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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 14-Oct-2020**

**Subject: Planning Application 2019/91388 Outline application for the erection of up to 50 no. dwellings, all matters reserved except access Land at Gynn Lane, Honley, Holmfirth,**

**APPLICANT**

The Downey Family

**DATE VALID**

25-Apr-2019

**TARGET DATE**

25-Jul-2019

**EXTENSION EXPIRY DATE**

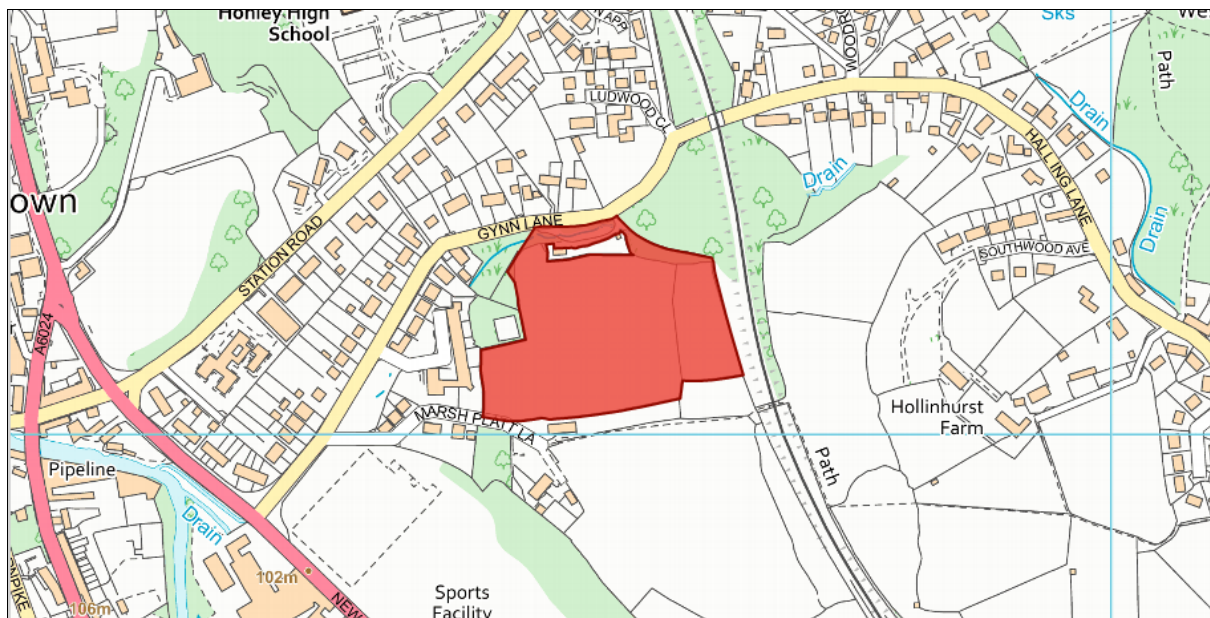
01-May-2020

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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**

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**Electoral wards affected: Holme Valley North**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION: Refuse outline planning permission**

**For the following reason:**

- 1) Insufficient information has been provided to demonstrate that an appropriate and safe access onto Gynn Lane can be achieved, without requiring third party land, which would increase risks to highway safety. Insufficient information has also been provided to demonstrate that such highway access would not result in an unacceptable loss of protected trees of amenity value and a negative impact on biodiversity, both without the necessary mitigation. This is contrary to Kirklees Local Plan policies LP21, LP24, LP30, LP32, LP33 and LP65, as well as National Planning Policy Framework Chapters 9 and 15.**

**1.0 INTRODUCTION:**

- 1.1 This is an application for outline planning permission for residential development up to 50 dwelling houses, with all matters reserved (other than access).
- 1.2 The matter of 'access' is defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 1.3 This outline planning application is made by The Downey Family and was planned to be presented to the Huddersfield Sub-Committee due to the size of the site and the number of representations that have been received.
- 1.4 However, in response to Coronavirus (Covid19) outbreak, the Chief Executive has invoked Emergency Powers under the Constitution at Article 12 (1) (d) and nominates and empowers a Virtual Strategic Planning Committee, to determine planning applications that would otherwise have been decided at a meeting of the relevant committee.
- 1.5 The site is allocated in the Local Plan for residential development and is referred to as Site HS167 'Land south of, Gynn Lane, Honley, Holmfirth.'

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is located to the south of Gynn Lane and to the west of Penistone Railway Line, on the edge of the settlement of Honley. The site measures 2.69 hectares and consists of three medium size pastoral agricultural fields, of which boundaries appear to have been eroded over time. An unnamed, established, protected woodland area (Ref: 01/96/W2) that includes Ludhill Dike also forms part of the site's red line boundary as well as defines its northern edge.

- 2.2 The proposal site lies on the eastern side of the Holme River Valley above the valley floor and the Ludhill Dike Tributary. The site is contained by steep valley slopes, which slope gently up to the north and east of the site. The greatest level differences found adjacent to Gynn Lane (110m AOD) and Marsh Platt Lane (108m AOD). The site falls from east to west on two distinct plateaus, with a height of 133m AOD in the east and 110m AOD in the west.
- 2.3 The site is currently accessed from Gynn Lane, via an unsurfaced track that runs to the front of dwelling no.34 Gynn Lane. The red line boundary 'encases' this property, which is a detached residential dwelling with a long garden curtilage that runs parallel to Gynn Lane and includes mature vegetation, set on lower ground to the site. No.34 Gynn Lane is not part of this planning application.
- 2.4 Gynn Lane is characterised by a variety of different residential dwellings. However, its character is predominately defined by detached bungalows and two storey semi-detached properties, developed in the mid 20<sup>th</sup> Century. Gynn Lane is also characterised by nos. 30 and 32 Gynn Lane which are Grade II listed and found to the west of the site, on lower ground, beyond the woodland area.
- 2.5 A private, unnamed road and Marsh Platt Lane, which connect to Gynn Lane can be found to the west of the site. These roads are characterised by a variety of residential dwellings and are found on a lower level to the site. Furthermore, the terrace dwellings which are found on the unnamed road appear to have once formed part of the Grove House Mill (Corn) site.
- 2.6 A small agricultural field as well as two 19<sup>th</sup> century properties with long garden curtilages (Nos. 6 and 8 Marsh Platt Lane) form the site's southern boundary. Beyond are agricultural fields and Cliff Woods. A Public Rights of Way, which includes Marsh Platt Lane (Reference: HOL/23/10) can also be found immediately to the south of the site.

### **3.0 PROPOSAL:**

- 3.1 Outline approval is sought for the erection of upto 50no. residential dwellings. All matters are reserved, except for access. Vehicular and pedestrian access is proposed with Gynn Lane, whilst pedestrian access is also proposed with Marsh Platt Lane.
- 3.2 An illustrative layout plan has been provided and shows a number of development blocks set around 3no. cul de sacs. The development blocks consist of a mixture of development plots including a mixture of house types, driveways and private gardens. A Public Open Space (POS) is proposed to the north that would include mitigation planting to replace the loss of TPOs, to facilitate the proposed vehicular access. POS is also proposed to the south, which would include an area of play, native wildflower meadow and a trim trail.

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

- 4.1 There is no relevant site planning history.

## 5.0 HISTORY OF NEGOTIATIONS

5.1 The applicant requested pre-application advice from the council in May 2019. A meeting was arranged between officers, the applicant team and Ward Councillor Terry Lyons. Written pre-application advice (Reference: 2018/20086) was issued by the council on 29<sup>th</sup> May 2018.

5.2 It is understood that a number of matters were raised and discussed during the pre- application enquiry, including:

- Principle of development with regards to the status of the Local Plan.
- Design, layout, housing mix and density in relation to the site constraints, including protected trees, nearby listed buildings, levels and landscape and visual impacts.
- Detailed design comments including: Natural stone would be required throughout. Shared surfaces encouraged. Overlooking of public spaces encouraged. Dwellings should turn corners. Landscaping should be used.
- Vehicular access from Gynn Lane in terms of appearance, highway safety, carriageway design and proposed necessary engineering works.
- Protected tree loss and proposed mitigation planting measures.
- Location and design of POS that could encourage pedestrian permeability with Marsh Platt Lane.
- Bin storage and dedicated bin collection points.
- Information requested regarding, tracking of 11.85m vehicles, junction analysis of Gynn Lane with A616 and consider capacity and cumulative impacts, metrocards contribution,
- Affordable housing provision to be 20% and spread throughout the site and consist of an appropriate tenure split of 50/50 between intermediate and affordable rent.
- Coal Mining Risk Assessment was required as mine shafts were on site and the Coal Authority would be consulted.
- Relevant design guidance should be considered, including Building for Life, Manual for Streets and Green Street principles
- Off-site contribution to a Local Area of Play would be required but the proposed area of POS should incorporate a trim-trail/natural play, bins and benches.
- Flood Risk Assessment to consider the flood hierarchy and incorporate connection to sewer as a last resort. Impact on watercourse downstream was to be considered if the applicant was outfalling to watercourse.
- Impacts on nearby listed buildings and on any potential archaeology.
- Education contribution is not required.
- Public consultation prior to a planning application being submitted.
- Proximity of the site to railway line and connectivity.

5.3 During the course of the planning application, further information has been submitted by the applicant in response to concerns and comments made by members of the public, ward members and consultees, including:

- Supporting letters submitted as to how the issues raised at the pre application enquiry, during the public consultation event and during the planning application process.
- Updated Preliminary Ecological Appraisal and the necessary additional survey and proposed mitigation work.

- Updated Transport Assessment including a traffic speed report, assessment of the local road network capacity and local junction analysis.
- Location of the existing mining features.
- Revised/further details of the proposed access road and site's junction at Gynn Lane, with drawings showing land ownership boundaries, visibility splays, swept path analysis of the junction and drawings to understand any impact on appearance/local character, highway safety, trees, ecology, listed buildings and drainage.
- Design options showing details of the proposed culvert underneath the access road.
- Indicative cross and long sections of the proposed site access to understand the proposed impacts on the landscape and how an access road would work.
- Revised drainage strategy in response to a drainage survey of Ludhill Dike/culvert and a desktop investigation into infrastructure associated with the mill pond immediately to the west of the site.
- Further information regarding the proposed flood attenuation tank and pipes to Ludhill Dike are required to assess impact in relation to the protected trees.
- Further details regarding refuse storage and collection.
- Clarification to the improvements to Ludhill Dike to avoid any unnecessary long term management and maintenance and to secure flood risk betterment.
- Land ownership clarification, particularly with regards to visibility splays.
- Minerals statement
- Revised illustrative layout showing level of the POS; repositioning of the attenuation tank and trees; showing turning heads for refuse vehicles and indicative location of bin stores.
- Heads of Terms agreeing to a Section 106 agreement for drainage and landscape maintenance, as well as POS, education and affordable housing contributions.

5.4 Two virtual meetings took place on 26/06/2020 between officers and the applicant team to discuss measures that would be required to achieve an adoptable highway access into the site. Matters that were discussed included flood risk betterment in terms of culvert design and dike realignment, tree loss and mitigation as well as biodiversity implications, mitigation and net gain. Further discussions also took place regarding visibility splays, refuse vehicles and highway design.

5.5 In response to further comments submitted by members of the public and consultees, in an email dated 25/08/2020, officers requested additional information including:

- Site access plan drawing clearly showing the red line boundary extents with all site features accurately plotted and showing that the necessary visibility splays can be achieved.
- Cross section drawings of the access road to show that access can be delivered within the red line boundary.
- Detailed culvert drawings showing the necessary works required for highway adoption.
- Updated plans and reports, including the ecological report and tree reports to reflect the proposed changes made to the access point and culvert. It should be noted that an objector has stated that there are trees not

accounted for on the plans that have grown since the last topographical plan was carried out, could your tree consultant please clarify this matter.

- An up to date and accurate topographical survey, particularly within the red line boundary and land concerning the dike and visibility splays.

5.6 To bring the planning application to a timely conclusion, officers requested that the above information be provided by 04/09/2020. An email dated 21/09/2020 was provided by the applicant which included the following information in response to officer and consultee concerns:

- Covering letter – providing an overview of the additional information provided within this submission and provides further clarification in respect of the scheme. Within this note we also include text from Curtins providing clarity on the outline flood and drainage strategy to demonstrate the acceptable impact of the scheme;
- Dwg 123414/1030/2 – Proposed Plan of new culvert under access
- Dwg 113141/2001/C – Refuse Tracking (11.85m)
- Dwg 113141/002/B – General Arrangement of Site Access (including re-profiling of beck)
- Dwg 113141/7000 – Additional Site Access Sections
- Dwg 123414/1001 - sketch submitted for illustrative purposes prepared by Fairhurst to demonstrate acceptable grading of levels across the illustrative layout.
- An Arboriculture Impact Assessment addendum detailing the impact and mitigation relating to trees affected by the access and culvert; and,
- An Ecology Assessment Addendum prepared by Brookes – providing additional information assessing the ecological impacts of the updated access and culvert drawings onto the site.

5.7 Another virtual meeting took place between offices and the applicant team on 29/09/2020 to discuss the above information, primarily in relation to land ownership issues. The above information has not been accepted by officers as it was considered that it did not properly address concerns raised previously and would cause further delay in the determination of the planning application.

## **6.0 PLANNING POLICY:**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

### Kirklees Local Plan:

6.2 Under Local Plan policy LP65, the site is a housing allocation (Local Plan ID: HS167 'Land south of Gynn Lane, Honley, Holmfirth'). The site allocation has an indicative capacity of 50 dwellings and relates to the gross site area of 2.69 hectares and the net site area of 2.41 hectares (area of protected trees and existing dwelling (and curtilage) removed from the developable area) The following constraints are identified as follows:

- Site access achievable but impact on protected trees therefore mitigation required.
- Surface water issues
- Site is close to listed buildings
- Part/all of the site is within a High Risk Coal Referral Area
- Protected trees along the northern boundary of this site

6.3 The site allocation also identifies the following site-specific considerations:

- Substantial mitigation measures required due to the loss of a small number of protected trees to achieve access to this site.
- This will include measures such as new tree planting, additional open spaces, off site contribution towards tree enhancements in the local area.
- The woodland and stream along the northern boundary should be retained apart from the land required to achieve access
- Development should be set back from the 'significant tree belt' just outside the site boundary to the north-west as identified in the Heritage Impact Assessment.
- The north-western corner of the site should also be kept free from development to safeguard the setting of the Grade II Listed Building.

6.4 The relevant planning policies are:

- LP1 Presumption in favour of sustainable development
- LP2 Place shaping
- LP3 Location of new development
- LP4 Providing infrastructure
- LP7 Efficient and effective use of land and buildings
- LP8 Safeguarding employment land and premises
- LP11 Housing mix and affordable housing
- LP20 Sustainable travel
- LP21 Highways safety and access
- LP22 Parking
- LP24 Design
- LP26 Renewable and low carbon energy
- LP27 Flood risk
- LP28 Drainage
- LP30 Biodiversity and geo diversity
- LP32 Landscape
- LP33 Trees
- LP34 Conserving and enhancing the water environment
- LP35 Historic environment
- LP47 Healthy and active lifestyles
- LP49 Education and healthcare needs
- LP51 Protection and improvement of local air quality
- LP52 Protection and improvement of environmental quality
- LP53 Contaminated and unstable land
- LP63 New open space
- LP65 Housing allocations

### Supplementary Planning Guidance / Documents:

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

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highways Design Guide Supplementary Planning Document (2019)
- Interim Affordable Housing Policy (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

### Climate change

6.6 On 12/11/2019 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.

### National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (NPPF) (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal.

6.8 Relevant chapters of the NPPF are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- 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 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
- Chapter 17 – Facilitating the sustainable use of materials.

6.9 Since March 2014, Planning Practice Guidance for England has been published online.

6.10 Other relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – national described space standard (2015, updated 2016).

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

7.1 The planning application has been advertised via four site notices, a press notice and letters to the addresses that abut the planning application site. During the course of the planning application, further information was provided as well as amendments to the proposal. Therefore, the necessary re-consultation took place. This is in line with the Council's adopted Statement of Community Involvement. The end date for publicity was 24/06/2020.

7.2 A total of 99 representations were received in response to the Council's consultation exercises. Redacted versions of these have been posted online. All representations raised objections to the proposed development. The following is a summary of the points raised:

- The planning application is contrary to Local Plan policy LP65
- Total disregard for the view of the local community
- Not a safe or sustainable development
- Concerns regarding the cumulative impact of this development and other residential developments in the area
- Loss of the green belt
- Wrong location for residential development
- Impact on local residents house prices
- Damage and loss of established hedgerows, trees, farmland, green fields and a special unique countryside landscape
- Not enough affordable housing for local people to stay in the area
- Concerns raised by residents at the developers consultation events regarding access, traffic and flooding have been ignored
- Different documentation propose different road gradients
- The planning application form is incorrect – establishment of public right of way, parking, employment
- The submitted documentation and reports, including the topographical survey, site sections, highway reports, travel plan, flood risk reports are not accurate and dated
- Visual experience would totally refute 'expert findings'
- Consultation responses refer to attenuation systems not shown on the latest plans
- The proposed access route will impinge on the route of a customary pedestrian right of way from no.34 34 Gynn Lane.
- Water and gas supply lie under the proposed access route
- The access route would be costly to construct and not attractive to potential purchasers.

- Unsuitable designed access road for the proposed scale of development, positioned on a narrow bend of Gynn Lane through steep and mature woodland, using unattractive high retaining walls and bankings, with a footpath along one side only.
- The proposed retaining walls may become a maintenance liability
- This access point would require the ground levels in the field to be reduced by 4m. The applicant has not considered how this would be done, nor have they shown how this reduction could be feathered across the site or what knock on impacts this would have on (a) the railway line, (b) neighbouring properties, (c) protected trees and species, (d) water courses, drainage and surface run-off
- The developer should purchase third party to establish a more appropriate alternative access point into the site from Gynn Lane
- Unsuitable access for refuse lorries, construction traffic, delivery vehicles, emergency vehicles and other large vehicles to use. Vehicle tracking diagram shows that a wagon carrying out a 'right in' manoeuvre cannot do so without hitting the kerb or mounting the existing footpath on Gynn Lane. This would present a danger to pedestrians on the footpath. Also, when leaving the site a wagon turning left could be on the wrong side of Gynn Lane as it approached a blind bend by Nos 30/32 Gynn Lane.
- Development would require third party land to achieve the necessary visibility splays and the boundary lines are factually and legally incorrect
- Concerns about the loss of boundary hedgerows that denotes private land
- An existing, long standing and substantial stone wall forming the boundary between the gardens of the listed cottages and Gynn Lane has been completely omitted from the proposed site access plan which together with the hedges and trees make up the visibility splay, making the junction dangerous
- There are electricity poles in the proposed visibility splays
- The proposed pedestrian crossing has poor sightlines
- Footpath provision on Gynn Lane, Station Road and other local roads are unsuitable for pedestrian movement and people with disabilities
- No suitable cycle provision within the locality
- No disabled access to Honley Station
- The site may be near to some shops and services, as well as provide access to a bus service and train station but residents and visitors are more likely to use their cars to travel due to the local area's topographical constraints
- Highway safety concerns - Gynn Lane is unlit/poorly lit, parked cars associated with a drop off/collection point for school children and people using the sports fields, used as a rat run, drivers exceed speed limit and lack of adequate visibility. Also school children from Honley High School regularly cross Gynn Lane during the day to access the school playing fields.
- The traffic assessment conducted during a school holiday is not representative of a typical day
- The traffic survey lasted less than a week and is not a true reflection of vehicular traffic
- The traffic count was carried out over the weekend and is not representative of a typical day
- The traffic assessment was carried out when it will not have been the preferred route of access during this winter month as locals from lower Gynn Lane and surrounding areas are less likely to use Hall Ing Lane as a route to the east or Farnley, due to the ice risk.

- Unmade road between Gynn Lane and Honley Station and should be surfaced and lit for the benefit of pedestrians and cyclists but not vehicular traffic – should be secured by section 106 agreement
- The unmade road at Station Road should remain to deter rat running
- A direct pedestrian and cycle link should be established with Marsh Platt Lane rather than an indirect path as shown on the proposed layout plan
- The proposed gradients are unsuitable for vehicles in winter months as well as for wheelchairs, pushchairs, cyclists and pedestrian; resulting in potential residents and visitors using their cars
- The proposed gradients may be unsuitable for electric vehicles
- The proposed retaining wall will be substantial, unattractive and a potential future maintenance issue
- The existing retaining walls and features, particularly found at Gynn Lane is unsuitable to accommodate construction traffic
- Unacceptable loss of trees with TPOs (TP38 and TP53) and other trees at risk with damage to tree roots, which will impact on the character of Gynn Lane (unsightly gap in the woodland) and cannot be replaced by the planting of trees elsewhere. Concerns have been expressed by the tree officer
- Loss of trees will result in an unacceptable impact on biodiversity
- Surrounding properties including those at 30 and 32 Gynn Lane, Council Terrace, as well as lower parts of Gynn Lane, Neiley Fields and New Mill Road have all suffered from flooding and despite culvert investigations this development would aggravate the problem. Lead Local Flood Authority are also cautious
- The proposed attenuation system capacity is inadequate for the development
- Various photographs and videos of the immediate locality showing recent flooding events have been provided
- 'Section 19 investigations' should be firstly carried out and the existing drainage infrastructure should be improved before any development is considered
- The proposal has ignored existing flood risk issues, which will worsen due to climate change
- A land drain into Ludhill dyke is situated where the culvert is proposed and has been ignored
- Gynn Lane, Hall Ing Lane and the surrounding road network are unsuitable for this level of development, particularly as they are narrow with parked cars and blind bends as well as suffer from flooding and water erosion
- The proposed development will exacerbate an existing 'rat running' problem
- Unacceptable impact on local traffic capacity, congestion, road noise and air quality, pollution particularly at peak times.
- There are already overloaded junctions within the locality and on the A616.
- Impact on residential amenity near to the proposed access point due to the comings and going of vehicles and issues of road noise and vehicle headlights
- Parish Council have suggested that the traffic flow at Honley Bridge area should be improved if this development goes ahead. No improvements appear to have been proposed
- At present when there is heavy rain the foul water system backs up at the bottom of Gynn Lane discharging effluent into road and properties which this development will worsen

- Man hole covers along Gynn Lane float in flooding events, with 50 more houses this will no doubt be worse
- Due to the current form and structure of Ludhill Dyke it was unable to cope with the recent flooding events and the flood risk report does not satisfactorily take into consideration these issues
- The flood risk report does not include any Ludhill dyke modelling nor does it take into account recent drainage works upstream. A full independent hydrological assessment needs to be undertaken before any plans are approved
- The field currently helps store surface water, developing on it would increase flood risk downstream
- A sustainable drainage system has not been demonstrated that would not reduce flooding elsewhere, particularly those areas already considered by the Environment Agency to be at risk from flooding
- Drainage systems for new developments under construction have failed to stop flooding elsewhere, e.g. land adjacent to 20 Gynn Lane
- Adverse flood risk impact on a spring that runs from the site to the west, to the rear of the properties known as the Maltings
- Insufficient local drainage/sewerage capacity, existing culverts and underground water courses are already overflowing.
- Concerns that the proposed access road will flood surrounding gardens
- Issues with groundwater
- Concerns about the proposed length of Ludhill Dyke to be culverted and trash screens to be used that may become blocked and cause flooding, which has happened elsewhere locally
- New development (The Orchards) on Gynn Lane has already had a negative impact on Ludhill dyke with an increase in volume of water it has to take resulting in flood risk elsewhere, which this development will contribute to
- The potential impact of water from the site running into the mill pond and through its surrounding infrastructure.
- Gynn Lane is unsuitable for the necessary construction traffic to facilitate the proposed civil engineering works.
- Construction concerns in relation to noise, traffic, mess and parking
- Reassurance that there will be no road closures during these works as there is no other sustainable access houses past the railway bridge
- There is a coal mining legacy on the site and the site is in a high risk area
- Contrary to the Planning (Listed Buildings and Conservation Areas) Act, 1990
- Historic England have serious concerns
- The new development would not be in character with the local area, particularly the older properties, with no regard for the natural beauty and heritage of the area
- Adverse impact on the setting of the listed buildings on Gynn Lane and Hall Ing Lane as well as the historic character of the area, which include the dyke and the woodland area
- The indicative site layout has ignored the independent Farrell and Clark report findings commissioned as part of the Local Plan Process as well as the Planning Inspectors recommendations in protecting the neighbouring listed buildings – i.e. this demonstrates that 50 dwelling houses cannot be accommodated on the site
- Due to the site's prominent hillside location there will be a negative visual impact on heritage assets, the street scene, skyline and views of the countryside

- The scale and density of development is inappropriate for this local rural area
- The houses in the planning application are larger homes, more likely to appeal to middle class commuters than those in the local area who are actually impacted by the housing shortage.
- Due to the lie of the land, neighbouring properties would be directly overlooked by the development, with the associated loss of security, privacy, natural light and overshadowing, as well as potential issues of noise and light pollution
- Replacement trees would impact on residential amenity, in terms of overshadowing
- Potential damage and inappropriate displacement to wildlife and their habitats
- There are numerous protected wildlife species that would likely be effected by this proposal
- Schools are at capacity
- Doctors surgeries and dentist practices, in which it already takes a considerable time to get an appointment, would be further stretched
- Detrimental impact to existing resident's quality of life
- Insufficient infrastructure and local amenities
- There have been two recent building projects in Honley - on Fisher Green and Thirstin Road - adding large numbers of houses to Honley. The village centre and its amenities are not equipped to deal with yet another large increase in numbers
- A number of consultees do not support the proposal
- Revised plans do not address the issues previously raised
- Little information regarding the type of houses proposed
- This land was refused planning permission in the past so what has changed now?
- Why wasn't this land in the previous local plan?

7.3 In an email dated 12/06/2020, Cllr Charles Greaves has provided the following comments:

*"Having read through the amendments it would appear that not only has the applicant not addressed the original issues, but they have raised additional issues with their changes !*

*Kirklees Flooding raised substantial issues with the scheme in March 2020 and offered to meet the applicant in order to talk through the issues. It would appear that not only has this offer not been taken up by the applicant but that they haven't even responded to the crucial issues raised in the response.*

*My objections are based on the proposed access point and that ground level reduction needed for it, is sub-standard, dangerous and creates a range of unaddressed issues.*

- (1) The required minimum sight-lines are not achievable*
- (2) The tracking analysis is incorrect*
- (3) The proposed incline is so steep it will create a danger in adverse weather*
- (4) There is no proper footway provision*
- (5) The impact of the access road on the culvert, and the design of the culvert will worsen localised flooding which is a major issue in this area having had house flooding 3 times in the last 12 months*

*(6) This access point would require the ground levels in the field to be reduced by 4m. The applicant has not considered how this would be done, nor have they shown how this reduction could be feathered across the site or what knock on impacts this would have on*

*(a) the railway line,*

*(b) neighbouring properties,*

*(c) protected trees and species,*

*(d) water courses, drainage and surface run-off.*

*The simple reason that the applicant can't provide the supporting reports is because it is impossible. There is no value in giving more time for the applicant not to address the fundamental issues. For them to think that they could scalp out ground levels by 4m and that this wouldn't have a knock-on effect leaves my wondering as to the quality and reliability of their entire submission.*

*This is a poorly thought out, and unjustified application that fails NPPF and Kirklees Planning requirements and should be rejected without further delay. Please let me know when this decision will go to committee."*

7.4 The Office of Thelma Walker MP for Colne Valley Constituency provided the following comments in an email, dated 12/06/2019:

*"We have been contacted by a number of residents in relation to the Development at Gynn Lane, Honley (2019/62/91388) . Residents have highlighted a number of concerns around*

- Flooding / Drainage*
- Road infrastructure*
- Impact on surrounding roads*
- Additional traffic*

*Please can you kindly inform me what steps are being undertaken to mitigate concerns by residents, can you also confirm whether this is an allocated or unallocated site within the local plan."*

7.5 Holme Valley Parish Council have provided the following comments:

*"Support but have concerns 1) regarding the impact on the road infrastructure, - Highways should carry out improvement works on the traffic flow through the busy road junctions in the Honley Bridge area before approval; and 2) regarding issues of flooding raised by residents, - this needs to be addressed effectively before approval."*

7.6 Responses to all the above comments are set out later in this report.

## **8.0 CONSULTATION RESPONSES:**

8.1 The following provides a summary of consultee advice. Where necessary, further details are contained within the appraisal below (Section 10).

## 8.2 **Statutory:**

Environment Agency: No comments.

KC Highways Development Management: Objection. Concerns regarding the visibility splay when looking to the left appears to cross third-party land and it cannot be guaranteed that this is achievable. Furthermore, Highways Registry consider the public highway on this stretch of Gynn Lane to include any of the land to the rear of the roadside wall. If the developer/landowner has evidence that any part of this land does form part of Gynn Lane, they would be happy to consider it. However, none of the evidence at their disposal currently suggests in any way that the highway extends beyond the wall (i.e. where the visibility splay is proposed). In addition, Highway Structures have expressed concerns about the proposed culvert design in terms of highway adoption.

KC Lead Local Flood Authority: Concerns expressed about the proposed design for culverting of Ludhill Dike.

The Coal Authority: No objection, subject to conditions securing site intrusive investigation works prior to the submission of a Reserved Matters application and if necessary the implementation of the necessary remedial works prior to development.

Highways England: No objection.

Historic England: No objection. There are concerns about the potential impact, but consider that it is now for the Council to decide on two key issues (needing to be satisfied that the north-west area of the site, which is to be kept free from development, is sufficient to safeguard the setting of the Grade II listed building, and that there is a sufficiently robust mechanism to secure these considerations) given that the application is for outline permission. We make no judgement about whether these issues can be addressed, deferring to the Council on this. With regards to potential changes to the access point and additional tree felling for flood defence work, the Council would need to consider carefully whether this will change the impact of development on the Grade II listed building and, if so, whether any harm is justified.

Natural England: No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes

Yorkshire Water: No objection to the information provided, which proposes separate systems of drainage on site and off site; the proposed amount of domestic foul water to be discharged to the public combined sewer network by means of gravity only and; the proposed points of discharge of foul water to the public combined sewer to the north of the site.

## 8.3 **Non-statutory:**

Network Rail: No objection to the principle of development. Detailed advice provided for consideration at the Reserved Matters stage.

Northern Gas Networks: No objection.

KC Conservation and Design: No objection. The proposal site was the subject of discussions at the Local Plan Inquiry before being allocated as HS167. To aid the discussions a Heritage Impact Assessment (HIA) was provided by the Council, which formed the basis of the allocation box requirements under “other site specific considerations.” This application is in outline, with all matters reserved apart from access although an illustrative layout is provided. The allocations box, along with the HIA, states the importance the trees have as well as keeping the north west corner free of development to protect the setting of the listed buildings to the west of the site. The application is supported by a HIA which states that there is a marginal effect on the setting of the listed building which is mitigated against if the NW corner is kept free of development but no mention is made of the Council’s evidence under our own assessment when development is shown the “moderate” area. The Council’s HIA requires mitigation/justification for developing out in this area but none is provided. One would suggest that this is brought forward in any reserved matters application.

KC Ecology: Additional information is required from the applicant to assess the ecological impacts of the proposed access onto the site with regards to construction on Ludhill Dike, new sections of culvert and potential re-alignment of the dike. Information is also requested in terms of how the proposed access works will impact on the on-site’s biodiversity values.

KC Environmental Health: No objection but recommend conditions regarding the reporting of unexpected land contamination, and provision of electric charging points. No noise concerns regarding the nearby railway line due to frequency of use.

KC Education: Based on 50 dwelling houses, a financial contribution of £64,719 would be sought towards Honley CE (VC) Junior, Infant and Nursery School. No contributions would be sought for Honley High School.

KC Landscape: The site layout has not changed since previous comments were made. It is appreciated that this is only outline planning but these comments are likely to affect the housing numbers and density etc, especially given the terrain. It is important that a functional facility for refuse collection is included. A Public Open Space financial contribution of £87,157 would be required if none is provided on site. Conditions are proposed to secure detailed landscape plan and long-term management.

KC Policy: The principle of residential development on the site has been established through its allocation in the Local Plan (site HS167). Access to the site needs to be made in accordance with the Local Plan site allocation box and policy LP21.

KC Public Health: No objection. Recommendations made regarding affordable housing provision, public open space design as well as how to encourage modes of sustainable travel.

KC Strategic Housing: Based on a development of 50 dwelling houses, ten affordable housing units would required (six social/affordable rent, four intermediate).

KC Trees: Objection due to the loss of trees that would damage the amenity value provided, contrary to Local Plan policy LP33.



KC Waste Strategy (Refuse & Cleansing): No objection to the principle of development. Detailed comments regarding the operational requirements of the Waste Collection Authority were provided on the indicative sketch layout for consideration at the Reserved Matters stage.

WY Police Architectural Liaison Officer: Support principle of development. Comments made regarding indicative layout, boundary treatments and other aspects of the development. A condition shall be required at the Reserved Matters stage to ensure that development incorporates measures to minimise the risk of crime and meet with the specific needs of the site and development.

WY Archaeology Advisory Service: No objection. The West Yorkshire Historic Environment Record has been checked and there are no apparent significant archaeological implications to the proposed development and, in this instance, concur with the applicant's heritage appraisal.

Yorkshire Wildlife Trust: Request further information to secure protection of the veteran tree on site, and further information with regards to safeguarding the watercourse to be culverted. Those recommendations proposed within the Bat Migration Strategy must be conditioned, notably precautionary working methods and sensitive lighting design for the site. However, we would support the provision of a draft EDS to confirm that there is suitable and appropriate mechanism in place by which to deliver 10% biodiversity net gain on site.

## **9.0 MAIN ISSUES**

- Land use and principle of development Urban design
- Sustainability and climate change
- Urban design
- Heritage
- Point of access
- Highways and transportation
- Flood risk and drainage
- Trees
- Biodiversity
- Environmental and public health
- Ground conditions
- Representations
- Planning obligations
- Conclusion

## **10.0 APPRAISAL**

### Land use and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The site forms part of a housing site allocation (Local Plan ID: HS167), to which full weight can be given in accordance with Local Plan policy LP65. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land and reliance on windfall sites, was also demonstrated to be necessary in order to meet development needs. With regards to this matter and in relation to this particular site the Local Plan Inspector stated in a report dated 30/01/2019 referring to the site when it was numbered H584 at paragraphs 331, 332 and 333 as follows:
- “H584, Gynn Lane, Honley – The site is contained by built development, woodland and a railway line, thereby limiting its relationship with the wider countryside. Development would reduce the gap between Honley and Hall Ing. However, a physical gap would remain, and the railway line, woodland and field boundaries to the south would form strong new defensible Green Belt boundaries, preventing encroachment.*
- Two Grade II listed weaver cottages are located close to the north-west corner of the site. In order to avoid harm to the historic environment the policy should be amended to require suitable mitigation measures, as referenced in the Council's HIA. This includes the retention of the northern woodland belt and stream, and retention of open land adjoining the tree belt and in the north-west corner (SD2-MM241). Reference to the existence of protected trees on the northern boundary should also be included, for reasons of effectiveness (SD2-MM240). The policy refers to appropriate mitigation measures relating to the loss of trees in order to achieve suitable access.*
- In the context of limited harm to the Green Belt and identified housing needs, I conclude that exceptional circumstances exist to justify the release of the site from the Green Belt. The SA results have been disputed but I am not persuaded that significant changes to the scores are justified to the extent that would alter overall conclusions regarding the sustainability and suitability of the site. I therefore conclude that, subject to the above modifications, the policy is soundly based.”*
- 10.4 Therefore, the potential delivery of a residential development up to 50 dwellings proposed would contribute towards meeting housing delivery targets of the Local Plan. Subject to highways, design, heritage, trees, biodiversity, residential amenity, public rights of way and other matters being appropriately addressed, it is considered that residential development at this site is acceptable in principle, and would make a welcome contribution towards meeting housing need in Kirklees.
- 10.5 Given the above, and notwithstanding local objections to the principle of development here, it is considered that the proposed residential use, and the principle of residential development at this site, is policy-compliant.

## Sustainability and climate change

- 10.6 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.7 Subject to further details that would be submitted at Reserved Matters stage, it is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an already-developed area, its proximity to some (albeit limited) immediate local facilities, and the measures related to transport that can be put in place by developers.
- 10.8 The planning application site is on the north-eastern edge of the settlement of Honley and approximately 900 metres from the village centre which consist of a number of shops and local amenities. Within the settlement itself there are other services, including is a GP surgery, dental practice, a veterinary centre, petrol station, a number of employment uses, schools as well as sports, recreation and play facilities. Honley Railway Station and the nearest bus stops can be found at Station Road within 400 metres from the site. These public transport links could provide the opportunity to travel sustainably to surrounding villages as well as with the larger settlements of Huddersfield, Sheffield and Barnsley. A Public Right of Way (PRoW) (Reference: HOL/23/10) runs along the site's southern boundary, which provides access to a wider local PROW network. Therefore, it could be said that the site is located adjacent to a sustainable settlement that has a wide range of facilities, amenities and employment opportunities.
- 10.9 Officers acknowledge that local topography, and the local shortcomings such as a lack of footpath lighting and footpaths meeting other streets without footpaths, as well as the lack of dedicated cycle paths may discourage future residents and visitors from travelling sustainably. A major residential development in Honely that was entirely reliant on the private car is unlikely to be considered sustainable. Therefore at Reserved Matters stage the applicant would need to propose effective measures to discourage private car journeys, and promote the use of sustainable modes of transport. Furthermore, planning conditions that secure the necessary cycle parking, electric vehicle charging points and sustainable travel plan monitoring and funding would be recommended as part of any approval. This in turn will help promote low carbon forms of transport, which will help to mitigate the impact of the development on climate change.
- 10.10 Regarding the social infrastructure currently provided and available in Honley (which is relevant to the sustainability of the proposed development), it is noted that local GP and dental provision maybe limited, and this has been raised as a concern in many representations made by local residents. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted 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. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. Local education needs are addressed later in this report in relation to planning obligations. Officers consider that at least some of the social and community

needs of residents of the proposed development can be met within Honley, which further indicates that residential development at this site can be regarded as sustainable.

- 10.11 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

#### Urban design

- 10.12 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the National Design Guide.
- 10.13 The application site is located at the edge of an existing, well-established settlement, with residential dwellings found to the north and west. Although, it is acknowledged that other than the proposed access point that the proposed built environment is unlikely to have any visible interaction with Gynn Lane due to changes in levels, trees and a dike. A railway line defines the site's eastern edge, whilst the southern edge is denoted by Marsh Platt Lane and open countryside. Although the proposed development would be visible from several public vantagepoints, its visual impact would not be significant or adverse in the context of the surrounding development already built. Green belt land to the south of the site would continue to provide green framing around the enlarged settlement.
- 10.14 It is important to acknowledge that this outline planning application seeks approval of access details and does not include matters of appearance, landscaping, layout and scale. As such, if outline approval was obtained these matters would be determined at the Reserved Matters stage.
- 10.15 The indicative site layout plan is described in paragraph 3.2 of this report. An indicative site layout plan shows how 50 dwelling units could be accommodated within the site, which corresponds with the indicative capacity identified in the Local Plan HS167 Site Allocation box. The Design and Access Statement explains how the proposed development could consist of a range of 2-bed (26%), 3-bed (40%) and 4-bed (34%) dwelling houses, which is welcomed but it is unclear where these dwelling houses are located.
- 10.16 The applicant has indicatively tried to acknowledge the site constraints and how a 'sense of place' could be established. Officers welcome the use of a variety of perimeter blocks of different house types to characterise the development. Officers also welcome the use of Public Open Space to help assimilate the development into its green belt setting to the south. Although, it would have been preferred if the proposed dwelling houses provided the Public Open Space with an active frontage instead of gable ends with little natural surveillance. The proposed use of Public Open Space to the north is also welcomed. It shows how space could be dedicated for tree mitigation, drainage attenuation features and how it could be used to respect the listed buildings setting of 30/32 Gynn Lane to the north west, as well as protect the residential amenity of existing dwelling houses. However, at the Reserved Matters a site layout plan will have to accurately show how these proposals can be achieved, acknowledging the site's topography and other site constraints that are yet to be fully considered.

- 10.17 One of the main concerns with the indicative site layout is the proposed use of cul-de-sacs with pedestrian/cycle permeability. Officers consider this arrangement to be a potential crime risk and would unnecessarily mean that refuse collection vehicles (as well as any other large vehicles) would have to carry out dangerously hazardous manoeuvres. As such, officers would prefer if cul de sacs were avoided in any site layout plan submitted at the Reserved Matters stage.
- 10.18 Details of elevations, house types, materials, boundary treatments, landscaping and other more detailed aspects of design would be considered at Reserved Matters stage. Full details of any levelling and regrading works, and of any necessary retaining walls and structures, would also need to be provided at Reserved Matters stage.
- 10.19 The West Yorkshire Police Architectural Liaison Officer has raised concerns regarding the proposed layout, and these would need to be addressed, crime prevention measures would need to be incorporated, and a revised layout would need to be secured at Reserved Matters stage.
- 10.20 In light of the above assessment, it is considered that the relevant requirements of chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5 and LP24 would be sufficiently complied with. There would also be an acceptable level of compliance with guidance set out in the National Design Guide.
- 10.21 The planning application is only seeking a matter of access. However, officers consider that the other matters, including appearance, landscaping, layout and scale can be secured at the Reserved Matter stage, in accordance with policies LP2, LP7, LP11, LP24 as well as Chapters 11 and 12 of the NPPF as well as with guidance set out in the National Design Guide.

### Heritage

- 10.22 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving listed buildings or their settings. Local Plan policy LP35 and NPPF chapter 16 both explain how any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 10.23 The site's north western boundary abuts the boundary of 30 and 32 Gynn Lane which are Grade II listed weavers cottages. The Historic England's listing summary provides the following narrative:

*“Terrace pair. Early C19. Hammer dressed stone. Stone slate roof (turned). Three storeys. South-west elevation: continuous first and second floor sill bands. Entrance to left and right and two 4-light stone mullioned windows, each with 2 mullions removed, to ground floor. To first and second floors each dwelling has one 6-light stone mullioned window. (No 30 has centre light blocked to first floor). North-east elevation: modern extensions to ground floor. One 2-light stone mullioned window to first and second floors, both dwellings. Single-storey extension to each gable of no interest.”*

10.24 With regards to heritage matters, the Local Plan Allocation for this site (Local Plan ID: HS167) indicates the following site specific considerations:

- The woodland and stream along the northern boundary (an area which is important to the setting of the Listed Buildings) should be retained apart from the land required to achieve access;
- Development should be set back from the 'significant tree belt' just outside the site boundary to the north-west as identified in the Heritage Impact Assessment, and
- The north-western corner of the site should also be kept free from development to safeguard the setting of the Grade II Listed Building.

10.25 The application is supported by an Heritage Impact Assessment that concludes that the proposals would not impact on the historical or architectural values of No's 30 and 32, values which have been partly eroded by the introduction of uPVC windows and modern single-storey extensions. The Heritage Impact Assessment explains that the setting of the cottages would be maintained provided the built form of any new development is located away from the escarpment edge which is immediately to the north-east of the dwellings. The Assessment recommends that the vegetation along this escarpment edge should be maintained, or enhanced, in order to conserve the rural character of the cottage surroundings, an element which contributes to the significance.

10.26 The application is for outline permission with all matters reserved apart from access. It is considered that a Reserved Matters application would be able to secure a design that considers the above heritage constraints.

10.27 For the purposes of this application necessary consideration should be given to the proposed access point. The applicant's supporting Heritage Impact Assessment recognises that proposed access point would result in the loss of a section of the boundary wall which runs along the south side of Gynn Lane, and the loss of some vegetation. It concludes that this would have a minor impact on the setting of No's 30 and 32 Gynn Lane, as there is limited visibility between the entrance point and the listed buildings.

10.28 Officers acknowledge the above conclusions but consider that to create a safe access point would also result in loss and/or alterations to the loss of woodland trees and re-alignment of the stream. These features are considered to contribute to the setting of the listed buildings.

10.29 Officers consider that the proposed access works would lead to less than substantial harm to the significance of the designated heritage assets. In accordance with NPPF paragraph 196, officers consider that the level of harm is acceptable when weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. These benefits include:

- Contribution to the district's housing land supply;
- Provision of mixture of new housing (including affordable housing);
- Employment for building trade and local tradesmen/businesses and the supply chain;
- New residents and visitors would be able to support local amenities and businesses.
- Improving local flood risk with enhancements to the stream

10.30 Historic England and the Council's Conservation and Design officer have raised no objections. As such, it is considered that the proposal would accord with Local Plan policy LP35 and NPPF chapter 16.

Point of access

10.31 The planning application is for up to 50 dwelling units, with main access suitable for vehicular traffic via Gynn Lane to the north-west and a secondary pedestrian access via a Public Right of Way (Reference: HOL/23/10) on Marsh Platt Lane to the south-west.

10.32 Gynn Lane is a 30mph road, with limited street lighting, which varies from 4m to 5.5m and provides direct access to driveways of a number of residential properties. There is one footway opposite the site fronting residential properties.

10.33 The proposed main access is proposed between the land owned by 30/32 Gynn Lane and 34 Gynn Lane. Access to these properties would remain unaffected. It would consist of a 5.5m wide carriageway with a 1.2m wide verge on the western side and a 2.0m wide pedestrian footway on the eastern side that would link to a crossing point on Gynn Lane. The location of the access point is on a slight bend between 30/32 Gynn Lane and 34 Gynn Lane. Officers consider that to facilitate a safe and adoptable access point into the site, that a number of works would have to be carried out involving:

- Loss/change to the curtilage boundary treatment which denotes 30/32 Gynn Lane;
- Loss of trees in the woodland associated with Ludhill Dike;
- Realignment and culverting of Ludhill Dike; and
- Regrading of the hillside.

10.34 Since the planning application was submitted, officers have requested additional information to understand the scale, impact and treatment of the proposed works involved. Officers also requested information to demonstrate how works to the dike would result in a flood risk betterment and that the culvert would be developed to an adoptable standard and not become a future highways maintenance liability. Two design options were subsequently submitted, one showing potential works within the red line boundary and another option showing works within and outside the red line boundary. Highway Structures and the Lead Local Flood Authority have reviewed both options and consider that a better culvert and dike design could be achieved that considers the entire length of the dike in the applicant's land ownership and not just the access point. Additional ecological information was provided to support the two culvert design options. This was reviewed by the Biodiversity Officer who preferred the option with minimum intervention. The Biodiversity Officer stated that there was no information regarding how the access proposals would affect biodiversity net gain. No information has been provided in relation to the loss of trees within the protected woodland area.

- 10.35 Residents have raised concerns about the proposed accuracy of the plans provided and claim that the topographical survey does not reflect the garden curtilage of 30/32 Gynn Lane. Officers have re-visited the site to better understand this query and consider the topographical plans do not truly represent the garden curtilage of 30/32 Gynn Lane. The topographical and access plans show the 30/32 Gynn Lane garden curtilage as part of a hillside with little detail regarding Ludhill Dike (e.g. the access plan gives the impression that the Dike flows underneath Gynn Lane) or curtilage boundary features. Officers consider the garden curtilage to be level and that Ludhill Dike dissects the edge of the garden curtilage in a linear fashion. It is acknowledged that this inaccuracy may be outside the red line boundary. However, officers consider this information is important to fully understand how the proposed culvert design will affect Ludhill Dike and if sufficient visibility can be achieved at the proposed access point.
- 10.36 The proposed Access Plan shows a visibility splay of 2.4m by 43m in both directions can be achieved along Gynn Lane. However, officers are concerned that such visibility cannot be achieved to the west without the use of third-party land that may be outside the red line boundary. Furthermore, land claimed to be part of the applicant's ownership appears on site to form part of an established garden curtilage associated with 30 Gynn Lane. As such, boundary walls and vegetation may not be able to be removed/altered to achieve the necessary visibility if outside the applicant's ownership. The proposed Access Plan only shows an 'estimated boundary position' and appears to have used the wrong sized refuse collection vehicle for the swept path analysis (although in the key indicates that the correct size refuse collection vehicle has been used). Given the lie of the land and the number of dwelling houses the access road will serve, Highways Development Management would also prefer a carriageway design that incorporated two 2m wide footpaths.
- 10.37 Given the above issues that are likely to influence the proposed design of the main access point, officers do not believe that a safe access into the site has been sufficiently demonstrated in accordance with Local Plan policy LP21 as well as NPPF paragraphs 108 and 109. Furthermore, officers believe that insufficient information has been provided that truly considers and provides the necessary mitigation against the impact of the proposed access on the loss of trees and on achieving a biodiversity net gain. These considerations are contrary to policies LP24, LP30, LP32, LP33 and LP65, as well as NPPF paragraph 170.

#### Highways and transportation

- 10.38 With regards to the other highway and transport matters, the planning application is supported by a Transport Assessment. The Transport Assessment has reviewed accidents on the local highway network surrounding the application site from 2012-2016 inclusive (most recent 5-year period that data was available). In this period a total of 14 injury accidents were recorded (6 of the 14 incidents involved pedestrian or cyclists), of which there were no fatal, 3 serious and 11 slight accidents. There were no injury accidents on Gynn Lane. The Transport Assessment concludes that the number and nature of incidents is not considered unusual and that there are no patterns or trends that would be significantly affected by a modest residential development on Gynn Lane. Officers concur with these conclusions.



- 10.39 The Transport Assessment explained how a traffic survey was undertaken on Gynn Lane from 14/02/2019 to 20/02/2019 to establish traffic volume/speed in the vicinity of the site (east and west of the proposed access). The survey shows a low 2-way weekday flow of c.920 vehicles/day, with an average speed of 24.1mph to the east of the access and 23.4mph to the west of the access. Highways Development Management have raised no objections as to when these surveys were carried out or as to concerns regarding speeding traffic.
- 10.40 Using the industry standard TRICs database, the Transport Assessment forecasts that between Monday to Friday there would be an increase by 26 two way vehicular trips between the peak hours of 08:00 – 09:00 hours and an increase by 25 two way vehicular trips between the peak hours of 17:00-18:00 hours. This is considered to not have any significant impact in terms of traffic capacity on the local highway network.
- 10.41 The Transport Assessment also provides an industry recognised 'PICADY' assessment of the proposed traffic generation of the proposed 50 dwelling units on the New Mill Road/Gynn Lane T- Junction. It was concluded that there would be no adverse queuing or capacity problems at the Gynn Lane priority junction given that the ratio of flow (RFC) to capacity is well below 0.85, which is generally accepted as representing stable operating conditions. As such, it is considered that sufficient space capacity is available within this junction.
- 10.42 In terms of potential cumulative impact with other Local Plan allocation sites, the Kirklees Local Plan sets out a sustainable strategy for planned growth currently up to 2031, including proposals for planned mitigation to the local road network. This is underpinned by an extensive district wide strategic modelling exercise of the transport network which takes into account current local road network/public transport use and forecasts planned growth). The modelling also takes into account local, cross-boundary road network issues connecting into neighbouring authority areas.
- 10.43 From the perspective of transport, the cumulative transport impacts of the Local Plan land allocations, (together with existing local road network use and development which has planning permission but which is not yet built) are understood. This evidence provides a significant material planning consideration in the determination of planning applications and has informed the council's Infrastructure Delivery Plan that identifies potential mitigation measures at current and forecast areas of congestion.
- 10.44 Within the context of the local highway network and the application site, officers consider that the allocated sites within the local area are either, far enough away from this site, or of small enough scale to not have such a significant effect on the results as to raise concerns about any of the assessed highway or junction capacities.
- 10.45 In terms of safety for children to walk or cycle to school, Highways Development Management have raised no concerns over safety and therefore this would not warrant refusal of the application.

- 10.46 Given that the submitted site layout plan is indicative, commentary on the detailed design of the internal estate roads is not necessary at this stage. However, officers consider that there is adequate space within the application site for policy-compliant provision of on-site parking and cycle parking for the indicative 50 units. Details of this provision would be considered at Reserved Matters stage.
- 10.47 Notwithstanding the issue associated with the proposed access, officers consider that the other highway and transport matters would be acceptable subject to the necessary conditions, in accordance with policies LP20, LP21 and LP22 of the Kirklees Local Plan as well as chapters 8 and 9 of the NPPF.

#### Flood risk and drainage

- 10.48 NPPF paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case.
- 10.49 The site was larger than 1 Hectare and therefore a Flood Risk Assessment (FRA) and Drainage Design Strategy by Fairhurst was submitted that considered the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water. During the application process, a Technical Note: Drainage report by Curtins was submitted to provide further information in relation to the Lead Local Flood Authority (LLFA) comments. Further consideration was given to flood risk issues regarding Ludhill Dike (particularly at 30 Gynn Lane), Gynn Lane itself with regards to highway flood routing and the neighbouring former 'Maltings' mill pond. The LLFA consider that to accord with policies LP27 and LP29 of the Kirklees Local Plan, planning conditions seeking additional survey works and off-site improvement works may be required to facilitate the proposed development.
- 10.50 With regards to the proposed access at Gynn Lane, the LLFA have no objection to the proposed culverting of Ludhill Dike. However, the LLFA have expressed the following concerns about the proposed culvert design options:

*“Option B - Culvert lengths should be kept to a minimum reducing risk to those who may choose to enter the culvert with or without permission, risk of blockage and sedimentation, and aids animal passage. Relevant permissions should be provided from 3rd party land owners giving their permission to place a culvert under their land.*

*Option C still has an increased length of culvert and fails to remove angles at the point of entry which will create a risk of sedimentation and a maintenance liability that we believe can be reduced through design.*

*The use and design of a trash screen at this position must be assessed using the latest CIRIA guidance on culvert and screen design with a view to avoid where reasonably practicable.*

*Every effort should be made to prevent water in a blockage scenario or exceedance event for Ludhill Dike or on site, from discharging down Gynn Lane at the access point. In addition to this, scope for extra gullies on Gynn Lane or grips as a belt and braces approach to divert flowing water from the road back into the beck should be explored.”*

- 10.51 The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:
- 1 – into the ground (infiltration)
  - 2 – to a surface water body
  - 3 – to a surface water sewer, highway drain, or another drainage system
  - 4 – to a combined sewer
- 10.52 The supporting information considers that the soil profile of the site would be unsuitable for infiltration. The proposed outline drainage strategy is for surface water to be discharged (underneath the access road) into the Ludhill Dike that runs within the northern edge of the site. Attenuation features are proposed that consider the potential climate change impact are proposed to ensure greenfield runoff rates at 10.5 l/s, as agreed by the Lead Local Flood Authority. As this is an outline application it is considered that these matters can be satisfactorily dealt with by the imposition of conditions in line with policies LP27, LP28 and LP29 of the Kirklees Local Plan and chapter 14 of the NPPF.
- 10.53 With regards to foul water drainage, there is a 225mm public combined sewer in Gynn Lane, to the north of the site. The proposed outline drainage strategy shows that foul water from the development could be made into the sewer. However, further design and survey work is required to ensure that pumping would not be required. Yorkshire Water have not raised any objections to this proposed strategy.

### Trees

- 10.54 Within and adjacent to the site's northern and western boundaries of the site, along Ludhill Dike there is a protected woodland area (Reference: 01/96/w2 and 01/96/w1). There are also two groups of protected trees to the south west of the site (Reference: 01/96/g2 & 01/96/g3). There are also two mature trees and hedgerows within the site as well as a number of trees and hedgerows along the site's southern boundary.
- 10.55 In accordance with regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 any permission for works to protected trees cannot be granted with this outline planning application. Therefore, any proposed works to protected trees would require a full planning application.
- 10.56 The planning application is supported by a Tree Survey Report and an Arboricultural Impact Assessment and Method Statement. A drawing within the latter document shows that to facilitate the proposed access point would result in the loss of a Sycamore, three Ash, an Elm, a Cypress and a Holly in the protected woodland area (Reference: 01/96/w2).

- 10.57 The Council's Arboricultural Officer has stated that there is likely to be the loss of additional trees due to the re-grading of the landscape and works to Ludhill Dike. These works are likely to impact on the rooting area to maintain the trees health. The Arboricultural Officer considers that the proposal would make a significant gap in the protected woodland area. The amenity value provided by the woodland is what the purpose of the woodland protection order was served to protect and this would be permanently undermined by the creation of such a large gap. As such, the officer objects to the proposal and considers it to contravene Local Plan policy LP33 and NPPF chapter 15.

### Biodiversity

- 10.58 The application site is greenfield land and is predominately grass. Trees and shrubs exist along the site's boundaries, particularly along the northern edge. A Preliminary Ecological Appraisal Report accompanied the planning application which recommended further survey work. Therefore, during the course of the planning application, another report was submitted which included information of the site's biodiversity baseline value. The report provided further survey information for bats, crayfish and badger. It also provided details as to how a residential development could be developed that minimises impacts on existing habitat while providing space to include mitigation and enhancements.
- 10.59 The Council's Biodiversity Officer has reviewed this information and has requested that the recommendations detailed within this report should be used inform any detailed layout and landscaping plans at the Reserved Matters stage.
- 10.60 In addition, the Biodiversity Officer requested further information regarding the biodiversity impact as a result of culverting works of Ludhill Dike to facilitate the proposed access point. Additional information was received (in relation to the proposed two culvert designs) but was considered insufficient as little information had been provided concerning the significance of ecological impacts with regards to culverting the additional section of the watercourse. The officer agreed that option B would be preferred to maintain the openness of the water course and would prevent further impact to the protected trees, and that many of the other potential risks and impacts could be dealt with via the production of a Construction Ecological Management Plan (CEMP) to prevent any damaging actions during construction. The officer would also welcome the consideration of the inclusion of additional measures in the design of the culvert to provide ecological benefits such as ledges running above the water channel to allow safe passage of mammals. Therefore, subject to the final design on the culvert, the Biodiversity Officer was satisfied that the impacts can be mitigated via the production of a CEMP.

### Environmental and public health

- 10.61 The proposed development would cause an increase in vehicle movements to and from the site, however air quality is not expected to be significantly affected. To encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, Local Plan policies LP21, LP24 and LP51, the West Yorkshire Low Emission Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance.

- 10.62 Environmental Health have raised no concerns regarding noise from the adjacent railway line as it is a minor line that does not have regular night time train movements and only infrequent trains during the day
- 10.63 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the adjacent sports and recreation facilities, the affordable housing that would be secured by condition, pedestrian connections (which can help facilitate active travel), measures to be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health.

#### Ground conditions

- 10.64 The application site is within a Development High Risk Area as defined by the Coal Authority. The Coal Authority records indicate that there are two mine entries on the site, and one within 20m of the site boundary. The site is also in an area of likely historic unrecorded coal mine workings at shallow depth. The planning application is supported by a Phase 1 Desk Study prepared by Fairhurst. The report has been reviewed by the Coal Authority and considers to have reviewed an appropriate range of sources of the available coal mining and geological information. It concludes that there is a potential risk posed to the development by past coal mining activity, specifically in relation to the recorded mine entries and potential presence of shallow coal mine workings. The report therefore recommends that intrusive site investigations are carried out on site in order to locate the mine entries on site and establish if shallow coal mine workings are present. It also recommends that gas monitoring is carried out on site. The Coal Authority concurs with the report findings and recommends the necessary conditions for site intrusive works and any remedial works.
- 10.65 The Phase 1 Desk Report prepared by Fairhurst has also been reviewed by Environmental Health who are satisfied that there is no need for further investigation into potential contaminated land that needs to be undertaken before development commences. However, a condition is recommended should any contamination be discovered while groundworks are being found.
- 10.66 Therefore, subject to the imposition of the necessary land contamination and ground stability conditions the planning application would accord with Local Plan policy LP53 and NPPF Chapter 15.
- 10.67 The site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. During the planning application process a letter prepared by Fairhurst was provided in relation to this matter. The letter concludes that the proposed site would not be able to conform to criterion 'a', 'b', 'c' and 'f' of the criteria listed within Part 2 of Policy LP36 due to known site constraints. It also states that the site is naturally and physically constrained with regard to size and topography, the site should be discounted with respect to future mineral extraction. Moreover, it concludes that any future mineral extraction at the site would prevent the site from contributing towards the Council's five year housing land supply.

10.68 Policy LP38 states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.

### Representations

10.69 A summary of the issues raised and associated officer responses are provided as follows:

- The planning application is contrary to Local Plan policy LP65
- Total disregard for the view of the local community
- Not a safe or sustainable development
- Concerns regarding the cumulative impact of this development and other residential developments in the area
- Loss of the green belt
- Damage and loss of established hedgerows, trees, farmland, green fields and a special unique countryside landscape
- Wrong location for residential development
- This land was refused planning permission in the past so what has changed now?
- Why wasn't this land in the previous local plan?
- A number of consultees do not support the proposal

**Officer response:** The principle of housing has already been established on the site as the site is defined in the Kirklees Local Plan as a housing allocation (Local Plan ID: HS167). Therefore, in accordance with Local Plan policy LP65, planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map. The site is considered to be in a sustainable location and that it would make a positive contribution to the Kirklees district housing requirements.

- Impact on local residents house prices

**Officer response:** This is not a planning consideration.

- Not enough affordable housing for local people to stay in the area

**Officer response:** Noted. However, the development of this site has the potential to contribute to the provision of affordable housing in line with Local Plan policy LP11, which could be secured by planning condition.

- Concerns raised by residents at the developers consultation events regarding access, traffic and flooding have been ignored
- Different documentation propose different road gradients
- The planning application form is incorrect – establishment of public right of way, parking, employment
- The submitted documentation and reports, including the topographical survey, site sections, highway reports, travel plan, flood risk reports are not accurate and dated
- Visual experience would totally refute 'expert findings'
- Consultation responses refer to attenuation systems not shown on the latest plans

**Officer response:** Comments noted.

- The proposed access route will impinge on the route of a customary pedestrian right of way from no.34 Gynn Lane.
- The access route would be costly to construct and not attractive to potential purchasers.
- Unsuitable designed access road for the proposed scale of development, positioned on a narrow bend of Gynn Lane through steep and mature woodland, using unattractive high retaining walls and bankings, with a footpath along one side only.
- The proposed retaining walls may become a maintenance liability
- This access point would require the ground levels in the field to be reduced by 4m. The applicant has not considered how this would be done, nor have they shown how this reduction could be feathered across the site or what knock on impacts this would have on (a) the railway line, (b) neighbouring properties, (c) protected trees and species, (d) water courses, drainage and surface run-off
- There are electricity poles in the proposed visibility splays
- Water and gas supply lie under the proposed access route
- The developer should purchase third party to establish a more appropriate alternative access point into the site from Gynn Lane
- Unsuitable access for refuse lorries, construction traffic, delivery vehicles, emergency vehicles and other large vehicles to use. Vehicle tracking diagram shows that a wagon carrying out a 'right in' manoeuvre cannot do so without hitting the kerb or mounting the existing footpath on Gynn Lane. This would present a danger to pedestrians on the footpath. Also, when leaving the site a wagon turning left could be on the wrong side of Gynn Lane as it approached a blind bend by Nos 30/32 Gynn Lane.
- Development would require third party land to achieve the necessary visibility splays and the boundary lines are factually and legally incorrect
- Concerns about the loss of boundary hedgerows that denotes private land
- An existing, long standing and substantial stone wall forming the boundary between the gardens of the listed cottages and Gynn Lane has been completely omitted from the proposed site access plan which together with the hedges and trees make up the visibility splay, making the junction dangerous
- The proposed pedestrian crossing has poor sightlines
- The proposed gradients may be unsuitable for electric vehicles
- The proposed retaining wall will be substantial, unattractive and a potential future maintenance issue
- Revised plans do not address the issues previously raised

**Officer response:** During the site allocation selection process, it was considered that an access into the site may be achieved in this broad location, without having an unacceptable adverse impact on the railway line, trees, drainage, ecology and the listed building. However, as part of this planning application, officers consider that insufficient information has been provided to demonstrate that a safe access point can be achieved from Gynn Lane within the applicant's land ownership or within the adopted highway extents. The landscaping, appearance as well as maintenance and management of any proposed retaining features could be secured by the necessary planning conditions.

- Footpath provision on Gynn Lane, Station Road and other local roads are unsuitable for pedestrian movement and people with disabilities
- No suitable cycle provision within the locality
- No disabled access to Honley Station
- The site may be near to some shops and services, as well as provide access to a bus service and train station but residents and visitors are more likely to use their cars to travel due to the local area's topographical constraints
- Highway safety concerns - Gynn Lane is unlit/poorly lit, parked cars associated with a drop off/collection point for school children and people using the sports fields, used as a rat run, drivers exceed speed limit and lack of adequate visibility. Also school children from Honley High School regularly cross Gynn Lane during the day to access the school playing fields.
- The traffic assessment conducted during a school holiday is not representative of a typical day
- The traffic survey lasted less than a week and is not a true reflection of vehicular traffic
- The traffic count was carried out over the weekend and is not representative of a typical day
- The traffic assessment was carried out when it will not have been the preferred route of access during this winter month as locals from lower Gynn Lane and surrounding areas are less likely to use Hall Ing Lane as a route to the east or Farnley, due to the ice risk.
- Unmade road between Gynn Lane and Honley Station and should be surfaced and lit for the benefit of pedestrians and cyclists but not vehicular traffic – should be secured by section 106 agreement
- The unmade road at Station Road should remain to deter rat running
- A direct pedestrian and cycle link should be established with Marsh Platt Lane rather than an indirect path as shown on the proposed layout plan
- The proposed gradients are unsuitable for vehicles in winter months as well as for wheelchairs, pushchairs, cyclists and pedestrian; resulting in potential residents and visitors using their cars
- Gynn Lane, Hall Ing Lane and the surrounding road network are unsuitable for this level of development, particularly as they are narrow with parked cars and blind bends as well as suffer from flooding and water erosion
- The proposed development will exacerbate an existing 'rat running' problem
- Unacceptable impact on local traffic capacity, congestion, road noise and air quality, pollution particularly at peak times
- There are already overloaded junctions within the locality and on the A616.
- Impact on residential amenity near to the proposed access point due to the comings and going of vehicles and issues of road noise and vehicle headlights
- Parish Council have suggested that the traffic flow at Honley Bridge area should be improved if this development goes ahead. No improvements appear to have been proposed

**Officer response:** The existing local infrastructure and highway safety concerns in the locality are acknowledged and these will have likely to have been considered during the Local Plan site allocation selection process. During the course of the planning application, an updated Transport Assessment including a swept path analysis, independent speed survey and



Picady assessment of the junction with New Mill Road were submitted. No objections have been raised by Highways Development Management in relation to any of the above highway related concerns. In addition, Environmental Health officers do not raise any concerns regarding lighting, noise or air quality concerns, subject to the necessary conditions.

- Unacceptable loss of trees with TPOs (TP38 and TP53) and other trees at risk with damage to tree roots, which will impact on the character of Gynn Lane (unsightly gap in the woodland) and cannot be replaced by the planting of trees elsewhere. Concerns have been expressed by the tree officer

- Loss of trees will result in an unacceptable impact on biodiversity

**Officer response:** These concerns are also expressed by the tree and biodiversity officers. However, officers acknowledge that with any approval there will likely have to be a loss of trees within the protected woodland area and an impact on biodiversity to facilitate a safe and appropriate access.

- Surrounding properties including those at 30 and 32 Gynn Lane, Council Terrace, as well as lower parts of Gynn Lane, Neiley Fields and New Mill Road have all suffered from flooding and despite culvert investigations this development would aggravate the problem. Lead Local Flood Authority are also cautious
- The proposed attenuation system capacity is inadequate for the development
- Various photographs and videos of the immediate locality showing recent flooding events have been provided
- 'Section 19 investigations' should be firstly carried out and the existing drainage infrastructure should be improved before any development is considered
- The proposal has ignored existing flood risk issues, which will worsen due to climate change
- A land drain into Ludhill dyke is situated where the culvert is proposed and has been ignored
- At present when there is heavy rain the foul water system backs up at the bottom of Gynn Lane discharging effluent into road and properties which this development will worsen
- Man hole covers along Gynn Lane float in flooding events, with 50 more houses this will no doubt be worse
- Due to the current form and structure of Ludhill Dyke it was unable to cope with the recent flooding events and the flood risk report does not satisfactorily take into consideration these issues
- The flood risk report does not include any Ludhill dyke modelling nor does it take into account recent drainage works upstream. A full independent hydrological assessment needs to be undertaken before any plans are approved
- The field currently helps store surface water, developing on it would increase flood risk downstream
- A sustainable drainage system has not been demonstrated that would not reduce flooding elsewhere, particularly those areas already considered by the Environment Agency to be at risk from flooding
- Drainage systems for new developments under construction have failed to stop flooding elsewhere, e.g. land adjacent to 20 Gynn Lane
- Adverse flood risk impact on a spring that runs from the site to the west, to the rear of the properties known as the Maltings

- Insufficient local drainage/sewerage capacity, existing culverts and underground water courses are already overflowing.
- Concerns that the proposed access road will flood surrounding gardens
- Issues with groundwater
- Concerns about the proposed length of Ludhill Dyke to be culverted and trash screens to be used that may become blocked and cause flooding, which has happened elsewhere locally
- New development (The Orchards) on Gynn Lane has already had a negative impact on Ludhill dyke with an increase in volume of water it has to take resulting in flood risk elsewhere, which this development will contribute to
- The potential impact of water from the site running into the mill pond and through its surrounding infrastructure.

**Officer response:** During the course of the planning application, a revised drainage strategy was submitted in response to the Lead Local Flood Authority concerns. The submitted revised drainage strategy was based on survey work of the culvert/dike and further desktop work of the mill pond. It is considered that a number of the above issues could be addressed by way of condition or at the Reserved Matters stage when the matters of scale, layout and landscaping are submitted. The applicant has had extensive discussions with the Council's Section 38 team and the Lead Local Flood Authority to propose an access that would be to adoptable standards that would also secure a betterment in terms of flood risk. Unfortunately, this information has not been provided in due time for consultees to agree on an acceptable design solution.

- Gynn Lane is unsuitable for the necessary construction traffic to facilitate the proposed civil engineering works.
- Construction concerns in relation to noise, traffic, mess and parking
- Reassurance that there will be no road closures during these works as there is no other sustainable access houses past the railway bridge
- The existing retaining walls and features, particularly found at Gynn Lane is unsuitable to accommodate construction traffic

**Officer response:** The management and access arrangements of construction traffic could be secured by a planning condition.

- There is a coal mining legacy on the site and the site is in a high risk area
- Officer response:** The Coal Authority have raised no objections, subject to conditions securing site intrusive investigation works prior to the submission of a Reserved Matters application and if necessary the implementation of the necessary remedial works prior to development.

- Contrary to the Planning (Listed Buildings and Conservation Areas) Act, 1990
- Historic England have serious concerns
- The new development would not be in character with the local area, particularly the older properties, with no regard for the natural beauty and heritage of the area
- Adverse impact on the setting of the listed buildings on Gynn Lane and Hall Ing Lane as well as the historic character of the area, which include the dyke and the woodland area
- The indicative site layout has ignored the independent Farrell and Clark report findings commissioned as part of the Local Plan Process as well as the Planning Inspectors recommendations in protecting the neighbouring

listed buildings – i.e. this demonstrates that 50 dwelling houses cannot be accommodated on the site

**Officer response:** Officers consider that to facilitate a suitable vehicular access into this housing allocation would potentially result in some harm to the setting of the listed building. However, such harm is considered to be appropriately justified and outweighed by the potential benefits that would be gained from this proposal, in accordance with Local Plan policy LP35 and NPPF Chapter 16.

- Due to the site's prominent hillside location there will be a negative visual impact on heritage assets, the street scene, skyline and views of the countryside
- The scale and density of development is inappropriate for this local rural area
- The houses in the planning application are larger homes, more likely to appeal to middle class commuters than those in the local area who are actually impacted by the housing shortage.
- Little information regarding the type of houses proposed

**Officer response:** The housing allocation site box states that the site has an indicative capacity for 50 dwelling houses based on the site's constraints and characteristics. This is an outline application for the erection of up to 50 no. dwellings, all matters reserved except access and the planning application. Therefore, it is considered that the above concerns could be addressed at the Reserved Matters stage, where scale, layout, appearance and landscaping would be determined.

- Due to the lie of the land, neighbouring properties would be directly overlooked by the development, with the associated loss of security, privacy, natural light and overshadowing, as well as potential issues of noise and light pollution
- Replacement trees would impact on residential amenity, in terms of overshadowing

**Officer response:** Given the size of the site it is considered that an appropriate design could be achieved at the Reserved Matters stage that would not result in having an adverse impact on residential amenity.

- Potential damage and inappropriate displacement to wildlife and their habitats
- There are numerous protected wildlife species that would likely be effected by this proposal

**Officer response:** The application is supported by Preliminary Ecological Assessment and additional ecological survey work and mitigation strategies should inform any detailed layout and landscaping plans at the Reserved Matters stage. However, officers acknowledge that works to the dike to facilitate a safe and adoptable highway access would have an adverse impact on biodiversity. An acceptable access design has not been agreed and insufficient information has been provided with regards to this matter.

- Schools are at capacity
- Doctors surgeries and dentist practices, in which it already takes a considerable time to get an appointment, would be further stretched
- Detrimental impact to existing resident's quality of life
- Insufficient infrastructure and local amenities

- There have been two recent building projects in Honley - on Fisher Green and Thirstin Road - adding large numbers of houses to Honley. The village centre and its amenities are not equipped to deal with yet another large increase in numbers

**Officer response:** The proposed quantum of development as well as the potential cumulative impacts with the other site allocations/development sites were considered as part of the Local Plan site allocation selection process. Once the scale of development is determined, contributions towards education, affordable housing, public open space and encouraging modes of sustainable travel can all be secured as planning obligations. Health impacts are a material consideration relevant to planning, but there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for health care 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. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. The developer would carry out the relevant assessments/ investigations and liaise with the appropriate utility providers to ensure the development can be carried out and accommodated without overburdening the surrounding infrastructure/services. Furthermore, utility companies have a statutory duty to provide the necessary infrastructure. As such, a suitable residential development can be accommodated on the site that does not have an adverse impact on local services and on quality of life.

### Planning Obligations

- 10.70 As the applicant seeks outline permission with all matters reserved (other than access), the end number of units is unknown. To accord with Local Plan policy LP11 and the Kirklees Interim Affordable Housing Policy, if the Council is minded to grant outline permission, a condition can be imposed requiring the provision and type of affordable housing.
- 10.71 The application site is within the Holme Valley North Ward. It is currently deficient in quantity in all of the open space types including, parks and recreation grounds and amenity greenspace and deficient in natural and semi natural, as well as allotments in terms of accessibility, so all these will be required. A residential development on this site would trigger the requirement for all of these typologies. The indicative site layout plan provided, shows very little detail to identify the uses for the Public Open Space on the site/amenity green space to the southern portion of the site (other than the description in the 'key' indicates an area of play, amenity space, and native wildflower meadow trim trail) If this application is approved, then once the quantum of development is agreed at Reserved Matters stage, the necessary financial contribution can be secured via condition and subsequent S106 Agreement. As such, subject to this condition, the proposal would accord with policy LP63 of the Local Plan.
- 10.72 An education contribution would be required under Local Plan policy LP4 and LP48, as the site would be able to accommodate 25 or more dwelling units, which is the threshold for an education contribution. This contribution would be secured once the number of dwelling house units have been secured at the Reserved Matters stage, if outline approval was granted.

- 10.73 Contribution(s) related to highways impacts would be required under Local Plan policies LP4, LP20 and LP21. This would depend on the number of units proposed at this site, the related vehicle movements, and any local highways issues that may be relevant at the time a Reserved Matters application is considered. The provision of a Travel Plan and Metro cards for residents may be appropriate. The need for such provisions would be determined at Reserved Matters stage, and a relevant condition is recommended.
- 10.74 Contributions related to off-site works may be required in relation to drainage management and maintenance to Ludhill Dike, Gynn Lane and the Former Maltings Mill Pond under Local Plan policies LP4, LP28 and LP29. These matters would be considered further at Reserved Matters stage when the drainage strategy has been finalised and further survey work has been carried out. Therefore, a relevant condition is recommended if approval is granted.

## **11.0 CONCLUSION**

- 11.1 The application site is allocated for housing in the Local Plan, and the principle of residential development at this site is considered acceptable.
- 11.2 The proposed development, however, raises significant concerns in relation to highway safety. Insufficient information has been provided to demonstrate whether an adoptable highway access with appropriate visibility splays on Gynn Lane can be achieved. The proposed development would have a detrimental impact on highway safety, contrary to Local Plan policy LP21 as well as NPPF paragraphs 108 and 109.
- 11.3 Concerns have been raised that insufficient information has been provided that truly considers and provides the necessary mitigation against the impact of the proposed access on the loss of trees and on achieving a biodiversity net gain. Therefore, the proposed development is contrary to policies LP24, LP30, LP32, LP33 and LP65, as well as NPPF paragraph 170 and 175.
- 11.4 For the above reasons, the proposal cannot be supported by officers.

## **12.0 REASONS FOR REFUSAL**

- 1) Insufficient information has been provided to demonstrate that an appropriate and safe access onto Gynn Lane can be achieved, without requiring third party land, which would increase risks to highway safety. Insufficient information has also been provided to demonstrate that such highway access would not result in an unacceptable loss of protected trees of amenity value and a negative impact on biodiversity, both without the necessary mitigation. This is contrary to Kirklees Local Plan policies LP21, LP24, LP30, LP32, LP33 and LP65, as well as National Planning Policy Framework Chapters 9 and 15.

### **Background Papers:**

Application and history files.

Website link <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/91388>

Certificate of Ownership – Notice served on Owner/Agricultural Tenant at Field End Farm and Certificate B signed.