
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 16-Sep-2020

Subject: Planning Application 2019/93550 Erection of 250 dwellings Land east and west of, Netherton Moor Road, Netherton, Huddersfield, HD4 7JF

APPLICANT

R Allsopp, Persimmon
Homes and Charles
Church (West Yorkshire)
Ltd

DATE VALID

30-Oct-2019

TARGET DATE

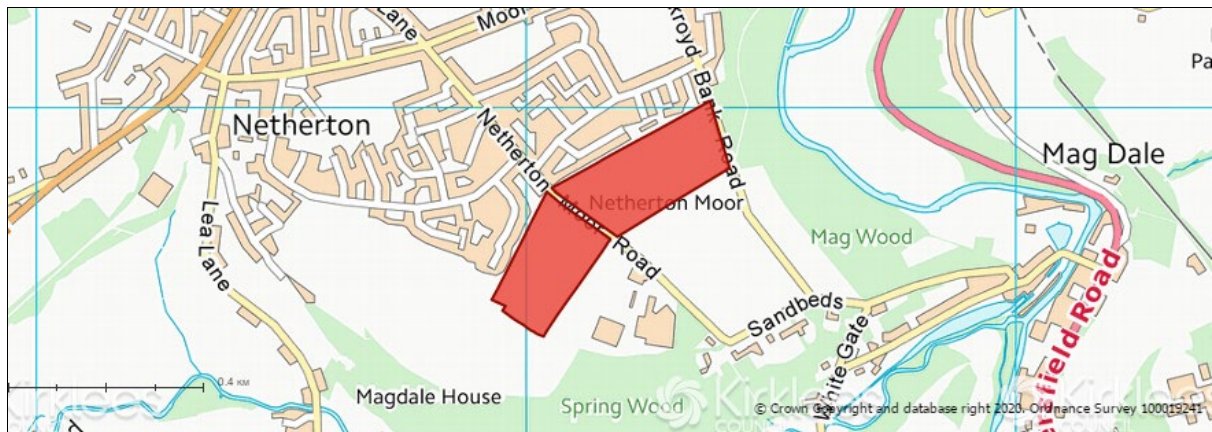
29-Jan-2020

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: Crosland Moor and Netherton

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. Affordable housing (50 dwellings on-site as per the submitted layout with a tenure split of 28 social or affordable rented dwellings and 22 intermediate dwellings)
2. Education contribution towards primary provision (£617,768)
3. Off-site open space contribution to upgrade existing facilities in Netherton (£243,096)
4. Sustainable travel fund including a contribution towards the provision of two bus shelters (£153,875)
5. Travel Plan monitoring fee (£15,000)
6. £50,000 contribution towards the delivery of the proposed core walking and cycling network within the vicinity of the site (the Meltham Greenway)
7. Maintenance and management arrangements for the areas of public open space and landscaping within the site and any other areas not falling within private curtilage
8. Future maintenance and management arrangements for the surface water drainage infrastructure within the site

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 is brought forward to the Strategic Planning Committee in accordance with the Council's Scheme of Delegation because of the scale of the development proposed.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site consists of two separate housing allocations that are separated by Netherton Moor Road and which lie on the south eastern edge of the village of Netherton.
- 2.2 Both parcels of land consist of open fields bound by drystone walls. The land to the east of Netherton Moor Road slopes down very gradually towards Hawkroyd Bank Road and the land to the west of Netherton Moor Road has a gently undulating topography.

2.3 To the north western boundary of the site is residential development that includes a mixture of traditional two storey houses and bungalows. The remainder of the site is surrounded by Green Belt land. A short distance to the south east is Hinchliffe's farm shop and there is an area of protected woodland to the east of the site on the opposite side of Hawkroyd Bank Road.

3.0 PROPOSAL:

3.1 Full application for the erection of 250 dwellings.

3.2 The proposed layout shows a mixture of detached, semi-detached and terraced dwellings set off a series of estate roads and private driveways and interspersed with pockets of green space along with landscaped buffers to much of the external site boundaries.

3.3 Each parcel of land is served via a single estate road off Netherton Moor Road and a number of properties also have individual points of access directly off the public highway.

3.4 The proposal comprises of a mixture of two and three storey properties where the three storey properties have their upper floor within the roof space.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None

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

5.1 A formal pre-application enquiry was submitted in 2019 for the erection of 220 dwellings on the site. The applicant was advised to reconsider the proposed density of development in relation to the council's policy on the efficient use of land (LP7) i.e. increase the density so that it better reflected the indicative capacity of these two housing allocations. Technical advice was provided on highway matters as well as guidance on drainage, trees/ecology and conservation issues.

5.2 When this application was first submitted it was for 215 dwellings. Officers requested that the applicant increase the density by improving the housing mix and reducing the number and/or size of the pockets of open space within the site. In response to this the applicant submitted the current proposal for 250 dwellings and the relevant supporting information was updated accordingly.

5.3 The increase in the quantum of development has been achieved in part by the removal of the dwellings that were to be constructed under the applicant's Charles Church brand and which predominantly comprised around 70 larger family houses on the eastern parcel. The development would now be entirely built out under the Persimmon brand and includes more semi-detached and terraced housing. The house types across the site were amended alongside the layout change. The numerous areas of open space have also been altered to make a more efficient use of the land.

- 5.4 Additional information was requested to support the highways and drainage assessments and there have been changes to the internal site layout to address highway issues.
- 5.5 The spread of affordable housing across the site has been amended so that there is more 'pepper potting' of the affordable dwellings. A contribution towards the Meltham Greenway has also been sought from the applicant.

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

6.2 Kirklees Local Plan (2019):

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP11 – Housing mix and affordable housing
LP20 – Sustainable travel
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
LP49 – Educational and healthcare needs
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP63 – New open space
LP65 – Housing allocations

6.3 Supplementary Planning Guidance / Documents:

Highway Design Guide Supplementary Planning Document
Kirklees Interim Affordable Housing Policy (January 2020)

6.4 National Planning Guidance:

Chapter 2 – Achieving sustainable development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
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
Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been subject to two rounds of publicity. The application was initially publicised by site notices, neighbour letters and press advert. A second round publicity was undertaken following the increase in the number of dwellings to 250 and the submission of additional and amended supporting information; this involved sending letters to all neighbours and interested parties.
- 7.2 In response a total of 774 comments have been received to both rounds of publicity. A summary of the representations received is provided as follows:

General principle

- Site is Green Belt and should be protected
- Brownfield sites should be developed before greenfield sites such as this
- Loss of agricultural land
- Unsustainable location for a development of this scale

Density

- Overdevelopment/too many houses proposed
- The amendment to the application to increase the number of houses from 215 to 250 exacerbates the impacts of the development

Heritage

- Harmful impact on heritage including Castle Hill and Honley Conservation Area

Visual amenity/character:

- Negative impact on the character and visual amenity of the area as well as the wider landscape setting
- Loss of green fields
- Erosion of the character of Netherton village
- Village will feel more like a housing estate
- Unattractive house designs/design not in keeping with surroundings
- Natural stone should be used
- No dwelling should be greater than two storeys in height (2.5 storey dwellings inappropriate)

Residential amenity

- Detrimental impact on the adjacent residential properties – overlooking/loss of privacy, overbearing effect, loss of light/overshadowing and loss of outlook
- Dwellings and garages too close to the boundary with adjacent property, many of which are bungalows
- Impact on noise pollution
- Impact on air pollution/air quality
- Light pollution
- Amenity concerns with the proposed foul pumping station
- Concerns that garages will be converted into living accommodation

Highway safety

- Technical notes have been submitted which provide a detailed review of the applicant's Transport Assessment and the highways implications of the development.
- The traffic generated will add to congestion on the local road network to the detriment of highway safety
- The local road network is unsuitable to cope with the additional traffic generated
- The safety of local people who use this area would be prejudiced; this includes walkers, horse riders, school children, dog walkers, cyclists, elderly residents and young families.
- Local road infrastructure requires upgrading to accommodate the development e.g bridge strengthening, road widening, footways and lighting
- This section of Netherton Moor Road is a country lane and unsuitable for the proposed level of traffic
- Netherton Moor Road lacks footways to provide safe pedestrian access
- Poor walking access routes within the locality
- The PROW to the east of the site is not a suitable access route, as has been suggested by the applicant
- Proposed highway works are insufficient/inadequate
- There are existing highway safety issues in the vicinity of the site and the development will add to these
- Some of the house types have substandard sized garages
- Area is used by walkers and horse riders; development will affect safety of existing users
- The proposal will add to the traffic and highway safety issues arising from other approved housing developments in the local area
- Concerns that on-street car parking will harm highway safety
- Additional wear and tear on the road network
- Existing issues with highway safety close to the local infant and junior school; development will add to this
- Supporting highway information is insufficient and inaccurate
- Transport links are inadequate
- The frequency of local bus services is poor and undermines the applicant's Travel Plan
- Traffic issues may impact on emergency response vehicles

Drainage/flood risk

- Detrimental impact on drainage
- Loss of natural drainage
- Development will increase flood risk off-site
- Development will add to existing drainage/flooding problems
- Concerns that the proposed soakaway system is unsuitable and will not work and will result in re-emergence causing flooding problems

Ecology

- Detrimental impact on wildlife/ecology, including protected species
- The site is rich in wildlife; this will be lost
- Loss of habitat
- Development will harm the ecological value of adjacent land

- Nocturnal species will be affected by light pollution
- Impact on ancient woodland

Infrastructure

- Impact on local infrastructure including schools, medical facilities, roads, sewage system and shopping facilities.
- The Co-op store in Netherton is a convenience store and not a supermarket, as suggested by the applicant
- Current infrastructure is already overstretched and cannot cope with the additional burden that would arise from 250 new dwellings

Other matters

- Impact of construction on local residents – disruption, highway safety concerns and nuisance
- Much of the supporting information is flawed and there are concerns with its accuracy
- Proposed housing does not meet a full range of needs e.g. no bungalows provided
- Insufficient time to comment on the amended plans
- Impact of dust on livestock and crops
- Concerns raised with the quality of the applicant's construction based on their other developments
- Layout not conducive to crime prevention
- Development will result in a loss of amenity value currently provided by the site
- The contribution to the Meltham Greenway is a 'sweetener' to get the application approved
- No proposals for play areas
- Impact on climate change

7.3 Ward Councillors were notified of the application and the amended proposals. The following comments have been received:

Councillor Manisha Kaushik

"As a Local Ward Councillor I would like to object to this application on the following grounds:

The erection of 215 new homes for Plots HS19/HS21 is totally excessive and cannot be accommodated on this site. Indeed, Persimmon & Partners plan to build 215 homes which covers half the allotted Green Belt land for East of Netherton Moor Road. Hence, the housing totals are already in excess of that allocated to the site for plots (Ref, Local Plan 281/ 283 now HS19/ HS21).

Also, there would be significant impact on traffic and safety throughout Netherton Village and insufficient infrastructure to support the additional load for School and Doctors/Dentist surgeries."

Councillor Kaushik subsequently commented that *"Please note that my previous objections still stand as I believe even 250 houses are still excessive on these two housing allocation site."*

Councillor Erin Hill

"I write to express my concerns at the proposed development on land to the east and west of Netherton Moor Road (application number 2019/62/93550/W).

Let me say first of all that I appreciate very keenly the need to make communities like Netherton sustainable, and believe that new housing can and should play a part in this if we are to ensure that the village is able to provide a home and a future for the next generation of inhabitants. My objections are prompted not by a blanket dislike of new developments, but by several very specific concerns about this particular application which I feel have not been adequately addressed, and which are causing great concern to my constituents.

*The first and most obvious of these is **Highways**. There are already significant issues around this in Netherton.*

The developer's own modelling shows that the junction of Moor Lane/Meltham Road will be operating over capacity. This junction is already problematic, particularly at peak times, but can easily back up at quieter times as well. This will have a knock on effect for the rest of Netherton but also further afield. I am concerned that no mention appears to have been given to the alternative routes which already back up when this junction is busy, namely Bank Foot/Armitage Bridge and Delph Lane/Meltham Road.

I am also unconvinced by the walking and public transport plans. The area around Netherton is certainly a beautiful one for walking and cycling, but it is by no means always easy or suitable for daily commuting in this way - particularly school and nursery drop-offs, which will obviously involve young children, pushchairs, etc. The PROW cited in the plan is an unlit, unpaved mud track through Mag Wood, emerging on a blind bend at Bank Foot. I do not believe that this is in keeping with the council's post-COVID commitment to sustainable walking and cycling routes and can not see any commitment from the developer to improving this route. The alternative option - walking into Honley - is also not necessarily an easy walk. Sections of the route are without footpaths and there are significant steep gradients, with implications for those with disabilities, pushchair/wheelchair users, etc.

*Secondly, **the environment**.*

West Yorkshire has seen catastrophic flooding over recent years, and at our current rate of environmental crisis, this is likely to worsen rather than ease. This is a significant concern to me on this application, as the area around Sandbeds is particularly prone to flooding. The site currently acts as natural drainage, and I am very concerned that the LITHOS survey does not guarantee that the measures proposed by the developer will be adequate.

I also note that the number of houses has increased from 215 to 250. I understand that this is as a result of discussions with the council indicating that the developer was not using the site to full capacity. However, this is concerning both in terms of the corresponding increase in impact of the development, but also in the quality of the houses which would eventually be built now being much more crowded together with no buffer between several dwellings on the east side. The increase is also likely to cause a corresponding increase in demand for local services and amenities - schools, doctors, dentists, etc - which I do not believe to be sustainable.

I also have concerns about the bigger picture. It must be appreciated that there are other developments proposed in the area - while I understand that these are not currently under consideration, this is an issue that is of concern locally.

Netherton residents are not stupid, and in discussions I have had, there is a keen appreciation that some growth and development is natural and necessary if people are to have somewhere to live. But the proposal still only contains 50 affordable homes, which may be 'policy compliant' but in my view is not an adequate contribution to the council's commitment to tackling the national housing crisis. A total of 50 affordable homes means that 200 are still unaffordable. A development of this size is a major statement about what kind of community we are allowing Netherton to become. The fact that only 20% of it is likely to ever be accessible to local residents, their children, and their grandchildren is a statement I cannot support.

We are living through a period of social and economic change which is unprecedented in living memory. Every individual, household and community has been through what can conservatively be described as a traumatic experience. My hope for Netherton - and indeed for all the communities I am privileged to represent, and for our country - is that as we emerge from lockdown and the immediate threat of a global pandemic, we use this opportunity to build back better. Netherton has been lucky to benefit from a strong community response which continues to operate online and in person. There is a real community spirit, with people coming together organically to articulate their ambitions for where they live. This is not simply NIMBYism but a strong and ambitious vision for Netherton and the wider area.

Another positive effect of the pandemic has been environmental, with more people getting out to explore their own locale by foot and bike, and fewer commercial flights and commuters leading to drastic falls in air pollution. It feels as though we will never have a better time to ask what we can do to maintain this link people now feel with their local areas, and the historically low impact we are having on our planet. I am pleased that the administration of Kirklees Council has agreed with this viewpoint, and made a commitment going forward to do better than simply returning to what went before.

In this context, when deciding whether or not to support this application, I have asked myself whether it would be a positive contribution to this vision of a better society. Unfortunately, I am unable to agree that it would and therefore must ask you to consider my objections when making your decision."

- 7.4 Comments have also been received from two ward councillors in the neighbouring Holme Valley North ward.

Councillor Charles Greaves has commented on the original plans as follows: "What improvements will be made to the road and footways leading from the development into Honley and to Armitage Bridge?"

Lots of Netherton children attend Honley High and they walk along these roads to Magdale and then cross the main road to the steps leading to the back way to Honley. There are a lot of children who walk this route and improved walking facilities are needed.

There is an opportunity to improve road width and introduce proper footways on Hawkroyd Bank Road and on Netherton Moor Road - not just along all of the proposed estate road frontages, but beyond them too. Just adding footways onto the site frontage with Netherton Moor Road will provide little real improvement."

Councillor Terry Lyons has stated that *"I would request that a contribution be given from the Netherton application towards the Meltham Greenway that runs through Netherton and hopefully will continue to Lockwood."*

- 7.5 Holme Valley Parish Council have also provided comments on the application. The proposed development is outside the Holme Valley parish border but adjoins it. The following comments have been received which relate to both iterations of the proposed scheme:

"The Committee has major concerns regarding the intensification of the site; safety concerns regarding safe, pedestrian walking routes especially schoolchildren walking to Honley schools; no footpaths or lighting to access roads; too few access roads will cause difficulties especially at school times; building so many houses in one go is concerning; impact on Honley Conservation Area (Magdale/White Gate), wildlife habitats, and narrow through-roads to Honley will be detrimental; concern regarding to sewage infrastructure ability to cope."

- 7.6 Jason McCartney MP holds an interest in the application although formal written comments have not been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objections subject to conditions

KC Lead Local Flood Authority – No objection subject to conditions and further technical specification being provided for the proposed soakaway system.

8.2 Non-statutory:

KC Conservation and Design – No objection

KC Environmental Health – No objection subject to conditions

KC Arboricultural Officer – No objection subject to a condition requiring that the development is carried out in accordance with the submitted Arboricultural Impact Assessment and Tree Protection Plan

KC Ecology Unit – No objection subject to a condition for a Landscape and Ecological Management Plan (LEMP).

KC Education – A contribution of £617,768 towards primary education provision within the vicinity of the site is required.

KC Strategic Housing – 50 affordable units are provided which is in line with Policy LP11. The spread of affordable dwellings across the site has been improved and is now acceptable. The relative proportion of two and three bedroom properties could be reviewed to better reflect local need because there is a greater demand for three bedroom houses.

KC Landscaping Section – An off-site contribution of £243,096 is required towards open space provision within the vicinity of the site. Full details of the hard and soft landscaping should be secured via condition.

KC Public Health – Support the measures set out in the submitted Health Impact Assessment

Yorkshire Water – No objection

West Yorkshire Archaeology Advisory Service - An archaeological evaluation of the site should be undertaken, this can be secured via a planning condition.

Police Architectural Liaison Officer – Concerns raised with the proposed rear access paths and the defensible space to plots 103 and 181. Clarification sought on the lighting of the access roads.

9.0 MAIN ISSUES

- Principle of development
- Density and housing mix
- Urban design issues
- Heritage
- Landscape issues
- Residential amenity
- Highway issues
- Drainage issues
- Trees and ecology
- Planning obligations
- Representations
- Air quality
- Climate change
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The application site forms two separate housing allocations within the Local Plan that lie to the east and west of Netherton Moor Road; HS19 to the west of Netherton Moor Road and HS21 to the east.
- 10.2 The principle of residential development on the land is therefore accepted in accordance with the land's allocation in the Local Plan.
- 10.3 The Local Plan Site Allocation boxes set out a number of constraints and site specific issues for these housing sites. These are all addressed within this appraisal.

Density and housing mix

- 10.4 HS19 has an indicative capacity of 123 dwellings and HS21 has an indicative capacity of 155 dwellings giving a combined indicative capacity of 278 dwellings across these two housing sites.
- 10.5 Local Plan Policy LP7 states that “housing density should ensure efficient use of land, in keeping with the character of the area and design of the scheme” and that developments should achieve a net density of at least 35 dwellings per hectare; with lower densities only acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised or to secure particular house types to meet local housing needs.
- 10.6 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes.
- 10.7 The Design and Access Statement sets out a number of constraints that impact on the density of the site:
- A buffer zone to the east of HS19 to mitigate the impact on the ancient woodland to the east;
 - Landscape buffers to manage the transition to the green belt and to preserve the setting of Honley Conservation Area;
 - Suitable separation distances to adjacent dwellings which include numerous bungalows;
 - Castle Hill and maintaining views to it;
 - The topography of the western edge of the site;
 - Surface water drainage and the incorporation of soakaways, the location of which are influenced by underlying ground conditions;
 - Flood routing – there is a known flood route stemming from the northern boundary of site HS21 which should be kept free from development.
- 10.8 The applicant states that the above constraints create a series of relatively fixed development cells which ultimately determines the developable area and residential capacity of the site.⁶
- 10.9 The originally submitted scheme was for 215 dwellings which represented a relatively significant shortfall on the indicative capacity of the site. Officers had concerns that this was an inefficient use of housing land and requested that the applicant review the density of the site.
- 10.10 The scheme was subsequently amended and the quantum of development increased to 250 dwellings. This was achieved by altering the mix of houses across the site to include a greater proportion of semi-detached and terraced dwellings, general layout changes including the removal of one of the two proposed access roads serving HS19 and having properties fronting directly onto Netherton Moor Road, as well as minimising the size of the pockets of green space within the site which form part of the surface water drainage strategy (soakaways).

- 10.11 The density of development is just over 30 dwellings per hectare based on the net developable area in the Local Plan which removes the buffer to the eastern boundary. There are nevertheless a number of other site specific constraints which have been identified above and officers accept that these have a substantial impact on the density that can realistically be achieved. The surface water drainage strategy is a notable constraint because it requires areas of undeveloped land to house the soakaways with suitable buffers to the nearest buildings. This strategy has been accepted by the Lead Local Flood Authority (LLFA) as the most appropriate solution and the only feasible alternative would be to pump surface water which would be a much less sustainable option and would result in an objection by the LLFA.
- 10.12 The proposal represents a comprehensive development of these two housing allocations and officers consider that the proposed density of development strikes an acceptable balance between an efficient use of this housing land and delivering a good quality layout that would provide an attractive place to live. Furthermore, it is considered that the proposed density of development would not be out of keeping with the established pattern of development and in this regard the proposal would successfully assimilate with the existing settlement.
- 10.13 The level of objection to the amount of development on the site is acknowledged however it must be recognised that these housing sites came forward as Green Belt release sites under the Local Plan process and it is important that they are utilised efficiently. If housing sites such as these consistently fall below their capacity over the lifetime of the Local Plan it will impact on the Council's five year housing land supply which will in turn put pressure on other sites across the district. Furthermore, if there is a significant shortfall in the Council's housing delivery at the end of the Local Plan period then it is likely that there would be greater pressure to release further Green Belt land in the future as part of subsequent local development plans.
- 10.14 In terms of the proposed housing mix, the range and size of property types has been improved. The scheme now provides 136 semi-detached and terraced properties and 114 detached dwellings which is considered to represent a satisfactory mixture of dwelling types. Furthermore, the number of two and three bedroom dwellings has been increased, the number of four bedroom properties has been reduced and there are no longer any five bedroom houses. There is now considered to be an acceptable mix of house types which would meet different housing needs.

Urban Design issues

- 10.15 Policy LP24 of the Local Plan states that good design should be at the core of all proposals and this should be promoted by ensuring that the form, scale, layout and details of all development respects and enhances the character of the area. Guidance within the NPPF also seeks to achieve well-designed places (chapter 12).
- 10.16 The scheme delivers a mixture of property types of differing design. The overall design approach to the dwellings would respect the local vernacular and is considered to be acceptable.

- 10.17 The vast majority of the dwellings are two storeys in height with a proportion having a third floor of accommodation within the roof space meaning that these dwellings appear as 2.5 storey properties. The 2.5 storey dwellings have been peppered throughout the site and are predominantly located internally to the development rather than being to the periphery. The 2.5 storey properties help to add some visual interest and variety to the street scene.
- 10.18 The development has properties directly accessed from and fronting onto Netherton Moor Road which maintains the pattern of development to the north. Furthermore, the scheme now includes green verges to the highway which form a continuation of the established residential streetscene.
- 10.19 The layout also provides principal elevations to the open land to the south which gives a positive interface to the Green Belt.
- 10.20 There are numerous areas of green space within the site including landscaped buffers to the boundaries which help to give a sense of openness within the built form.
- 10.21 Facing materials are to be agreed although the applicant envisages artificial stone across the whole site. Officers consider that a good quality artificial stone would be acceptable and appropriate for this edge of settlement site which also forms part of the setting of the Honley Conservation Area. Materials can be agreed through a planning condition.
- 10.22 Full details of the hard and soft landscaping can be secured by condition including details of the proposed bin stores where they are to the front of properties.
- 10.23 Overall the proposal is considered to comply with Policy LP24 of the Local Plan and guidance in the NPPF.

Heritage

- 10.24 The application site has the potential to influence the significance of a number of nearby heritage assets as a result of being part of their setting. These are Castle Hill scheduled monument and the Grade II Listed Victoria Tower which lie approximately 2.5km to the north east and Honley Conservation Area which lies around 300m to the south of the site. In addition, the site is located some 300m to the northwest of Virginia House.
- 10.25 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that “in considering whether to grant planning permission which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 10.26 Section 72(1) of the Act states “with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” Whilst the site does not fall within the Honley Conservation Area the proximity to the Conservation Area boundary is such that due regard should be paid to the impact on this heritage asset.

- 10.27 Chapter 16 of the NPPF provides guidance in relation to conserving and enhancing the historic environment and Policy LP35 of the Local Plan relates to the historic environment. Policy LP35 underlines the specific need to preserve the setting of Castle Hill.
- 10.28 The application is supported by a Heritage Impact Assessment which considers the impact on the setting of the aforementioned heritage assets and concludes that the development would have a neutral impact.
- 10.29 The Council's Conservation and Design team have assessed the application. Officers consider that the layout, scale and appearance of the proposal combined with the separation distances to the identified heritage assets are such that the development would not result in any unacceptable harm. It is therefore considered that the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been met and that the application is in accordance with chapter 16 of the NPPF as well Policy LP35 of the Local Plan.

Landscape issues

- 10.30 The existing site is agricultural land comprising of four distinct fields separated by drystone walls. The main landscape features are the boundary walls along with sporadic trees to the periphery of the site.
- 10.31 The site is immediately on the edge of Netherton village and the proposal would extend the village boundary towards the south. The development would be surrounded by open fields on its southern flank which allow long distance views across the Holme Valley, with Hinchliffe's farm in the near distance. Some enclosure is provided by the ancient woodland to the east of the site and the site borders open land on its south western edge with woodland beyond.
- 10.32 Policy LP32 of the Local Plan relates to the landscape. It states that proposals should be designed to take into account and seek to enhance the landscape character of the area considering in particular the need to protect the Peak District National park including views in and out of the park; the setting of settlements and buildings within the landscape; the patterns of woodland, trees and field boundaries and; the appearance of rivers, canals, reservoirs and other water features within the landscape.
- 10.33 In addition, Policy LP24 of the Local Plan requires proposals to have regard to the landscape. It requires, *inter alia*, that the form, scale, layout and details of all development respect and enhance the character of the landscape.
- 10.34 The application is supported by a Landscape and Visual Impact Assessment. It concludes that visibility of the site is constrained to a relatively small area as a result of the effects of relative topography, by the built edge of Netherton and by the woodland formed by Mag Wood and Spring Wood. Beyond this area the development may be visible as a component of a larger panorama but at distances that make the visible development of negligible impact. As such the assessment considers that this is a discreet location for the introduction of housing, with the visible effect of the development diminishing further by proposed landscaping of the site.

- 10.35 The proposal is for a mixture of two and three storey dwellings although the upper floor of the three storey dwellings is contained within the roof space which limits the overall height of these dwellings and ensures the scale is in keeping with the established character of the adjacent settlement.
- 10.36 The proposed layout incorporates landscape buffers to the external site boundaries. This includes an undeveloped buffer to the south western boundary and a green edge of varying width along the southern part of the site which help to manage the transition between the built form and the adjacent Green Belt. There is also a buffer along the eastern boundary adjacent to the ancient woodland, which is required for housing allocation HS21. Buffer planting is proposed along the vast majority of the boundary with the existing houses to the north.
- 10.37 It is proposed to retain and make good the existing drystone walling to the external site boundaries and this will help to retain some of the landscape character of the area.
- 10.38 In conclusion it is considered that the proposal would successfully assimilate itself within the landscape without resulting in any significant harm and as such the application is considered to comply with Policies LP32 and LP24 of the Local Plan.

Residential amenity

- 10.39 Policy LP24 of the Local Plan states that development proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. The NPPF also seeks to ensure that developments create a high standard of amenity for existing and future users.
- 10.40 The site borders existing housing along the full length of its north eastern boundary and a large number of these adjacent properties form bungalows. Some of the existing dwellings back onto the site and others have a side elevation facing onto the site. The properties with a side elevation to the site are generally close up to the boundary.
- 10.41 The proposal seeks to mitigate the impact on these adjacent dwellings through the layout, scale and landscaping of the development. It is to be noted that all of the new dwellings that border the existing houses are a maximum of two storeys in height.
- 10.42 Some of the proposed dwellings have a rear elevation facing the existing houses and others have a side elevation onto the existing houses.
- 10.43 Where there is a rear elevation to rear elevation relationship the separation distance varies from approximately 20m to over 25m. The closest relationship is between plot 23 and the conservatory belonging to 14 Swallow Grove. Separation distances are then in the order of 21m and above.
- 10.44 There are a number of instances where the rear elevation of an existing dwelling would face onto the side elevation of a new dwelling. In these cases the separation distances is at least 12m and more often comfortably in excess of this.

- 10.45 There are also a small number of cases where there would be a side elevation to side elevation relationship between existing and new dwellings. The closest of these relationships is between plot 207 and the bungalow that forms no.27 Lavender Court (7.8m separation) and between plot 242 and no.68 Netherton Moor Road (circa 9m separation). In both of these cases the existing dwellings have windows with a prominent aspect onto the site. Whilst this is a relatively close relationship it is not considered to be inappropriate for dwellings that are side by side.
- 10.46 The proposed layout includes substantial buffer planting along much of the north eastern boundary including to all of the existing dwellings that have the most direct relationship with the site. This would help to mitigate the impact of the development. It is recommended that a full planting schedule is secured through a condition to ensure that the planting provides a suitable buffer.
- 10.47 The house types that have a side elevation onto existing houses do not have any habitable windows directly overlooking adjacent property although there are some non-habitable upper floor windows such as landing windows. These could be fitted with obscure glazing to prevent any sense of overlooking.
- 10.48 In some cases the new dwellings are partially off-set from existing adjacent dwellings which helps to mitigate the impact on certain properties, although this is not the case across the entire site.
- 10.49 The proposed dwellings that are adjacent to the north eastern boundary are limited to two storeys in height and the separation distances provided combined with the proposed soft landscaping results in an acceptable layout that would provide a sufficiently high standard of amenity for existing and future occupiers.
- 10.50 The layout includes a number of garages on the eastern parcel of land that are close up to the boundary with the existing houses. The garages are single storey and it is considered that they are of a scale that would not unduly harm the amenity of existing residents.
- 10.51 A Noise Impact Assessment has been submitted in support of the application. The report considers the potential noise impact on the development and in particular the impact on plot 250 which is only some 5m from Netherton Moor Road. The report predicts the external noise levels at plot 250 and concludes that with windows closed satisfactory indoor sound levels would be achieved. However, the report fails to consider the indoor noise levels that will arise with windows open. From the predicted levels it appears that with windows open unsatisfactory indoor sound levels will arise. In the absence of any detailed assessment of indoor sound levels with windows open (that clearly shows that satisfactory sound levels can be achieved in these circumstances) a condition requiring an alternative ventilation strategy is considered necessary. This will need to provide details of the alternative ventilation that will be installed in plot 250 to enable windows to be kept closed in order to achieve satisfactory indoor sound levels. The alternative ventilation will need to be sufficient to replace that normally provided by open windows and thereby be capable of providing summer cooling to help avoid overheating during hot weather.

10.52 The application is also accompanied by an odour impact assessment. This identifies that there are two sources of odour within 75m of the proposed development which have the potential to expose future residents to existing odours and impact their amenity. The two sources being Hinchliffe's Farm Restaurant and Hinchliffe's Farm chicken shed. The report concludes that the overall predicted odour effects on future residents of the development would not be significant. Kirklees Environmental Services have assessed the report and agree with the methodology and its conclusions. No mitigation is required.

Highway issues

10.53 The application is supported by a Transport Assessment and further information and clarification relating to the Transport Assessment, including the methodology used, was provided by the applicant so as to enable a full assessment of the impact of traffic associated with the proposal.

10.54 A detailed analysis of the Transport Assessment has been provided within the Highways Development Management consultation responses. In summary, officers accept the vehicular trip generation figures for the development and consider that the additional vehicle movements on the highway network can be safely accommodated.

10.55 The Transport Assessment provides full junction capacity modelling at the following key junctions:

- The site access junction
- The junction of Meltham Road/Moor Lane/Chapel Street
- The junction of Netherton Moor Road/Moor Lane/Delph Lane

10.56 The modelling indicates that there would be some minor delays at peak times at the junction of Meltham Road/Moor Lane. Officers have considered whether any physical alterations could be incorporated at this junction to reduce this impact however it is not considered that there are any measures that could practically be provided to significantly alter the delay.

10.57 Officers are however of the opinion that the impact of this slight delay at the Meltham Road/Moor Lane junction can be mitigated through a robust Travel Plan which would facilitate a modal shift to sustainable travel modes and thereby reduce reliance on private cars.

10.58 An interim Framework Travel Plan has been submitted which would be developed into a full Travel Plan. The Travel Plan would be monitored for five years with the cost of this borne by the applicant. Contributions are also sought towards a package of sustainable transport measures including the upgrade of two nearby bus stops, the provision of residential Metro Cards and a £50,000 contribution towards the delivery of the 'Meltham Greenway' – which is part of the core walking and cycling network within the Local Plan and passes within the wider vicinity of the site.

10.59 Amendments have been made to the internal site layout and it is now considered to be satisfactory from a highway safety perspective. Acceptable parking arrangements have been provided to serve the development and a footway link is provided within the site boundary adjacent to Hawkroyd Bank Road. Conditions are recommended regarding detailed design of the junctions onto Netherton Moor Road, the internal estate roads and highway retaining structures.

- 10.60 As part of the development Netherton Moor Road is to be upgraded along the site frontage to bring the road up to current standards; this includes the provision of drainage and street lighting as well as an alteration to the current speed limit. Footways are to be provided along both sides of Netherton Moor Road and the footway to the western parcel of land would continue down Netherton Moor Road to the access with Hinchliffe's Farm shop. A condition requiring full details of the highway works is recommended.
- 10.61 In summary, it is considered that the traffic generated by the development can be safely accommodated on the local highway network and the slight delay that has been identified at one of the key junctions in Netherton can be mitigated with the help of a robust Travel Plan. The overall layout of the site is considered to be acceptable to Highways Development Management. The application is considered to comply with Policies LP20, LP21 and LP22 of the Kirklees Local Plan and guidance in the NPPF.

Drainage issues

- 10.62 It is proposed to drain surface water via soakaways; this includes both the highway and residential surface water drainage.
- 10.63 Satisfactory evidence has been provided by the applicant to demonstrate that ground conditions can support the use of soakaways.
- 10.64 The Lead Local Flood Authority have accepted that the use of soakaways represents the optimum drainage solution for this site based on the surface water drainage hierarchy and having considered the alternative options available. The only practical alternative to soakaways is to pump surface water which would be contrary to Policy LP28 of the Local Plan, which sets out a general presumption against pumping surface water.
- 10.65 The Lead Local Flood Authority raise no objections to the application subject to further technical specification being provided to address a potential surcharge within the system and subject to conditions to agree the final detailed design of the proposed drainage scheme.
- 10.66 Foul water is to be pumped to the existing public sewer network and Yorkshire Water have not raised any objections to the proposed development.

Trees and ecology

- 10.67 The proposals do not directly affect any protected trees and the proposed layout provides a buffer to the eastern boundary which is adjacent to the ancient woodland that exists to the east on the other side of Hawkroyd Bank Road. The provision of this buffer will minimise any indirect impact on the ancient woodland.
- 10.68 The buffer is 15m wide, which is the minimum recommended buffer between development and ancient woodland according to Natural England. A small area of private drive encroaches slightly into this buffer zone but this is unlikely to have any significant impact on the ancient woodland, especially given the presence of the existing road.

- 10.69 The submission includes an Arboricultural Impact Assessment which includes a tree protection plan. This sets out how the development will be constructed whilst protecting existing trees/woodland. The Trees Officer has recommended a condition which requires the development to be carried out in accordance with the information provided.
- 10.70 The supporting ecological information indicates that the proposals will not result in significant ecological harm or harm to the function and connectivity of the Kirklees Wildlife Habitat Network which lies to the east of the site, subject to an appropriate ecological enhancement scheme and tree protection measures.
- 10.71 The Council's Ecology Unit has assessed the application and no objection is raised subject to a condition requiring a Landscape and Ecological Management Plan (LEMP) which will deliver the necessary ecological enhancement.
- 10.72 The application is considered to comply with Policies LP30 and LP33 of the Kirklees Local Plan and guidance in the NPPF.

Planning obligations

Affordable housing

- 10.73 The scheme provides a policy compliant affordable housing offer. Fifty affordable dwellings are to be provided on site which represents 20% of the total number of units. The dwellings are evenly spread between both parcels of land and are pepper potted within each parcel, enabling the affordable units to be well integrated alongside the open market housing.
- 10.74 The Council normally seeks a tenure split of 55% social or affordable rent to 45% intermediate housing. On this basis officers consider 28 social or affordable rented dwellings and 22 intermediate dwellings as being suitable for the development.
- 10.75 There is significant demand for affordable one, two and three bedroom homes in the area. The applicant proposes an affordable provision of 31 no. two bedroom and 19 no. three bed homes. The Council's Strategic Housing team have commented that whilst there is an undersupply of two bedroom homes in this housing market area, the undersupply of three bedroomed homes is significantly higher. The proposals would result in an oversupply of 2 bed homes and it has been suggested that the affordable mix could be altered to more closely align with local need.
- 10.76 The applicant has not amended the affordable housing offer in response to the above comments however the proposal is in accordance with Policy LP11 of the Local Plan and so on this basis officers do not raise any objections.

Education

- 10.77 Policy LP48 of the Local Plan relates to education provision. The Council's Education Service have advised that a contribution of £617,768 is required towards primary school provision.

Open space

- 10.78 LP63 of the Local Plan relates to open space provision. Some on-site open space is provided throughout the site including a 'trim trail' area to the western boundary. There is also a footpath link provided to Hawkroyd Bank Road which would enable easy access to an adjacent public right of way to the east of the site. Details of the future maintenance and management of the open space within the site are to be secured through a section 106 agreement.
- 10.79 The development also triggers a contribution for off-site open space provision which is £243,096. The contribution would be available to upgrade existing facilities in Netherton which are within the recommended walking distance of the site (720m).

Sustainable travel

- 10.80 A sustainable travel fund of £127,875 for Metro Cards and £26,000 to provide two bus shelters at existing bus stops is to be secured. In addition the applicant is offering a £50,000 contribution towards the delivery of a section of the core walking and cycling network within the vicinity of the site (the Meltham Greenway).

Representations

- 10.81 A very high number (774) of representations have been received in response to this application. The overriding concerns of the local community relate to the highway impacts of the development; the impact on local infrastructure, services and amenities; the impact on the amenity of adjacent property to the north eastern boundary; the visual impact of the development and the change to the character of Netherton village; drainage and flood risk concerns and the impact on local wildlife. Many of these concerns have also been expressed by local ward councillors as well as the Parish Council and a ward councillor in the adjacent Holme Valley North ward.
- 10.82 Netherton Community Action Group are opposed to the development and it is to be noted that technical highway notes have been submitted as representations; these notes provide a detailed review of the applicant's Transport Assessment and the highways implications of the development. Highways Development Management have reviewed the technical notes as part of their overall assessment of the application.
- 10.83 The representations have been summarised earlier within this report. An officer response to the main points that have been raised is provided below.

General principle of development

Officer response: Contrary to some of the comments made, the application is not Green Belt land and it is not afforded any particular protection in planning terms. The land is allocated for housing and therefore the general principle of development has already been established through the Local Plan which was adopted in 2019.

It has been suggested that brownfield sites should be developed first and concerns raised with the loss of this greenfield site. There is not a 'brownfield first' policy and the proposal is bringing forward allocations that are set out in the Local Plan.

Density and housing mix

Officer response: The proposed density and housing mix is discussed in detail within the report. It is recognised that the local community wish to see fewer houses on the site but it is important to optimise the efficient use of designated housing land whilst ensuring that the wider impacts of the development remain acceptable.

Heritage

Officer response: Heritage issues have been addressed within the report.

Visual amenity/character

Officer response: Issues of urban design and landscape considerations have been considered within the report.

Residential amenity

Officer response: Residential amenity issues, including the impact on the adjacent properties to the north eastern boundary, the impact of noise and odour and the impact on air quality have been addressed within the report. The impact of the construction of the development can be mitigated through construction management plans and conditions are recommended to this effect.

Concerns have been raised with the potential impacts of the foul pumping station. This would be a managed and maintained facility and is not an uncommon feature of residential developments.

Concerns have been raised that garages could be converted into living accommodation; occupiers can generally convert garages into living accommodation without planning permission because it is not a change of use.

Highway safety

Officer response: Highways Development Management have carried out a thorough technical assessment of the application and have requested additional information from the applicant and amendments to the layout. The conclusions of officers are set out within the report.

Netherton Moor Road is to be upgraded to an acceptable standard including the provision of new sections of footway. The highway works are considered to be proportionate for the scale of development.

Drainage/flood risk

Officer response: No objections have been raised by Kirklees Lead Local Flood Authority as well as Yorkshire Water and on this basis officers are satisfied that the development is acceptable in drainage and flood risk terms, subject to conditions and the other matters set out in this report.

Ecology

Officer response: Ecology issues and matters relating to the ancient woodland have been addressed within the report.

Infrastructure

Officer response: With regard to the impact on education provision, the applicant is providing a financial contribution in line with the advice from the Council's Education section.

In terms of the impact on medical facilities, the scale of development is not at a level that would require new healthcare facilities to be required under Policy

LP49. Local healthcare provision is a matter for those particular providers and population data would form part of their planning for the delivery of services. The impact on drainage and road infrastructure has been assessed as being acceptable as discussed in this report. The development would help to support existing local shops.

Other matters

- 10.84 The layout has been assessed by the Police Architectural Liaison Officer. The applicant has sought to address some of the concerns raised, specifically in relation to reducing the number of rear access paths and providing lockable gates to the remaining rear access paths. It is considered that further crime prevention mitigation can be provided in respect of these paths by ensuring that the internal boundary treatment of specific rear gardens is limited in height to afford greater natural surveillance of the pathways. This can be secured by condition.
- 10.85 The Police Architectural Liaison Officer also has concerns with plots 103 and 181 as these are considered to be the most vulnerable to crime because of their location on the outer edge of the development. It has been recommended that the plans are altered to improve the defensible space around these two plots. It is considered that a condition can be imposed to address this particular issue.
- 10.86 The Police Architectural Liaison Officer has also sought assurances around the lighting of the highways. Lighting would be provided to the adopted highway although there would be short sections of shared private driveways which would be unlit.
- 10.87 The application site lies in an area of archaeological potential dating from at least the Bronze Age. The West Yorkshire Archaeology Advisory Service have advised that the application site is subject to an archaeological evaluation to fully evaluate its potential. It is appropriate for this to be secured by way of a planning condition.
- 10.88 The application is supported by site investigation reports which have been assessed and accepted by Kirklees Environmental Services. There are not any known contamination issues with the site but a condition requiring the reporting and remediation of any unexpected contamination that may be encountered during development operations is recommended.
- 10.89 To mitigate the impact of construction on the local community a condition is recommended requiring a construction management plan which would deal with highway safety and residential amenity issues.

Air Quality

- 10.90 The application is accompanied by an air quality impact assessment which concludes that air quality impacts as a result of the development would not be significant at any sensitive location in the vicinity of the site.

10.91 The report has been assessed by Kirklees Environmental Services having regard to West Yorkshire Technical Planning Guidance which is part of the West Yorkshire Low Emissions Strategy (WYLES). Environmental Services accept the methodology and conclusions of the report. To mitigate the impact on air quality it is recommended that electric vehicle recharging points are provided for the development (one per dwelling) along with the production of a Travel Plan (including mechanisms for discouraging high emission vehicle use and encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies). These matters can be conditioned.

Climate change

10.92 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.

10.93 As part of this application a Travel Plan to encourage the use of low emission forms of transport is to be provided along with a sustainable travel fund as referenced earlier within this appraisal. That fund includes a contribution towards the Meltham Greenway. Electric vehicle charging points are also to be provided. These measures will help to mitigate the impact of this development on climate change.

11.0 CONCLUSION

11.1 The principle of residential on the site is accepted in accordance with the site's allocation in the Local Plan.

11.2 The overall number of dwellings is below the indicative capacity of these two housing allocations but for the reasons set out in this appraisal the density of development is considered to be acceptable. The proposal also delivers an acceptable mixture of property types.

11.3 The scale, layout, design and landscaping of the site are such that the development would not result in any significant harm to the visual amenity of the area, the wider landscape, designated heritage assets and residential amenity.

- 11.4 A robust highways assessment has been undertaken and it is considered that the development would not result in any significant adverse harm to highway safety. This is subject to the submission of a full Travel Plan and conditions relating to detailed design.
- 11.5 The scheme delivers a number of benefits including on-site affordable housing, on and off-site open space and a contribution towards the Meltham Greenway. The proposal also makes the necessary provision for education needs arising from the development.
- 11.6 It has been demonstrated that the site can be drained appropriately and officers are satisfied that nearby protected woodland would be safeguarded. The development would also not unduly harm biodiversity.
- 11.7 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.
- 11.8 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 Development and Master Planning)

1. Time limit to implement the permission (3 years)
2. Development to be provided in accordance with the approved plans
3. Approval of facing materials
4. Full details of hard and soft landscaping including a detailed planting schedule for the buffer planting to the north eastern boundary and details of the internal boundary treatment for the gardens which have a rear access path
5. Construction management plan/s to mitigate the impact of construction on highway safety and amenity
6. Development to be carried out in accordance with the submitted arboricultural method statement
7. Scheme of archaeological investigation and recording
8. Temporary drainage scheme for the construction phase
9. Detailed design of the proposed surface water drainage strategy
10. Construction details for the upgrade of Netherton Moor Road including the proposed new footway provision
11. Detailed design of the new junctions off Netherton Moor Road
12. Provision of the proposed visibility splays at the new junctions off Netherton Moor Road
13. Detailed design of the internal estate roads
14. Detailed design of all highway retaining structures
15. Full Travel Plan
16. Landscape and Ecological Management Plan

17. Details of bin stores to front of plots
18. Reporting of unexpected contamination and remediation as necessary
19. Electric vehicle recharging points (1 per dwelling)
20. Noise mitigation measures for plot 250
21. Obscure-glazing to upper floor side elevation windows for those plots immediately adjacent to the north eastern boundary
22. Details of measures to improve the defensible space to plots 103 and 181

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93550>

Certificate of Ownership – Certificate B signed (notice served on the owner/occupier of Healey Houses, Huddersfield, HD4 7DG).