Space

- 10.53 LP63 requires the provision of Public Open Space and Local Areas of Play for residential developments. The amount requires depends on the number of units proposed, which is unknown at this time. In order to secure this provision at this time, a condition can be imposed. The layout of the POS and LAP, if an on-site contribution is proposed, will need to be considered at Reserved Matters stage (layout / landscape), or alternatively an off-site financial contribution, if found to be appropriate.

Other Matters

Air pollution

- 10.54 In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapters 9 and 15 of the NPPF, local policy contained within policies LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm.
- 10.55 Considering the site from a master-planning perspective, an air quality impact assessment was submitted for application 2014/93039 for the erection of 190 dwellings on the majority of the former POL site (now a housing allocation) 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.
- 10.56 Progressing from the above, given the scale and nature of the development officers seek the provision of electric vehicle charging points, one per dwelling. The purpose of this is to promote modes of transport with low impact on air quality, in accordance with the aforementioned conditions.

Climate change

- 10.57 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.58 The application is supported by a climate change statement. It highlights the site's close proximity to local stores, which will reduce car dependence. Other amenities, including restaurants, communities' centres and nearby bus routes, are also raised. At reserved matters, it is intended to include details for bike storage and charging points. Consideration has been given, and continues to be given, to minimising flood risk and maximising solar gain. Finally, they reference the strict requirements of building regulations which will be complied with, and the additional expectations of the NHBC (National House Building Council) who they seek certification from.
- 10.59 The application is at outline stage. Therefore, confirmation of the above will need to be secured at Reserved Matters stage. Nonetheless, officers are satisfied that the proposal has demonstrated that the site has the capability to be developed without harming the climate change agenda.

Contamination and Contaminated land

- 10.60 The proposed development is adjacent to a historic landfill site and because of that together with the size of the proposed development contaminated land issues need to be considered. The applicant has submitted a Preliminary Geoenvironmental Investigation by Lythos dated April 2014 (ref: 1841/1). However, the submitted report (which has been previously assessed and accepted in connection with a previous application on site) is now 6 years old. Over the intervening years, there may have been potentially contaminative events on the site and adjacent land that the submitted report will not have considered. Therefore, notwithstanding the submitted details, a new Phase 1 report, or an update addendum to the submitted report is necessary.
- 10.61 The contaminated land conditions would have to be pre-commencement. This is necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out at the appropriate stage of the development process. Officers support the implementation of these conditions, to comply with policy LP53 of the LP and Chapter 15 of the NPPF.

- 10.62 Further to the above, the site is 170m from a former landfill site. This separation is considered sufficient to prevent reasonable harm to the site from the former landfill (i.e. gas generated) and will be considered in the conditioned contaminated land survey. Nonetheless, the Council's Minerals Planning Officer advises an informative note be placed on the decision notice relating to the site's proximity to the landfill. This is deemed reasonable.

Crime mitigation

- 10.63 K.C. Crime Prevention have reviewed the proposal. They have no objection however have provided a set of advice on crime mitigation and prevention measures. These principally relate to finer details of the proposal. Where relevant these will be considered at Reserved Matters stage however a note, drawing the application to the attention of the advice provided, is to be placed on the decision notice. Subject to this, officers are satisfied that LP24 has been complied with at this stage.

Drainage and flood risk

- 10.64 The site is within Flood Zone 1. Therefore, neither a sequential test (flood risk) nor exemption test is required. However, as the site area exceeds 1ha a site-specific flood risk assessment is required. As major development a drainage strategy is also required.
- 10.65 Considering flood risk, consultation has been undertaken with the Environment Agency, who request that the application be considered against their standing advice. This includes the LPA satisfying itself that surface water management, access and evacuation and floor levels have been appropriately considered. Surface water management is considered below. Regarding access and evacuation and floor levels, officers are satisfied that this has been appropriately considered and will be enforced via a suitably worded condition.
- 10.66 Progressing to surface water management, as an outline application with most matters reserved, only early details may be provided. The submitted details have been reviewed by the Lead Local Flood Authority, who consider them to be acceptable subject to conditions requiring further full details. A condition is also sought for details on temporary surface water, during construction. The S106 is to include a clause regarding the management and maintenance of the surface water drainage system, prior to its formal adoption. Accordingly, officers are satisfied that the proposal complies with Policies LP27 and LP28 of the KLP and Chapter 14 of the NPPF.

Ecology

- 10.67 The application is supported by an Ecological Impact Assessment. This has been reviewed by K.C. Ecology. The site is predominantly lowland acid grass and offers limited ecological value, the loss of which may be offset through appropriate mitigation. However, as detailed design has not taken place yet, the mitigation cannot be detailed until Reserved Matters stage. Local and National Policy seeks for development to result in a net increase, in this case 10%, to local ecological value. A condition is sought requiring the reserved matters to be supported by a further Ecological Impact Assessment, to detail the 10% enhancement. Subject to this condition, officers are satisfied that the proposal complies with the aims of LP33 of the KLP and Chapter 15 of the NPPF.

Mineral safeguarding

- 10.68 The site falls within a mineral safeguarded area. LP38 requires all such developments, bar certain exemptions, to demonstrate that:
- a. the mineral concerned is proven to be of no economic value as a result of the undertaking of a Mineral Resource Assessment; or
 - b. the development will not inhibit mineral extraction if required in the future; or
 - c. there is an overriding need for the development; or
 - d. the mineral can be extracted prior to the development taking place
- 10.69 The applicant has provided a mineral note in response. They highlight that the site is a housing allocation. Therefore *'there is a requirement for this site to come forwards for residential development in the near future to ensure that the requisite new housing numbers are delivered in the Plan Period and Kirklees are able to deliver their supply of housing in accordance with their 5-year supply position.'* It is also stated that the cost of extraction and remediation prior to development would be extensive and not economically viable. Finally, the presence of close residential properties would make mineral extraction compatible with the area.
- 10.70 Officers do not dispute the applicant's assessment and consider the proposal compliant with LP38.

Trees

- 10.71 There are several unprotected mature trees within the site. There is also protected woodland, via an area TPO, around the south and east boundaries.
- 10.72 The proposal is outline with all matters reserved. Therefore, the proposal's impact upon the identified trees cannot be fully established. However, officers and K.C. Trees are satisfied that the indicative layout demonstrates that the site can be developed without causing undue harm to the protected trees. Any subsequent reserved matters application (layout, landscape specifically) should be supported by full arboricultural reports (securable via condition) to demonstrate there would be no materially detrimental impact upon the trees caused.
- 10.73 Based on the details held at this time, officers are satisfied that the proposal complies with the tree-based objectives of LP33 and Chapter 15 of the NPPF.

Representations

- Insufficient infrastructure within the local area (i.e. schools and doctors) to support the increase in dwellings. Improvements are needed to local recreation areas.

Response: There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, policy LP49 identifies Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that

funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, additional funding would be provided for health care is based on any increase in registrations at a practice. Long-term funding of health facilities is being considered as part of the Local Plan and Community Infrastructure Levy (CIL).

With regards to school spaces, should the Reserved Matters proposed seek 25 or more units, an education contribution will be required. This is to be secured via condition. Regarding Public Open Space and Local Areas of Play, a contribution will be required unless they are provided on site. Their provision on site is not currently desired and therefore a contribution is expected. This will be used to enhance local areas, however as the value of the contribution is depended on the number of properties at Reserved Matters stage, a condition is sought.

- Traffic in the area is an issue; the proposal will exacerbate this. Improvements previously required have not been made yet. Several dwellings are fronting onto Burn Road and will result in the loss of parking.
- Concerns over access of waste service vehicles.

Response: A detailed assessment of the proposal's impact upon the local highway network has been undertaken within paragraphs 10.34 – 10.42. In summary, the previously required highway improvement works are considered sufficient to accommodate the proposed development. While not complete, they are secured via the build of app 2017/90180, which has commenced.

The dwellings initially shown fronting onto Burn Road on the indicative plan have been rotated and now are accessed from within the site. No new dwellings would be accessed from Burn Road.

Based on the details held, there is no prohibitive reason why satisfactory waste arrangement details could not be accommodated.

- Loss of open rural fields which contribute to the character of the area, as well as the traditional form of nearby dwellings. Loss of natural stone wall on Burn Road, which is an attractive feature.

Response: the visual impact of the proposal has been considered and found to be acceptable. While the proposal would remove the site as an open field, subject to good quality details being provided at Reserved Matters stage, it is not the site's development is not considered detrimental to visual amenity. The stone wall is shown on the indicative plans to be retained. Its retention will be considered at Reserved Matters stage.

- The proposal is too close to other developments and will have cumulative effects.

Response: Where relevant the cumulative impacts of the proposal have been considered within this report. Elsewhere, each application must be assessed on its own merits, giving due weight to planning history.

- Noise and air pollution will be caused.

Response: Residential units are not considered noise pollutants and residential users next to one another is not a cause for concern. Consideration on air pollution has been undertaken in paragraph 10.54 – 10.56 and is to be addressed via EV Charging Points.

- Loss of amenity to neighbouring residents, including privacy.

Response: Consideration on the impact upon neighbouring residents has been given within paragraphs 10.25 – 10.28. based on the indicative details held, officers are satisfied that satisfactory details may be provided at Reserved Matters stage.

- Trees on site have been felled prior to the application.

Response: Numerous trees along the site's south and east boundaries benefit from a TPO. However, officers currently have no evidence that any TPO trees have been felled.

- The proposal will cause flooding elsewhere.

Response: A flood risk assessment and surface water drainage strategy have been provided with the application. These have been reviewed by the LLFA (detailed in paragraphs 10.64 – 10.66) and found to be acceptable, subject to conditions.

- No. 10 Burn Road is a beautician and will be negatively impacted upon via the development.

Response: Following the amendments to remove direct access onto Burn Road, the existing parking arrangements on Burn Street shall be retained. Officers are satisfied that there will be no undue impact upon the business.

- The PROW running through the site is popular and often used. Concerns it may be lost or blocked. It should be improved.

Response: The PROW through the site is to be retained. A condition is to be imposed requiring the developer to detail what works are proposed to it. It will be kept separate from the highway footway.

11.0 CONCLUSION

11.1 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.

11.2 The proposal seeks residential development on a housing allocated, with the development having the potential at reserved matters stage to achieve an acceptable density of dwellings. Therefore, the principle of development is considered to be acceptable. This is with a caveat that site specific constraints may prevent a density of 35 dwellings per ha, although will require detailed justification and demonstration from the applicant.

- 11.3 Considering the local impact, the proposal is outline with all matters reserved but access. The proposed access has already been approved via a neighbouring development and is considered suitable to serve the cumulative traffic demands of the proposals. Turning to the reserved matters of landscape, scale, appearance and layout, based on the indicative details provided, officers are satisfied that there are no prohibitive reason why appropriate details may not be provided at reserved matters stage.
- 11.4 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 Planning and Development)

1. Standard OL condition 1 (submission of reserved matters)
2. Standard OL condition 2 (implementation of reserved matters)
3. Standard OL condition 3 (reserved matters submission time limit)
4. Standard OL condition 4 (reserved matters implementation time limit)
5. Contaminated land investigation and appropriate remediation pre-commencement conditions
6. Full drainage scheme to be provided prior to commencement
7. Overland flow routing plan to be provided prior to commencement
8. Temporary surface water drainage plan to be provided prior to commencement
9. Noise mitigation
10. Construction environmental management plan
11. EV Charging Points
12. Layout to include Arboricultural Impact and Methodology assessments
13. Affordable housing contribution
14. Education contribution
15. Public open space and local area of play contribution
16. Metro contribution
17. Ecological Impact Assessment, to include 10% net gain
18. Done in accordance with FRA.
19. PROW works to be detailed at Reserved Matters stage
20. Internal adoptable roads details to be provided prior to development commencing
21. Construction management plan to be provided prior to determination
22. Private parking areas to be provided
23. Travel Plan to be provided
24. Structural details provided for retaining walls adjacent to the highway

Note: Standard PROW advise

Note: Informative regarding Crime mitigation notes

Note: Advisory note on proximity to former landfill site

Note(s): Highway informative

Background Papers

Application and history

Files accessible at;

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/94051>

Certificate of Ownership

Certificate B signed. Notice served on Harron Homes, Colton House, Temple Pint, Leeds, LS15 9LJ