
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 28-Apr-2021

Subject: Planning Application 2019/93303 Erection of 267 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive Merchants Field Farm, Hunsworth Lane, Cleckheaton, BD19 4EJ

APPLICANT

Harron Homes Ltd

DATE VALID

08-Oct-2019

TARGET DATE

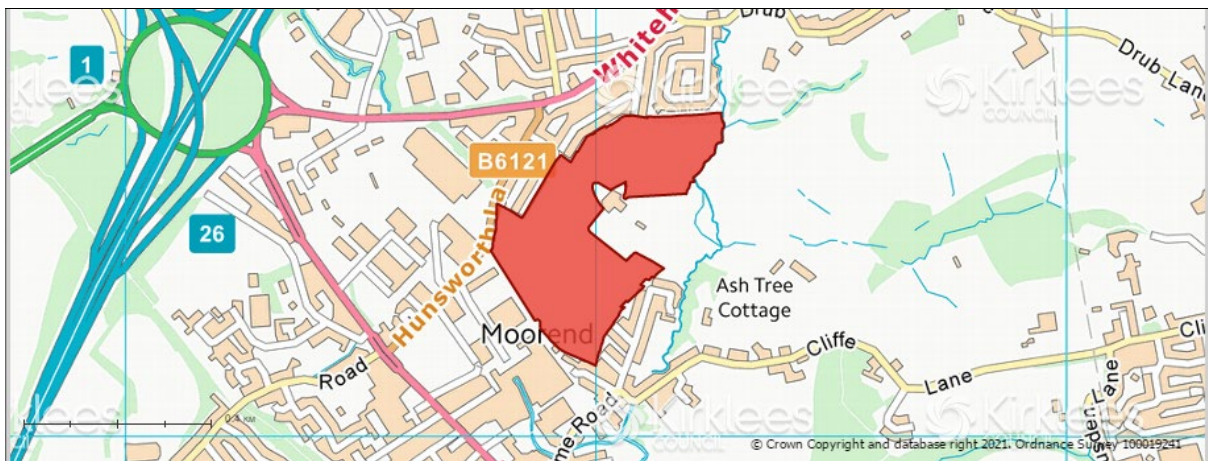
07-Jan-2020

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Cleckheaton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions, including those contained within this report, and to secure a S106 agreement to cover the matters set out below, and subject to the Secretary of State not calling in the application.

1. 54 of the dwellings to be affordable with a tenure split of 55% affordable rent and 45% Intermediate
2. Public open space provisions including off-site commuted sum of £150,000 and future maintenance and management responsibilities of open space within the site including an inspection fee for the onsite open space of £1,000
3. £1,086,099 towards Education requirements arising from the development to be spent on upon priority admission area schools within the geographical vicinity of this site to be determined.
4. Off-site highway works (£65,000)
5. Contribution towards sustainable travel measures (£136,571)
6. Travel Plan monitoring fee (£15,000)
7. Bus stop improvements (£10,000)
8. Air quality mitigation (£152,378)
9. Off-site biodiversity contribution (£111,060)
10. Future maintenance and management responsibilities for the surface water infrastructure within the site

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

1.0 INTRODUCTION:

- 1.1 The application is brought forward to the Strategic Planning Committee because of the scale of development proposed.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is located towards the northern extent of Cleckheaton and comprises unused agricultural grazing land amounting to some 12.01 hectares.
- 2.2 The site wraps around Merchant Fields Farm, which comprises of a group of four dwellings. The access to these dwellings is via an unadopted track at the end of Kilroyd Drive which passes through the application site.

- 2.3 The area to be developed comprises five adjoining fields which are separated by tree and hedgerow boundaries. Two fields in the middle of the site generally have a very gentle topography but the two fields making up the southern portion of the site and the field in the north eastern part of the site slope down quite steeply towards the site boundaries.
- 2.4 The site is located in an area where there are a mix of uses. Residential development lies to the north, north west and south eastern boundaries and there is employment land to the south west. Open land exists to the north east. The urban grain of the surrounding residential area is reasonably compact with closely spaced dwellings comprising of mainly semi-detached and terraced housing of mixed age and design.
- 2.5 Public footpath SPE/41/10 runs alongside the south western site boundary and public footpath SPE/44/30 runs through the north east corner of the site and continues alongside the south eastern boundary. Nann Hall Beck lies along the north eastern boundary.

3.0 PROPOSAL:

- 3.1 This is a full application for the erection of 267 dwellings.
- 3.2 There would be two points of access for the development. A new access is to be formed off Hunsworth Lane and an estate road link would be made utilising the existing access from Kilroyd Drive.
- 3.3 The proposed access from Hunsworth Lane would form a priority junction with a right turn lane into the site from Hunsworth Lane. Footways are provided to both sides of the access. The proposed access from Kilroyd Drive would form an extension of the existing carriageway and footways.
- 3.4 All of the proposed dwellings are two storeys in height. There are ten different house types and the proposed facing materials are a combination of red brick with red tiled roof and artificial stone with grey tiled roof.
- 3.5 Public open space is provided to the north eastern, southern eastern and south western boundaries.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 There is no planning history that is directly relevant to this proposal.

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

- 5.1 When the application was first submitted it was for a total of 298 dwellings. The applicant opted to review their scheme during the application process and the layout was subsequently amended, resulting in 267 units.
- 5.2 Officers have undertaken negotiations with the applicant in respect of housing density and housing mix, the important hedgerow on the site, the retention of the proposed access off Hunsworth Lane, viability/planning obligations and technical matters including highways, drainage, biodiversity and the nature of open space provision on the site. An amendment to the site layout was secured to improve separation distances to an existing dwelling and enhance the

relationship between the site and Links Avenue. The applicant has confirmed that the scheme will be amended to ensure that 100% of the dwellings meet Nationally Described Space Standards.

- 5.3 There have been two formal pre-application enquires for residential development on this site, both submitted by the current applicant. The most recent enquiry was submitted in 2018 and was for 224 dwellings. As part of the advice provided on that enquiry, the applicant was asked to consider increasing the quantum of development and improving the housing mix.

6.0 PLANNING POLICY:

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

- 6.2 The site comprises housing allocation HS96 within the Kirklees Local Plan.

6.3 Kirklees Local Plan (2019):

LP1 – Presumption in favour of sustainable development

LP2 – Place shaping

LP3 – Location of new development

LP7 – Efficient and effective use of land and buildings

LP11 – Housing Mix and affordable housing

LP20 – Sustainable travel

LP21 – Highway safety and access

LP22 – Parking standards

LP24 – Design

LP27 – Flood risk

LP28 – Drainage

LP30 – Biodiversity and geodiversity

LP32 – Landscape

LP33 – Trees

LP35 – Trees

LP47 – Healthy, active and safe lifestyles

LP49 – Educational and health care needs

LP51 – Protection and improvement of local air quality

LP53 – Contaminated and unstable land

LP63 – New open space

LP65 – Housing allocations

6.4 Supplementary Planning Guidance / Documents:

Highway Design Guide SPD

Draft Open Space SPD

Draft Housebuilders Design Guide SPD

6.5 National Planning Guidance:

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

6.6 Other material considerations:

Kirklees Interim Affordable Housing Policy (January 2020)
Biodiversity Net Gain Technical Advice Note
Planning Practice Guidance

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Two rounds of formal publicity have been undertaken. The first publicity period related to the application as originally submitted (298 dwellings) and a second period of publicity was carried out following amendments to the proposed layout (267 dwellings). In total 112 objections have been received. A summary of the comments made is provided below.

Landscape and urban design:

- Scale of development is too large for the site
- Development is too dense
- Development would amalgamate Hunsworth village into Cleckheaton
- Development will merge Hunsworth and Moorend resulting in an unnecessary conurbation and the loss of village identity
- Development would double the size of Hunsworth
- Loss of Green Belt land
- Loss of green space and recreational opportunities
- Design of housing out of keeping with surrounding development

Highways:

- Impact of increased traffic on local highway network including key junctions
- Local highway network cannot accommodate the additional traffic
- Detrimental impact on highway safety
- Cumulative highway effects with other developments in the area
- Both of the proposed access points are unsuitable and dangerous
- Impact of construction traffic and development traffic on Kilroyd Drive
- Kilroyd Drive unsuitable to accommodate the additional traffic
- On-street parking on Kilroyd Drive narrows its width and makes it unsuitable to serve the development
- Request for a Traffic Regulation Order for Kilroyd Drive to prevent the site being used as cut through (rat run) and thus increasing the amount of traffic on Kilroyd Drive beyond that generated by the development alone
- Use of Kilroyd Drive for access will harm the amenity and safety of existing residents on Kilroyd Drive and infringe upon their Human Rights
- Concern that the proposed access off Hunsworth Lane will not be built and all traffic will come along Kilroyd Drive
- Site is not accessible
- Public transport infrastructure inadequate to support this development

- Internal road layout could cause parking problems
- Proposed right turn lane off Hunsworth Lane is dangerous given how busy this road is and traffic speeds
- Risk that the development will be used as a rat run

Drainage and flood risk:

- Concern that the development will increase the risk of flooding to existing property adjacent to the site
- Adjacent property has recently experienced flooding
- Existing fields become saturated in winter and parts of them have flooded
- The adjacent beck overflows and water runs off the site onto Hunsworth Lane
- Cumulative flood risk effects with other developments in the area
- Impact of vegetation removal on flood risk

Ecology:

- Detrimental impact on flora and fauna including owls, bats, foxes, herons
- Loss of habitat
- Detrimental impact on Nann Hall Beck
- Impact on the 'important hedgerow'
- Translocation of hedgerow involves losing a section of it
- Loss of existing trees and hedgerows on the site
- Impact on the function of the site as a green corridor
- Net loss to biodiversity

Residential amenity:

- Impact of construction phase on local residents – noise, dust, disruption etc. Concern with length of time it will take to build.
- Detrimental impact on air quality from increased traffic and slower traffic speeds/stationary traffic. Already an air quality issue in this area and proposal will exacerbate this problem.
- Cumulative air pollution effects with other developments in the area
- Insufficient local amenities to serve a development of this scale
- Air Quality is measured at Birkenshaw and not the closer Chain Bar measuring station; data cannot be applied to this site
- Loss of outlook
- Overshadowing/Impact on natural light (right to light)
- Light pollution from dwellings
- Overlooking of existing properties
- Increased noise pollution
- Noise pollution from adjacent factory would affect development

Other matters:

- Increased pressure on schools and medical service providers. Cumulative impact with other developments must be taken into account.
- Inadequate infrastructure and amenities to support the additional housing proposed
- Affordable housing must be provided / object to zero affordable housing provision which would be contrary to policy
- Open space is inadequate/unsuitable

- Inadequate investigation of coal mining legacy. Concerned with the mine shafts on the site and how they will be dealt with
- Concerns with mine gas
- Land stability/subsidence concerns
- There is a Roman road running through the site; archaeological investigation and recording is required
- Impact of construction on stability of adjacent property
- Detrimental impact on property values
- Power and essential services such as water and gas will be compromised
- Boundary dispute in relation to a property at Merchant Fields Farm
- Applicant's Statement of Community Involvement is poor and misleading; concerns with applicant's engagement with local community
- What is 'Indicative Banking' on the proposed site?
- How is access to the public footpaths maintained?
- Impact on climate change
- Impact on livestock in adjoining fields
- Contamination issues with the land
- There is not demand for this amount of housing
- Permission has previously been refused for development on the site
- Development may increase crime

7.2 Ward councillors were notified of the application.

7.3 Councillor Kath Pinnock has raised a range of significant concerns with the proposal including in relation to:

- The highway impacts of the development including the traffic modelling undertaken, cumulative impacts and access from the site onto the A58.
- Flood risk, particularly the potential for the increased risk of flooding off-site
- Air quality including the reliance on data from Birkenshaw. Data should be gathered in the vicinity of the traffic lights at the Hunsworth Lane junction.
- Implications with the legacy of coal mining activity on the site.
- Concerned that the mine shaft adjacent to the proposed new access has not been properly investigated
- Ecological matters including the translocation of the 'important hedgerow'. The hedgerow should be retained in situ.
- The impact on local facilities and services, especially when other local developments are taken into account.
- The relationship between the development and Links Avenue
- The provision of open space and affordable housing on the site
- Provision of suitable waste storage and collection
- Uncertainty regarding the location of the Yorkshire Water sewer

7.4 Councillor Kath Pinnock has requested that the Strategic Planning Committee defer a decision on the application because there are too many unknowns for members to make an informed decision. This is particularly with regards to the highway assessment, coal mining, Yorkshire Water infrastructure and unreliable air quality assessment information.

7.5 Councillor John Lawson has been approached by local residents and has submitted email correspondence on their behalf, including evidence of flooding.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objection. Traffic associated with the development can be accommodated on the highway network.

KC Lead Local Flood Authority – Holding objection until a concern with flood risk to Plots 47 and 48 has been satisfactorily addressed.

The Coal Authority – No objection subject to conditions

Highways England – No objection subject to condition

8.2 Non-statutory:

KC Environmental Services – No objection subject to conditions and a financial contribution towards air quality mitigation.

KC Ecology Unit – No objection. The development results in a net biodiversity loss and an off-site financial contribution is necessary in order to deliver a net biodiversity gain of 10%.

KC Landscape Section – No objection. Off-site contribution of £150,000 is required to supplement on-site provision of open space.

KC Conservation and Design – No objection

KC Trees Officer – No objection. Condition recommended requiring the development to be carried out in accordance with the submitted hedgerow translocation statement.

KC School Organisation – A contribution of £1,086,099 is required towards education provision.

KC Strategic Housing - There is significant need for affordable 1, 2 and 3+ bedroom homes in Batley and Spen. 20% of the dwellings on the development should be affordable, with a tenure split of 55% social or affordable rent to 45% intermediate housing. The affordable housing should be distributed evenly throughout the development and not in clusters and must be indistinguishable from market housing in terms of both quality and design.

KC Public Health – No objections raised

Yorkshire Water – Layout indicates tree planting over/very close to public sewerage infrastructure crossing the southern section of site. Such planting is not acceptable. Layout indicates that an easement to this sewer would be unaffected by the proposals but it is strongly recommended that the developer carries out a survey to determine its exact position.

Police Architectural Liaison Officer – Supports the principle of development subject to the inclusion of the recommended Secured by Design advice.

West Yorkshire Archaeology Advisory Service – No objection

9.0 MAIN ISSUES

- Principle of development
- Density and housing mix
- Urban design and heritage issues
- Landscape issues
- Residential amenity
- Highway issues
- Drainage and flood risk issues
- Ecology and trees
- Planning obligations
- Representations
- Other matters
- Air quality
- Climate change

10.0 APPRAISAL

Principle of development

- 10.1 The site is allocated for housing in the Local Plan and therefore the principle of residential development on the site is accepted in accordance with the land's allocation.
- 10.2 Chapter 5 of the NPPF sets out the Government's objective to deliver a sufficient supply of homes. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
- 10.3 The Local Plan housing requirement is a minimum of 31,140 homes over the plan period from 2013-31 which will meet identified needs. This equates to an annual housing requirement of 1,730 new homes per annum.
- 10.4 As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).
- 10.5 As the Kirklees Local Plan was adopted within the last five years, the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.6 LP3 of the Local Plan states that development will be permitted where it supports the delivery of housing in a sustainable way, taking into account the housing requirements set out in the plan.

10.7 The Local Plan has identified the application site as a suitable location for new housing. The scheme represents a comprehensive development of the whole allocation and the proposal would help to meet future housing needs in this part of the District.

Density and housing mix:

- 10.8 Housing allocation HS96 has a gross site area of 12.10 hectares and a net site area of 11.65 hectares, once 0.45 hectares has been removed from the developable area to enable the retention of existing hedgerows and a vegetated buffer adjacent to Nann Hall Beck to the northeast of the allocation. The proposed layout provides a landscaped buffer to Nann Hall Beck and the applicant is proposing to relocate the important hedgerow within the site (these matters are discussed in more detail later in this appraisal).
- 10.9 The indicative capacity of the allocation is 413 dwellings based on the Local Plan's minimum density target of 35 dwellings per hectare, as set out in Policy LP7.
- 10.10 LP7 states that housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme. Developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.
- 10.11 LP11 states that all proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing.
- 10.12 Paragraphs 122 and 123 of the NPPF sets out guidance on achieving appropriate densities and paragraph 127 of the NPPF states that planning decisions should ensure that developments optimise the potential of a site to accommodate and sustain an appropriate amount and mix of development.
- 10.13 The applicant considers that the net developable area of the site is 8.84 hectares once topographical constraints and easements are factored in. On this basis the proposal equates to a density of 30.2 dwellings per hectare.
- 10.14 Officers accept that the actual developable area of the site is somewhat below that specified within the Local Plan. The topography of the land poses a constraint to development, particularly towards the peripheries of the site. A group of three mine shafts have also been located within the western part of the site and Yorkshire Water has confirmed that easements are required to their infrastructure within the site. The area that the applicant is proposing to develop for housing is deemed to be a realistic reflection of the developable land.
- 10.15 Accepting the reduced developable area, the proposed density of development represents a relatively efficient use of housing land, although it still falls short of the target density of 35 dwellings per hectare required under Policy LP7.

- 10.16 The urban grain of neighbouring residential development is reasonably compact, with quite closely spaced dwellings comprising of mainly semi-detached and terraced housing. The proposed density of development is broadly in keeping with this prevailing character, albeit the proposed development is predominantly made up of closely spaced detached properties.
- 10.17 The proposed scheme is made up of approximately 80% detached dwellings with the remainder being semi-detached and terraced. The mix is heavily skewed towards detached four bed dwellings although there is a proportion of smaller three bed detached houses. The semi-detached and terraces provide two and three bed properties. The development therefore provides a range of dwelling types, albeit with a predominance towards larger detached homes.
- 10.18 The efficient use of land and the proposed mix of housing are issues to be weighed in the overall planning balance, including having regard to the benefits that would result from the development and the quality of the scheme as a whole.

Urban design and heritage issues

- 10.19 Policy LP24 of the Local Plan states that good design should be at the core of all proposals and this should be promoted by ensuring that the form, scale, layout and details of all development respects and enhances the character of the area. Guidance within the NPPF also seeks to achieve well-designed places (chapter 12).
- 10.20 The scheme delivers a mixture of property types of differing design. All the proposed dwellings are two storeys in height and contrasting materials are proposed which would add some variety across the development – the materials would be red brick with red tile and artificial stone with grey tile.
- 10.21 Adjacent residential development has a diverse appearance in terms of design and materials. To the north west are 1980s brick-built semis on Links Avenue and 1930s terraces on Kilroyd Avenue, which are mostly faced in render. To the north of the site are mainly 1960s bungalows/dormer bungalows with two storey dwellings at the southernmost end of Kilroyd Drive. The properties to the south east of the site comprise dwellings of varying age, design and materials (including red brick and natural stone).
- 10.22 It is considered that the overall design approach would respect the local vernacular and the proposed materials would harmonise with the material palette found in the surrounding area.
- 10.23 In response to the site's topography, the land would be built up to create a development plateau to the southern peripheries and north eastern extent of the built area. The edges of the development plateau transition into areas of open space which provide an attractive setting to these parts of the development and provide a buffer between the new housing and the public footpaths that run alongside and through the application site. Connections between the proposed development and these footpaths are provided and the layout allows users of the public footpaths to access the proposed open space on the site, such as the trim trail, seating areas and kickabout space.

- 10.24 It is considered that the proposal would also successfully assimilate with existing street scenes. Where the development connects to Kilroyd Drive, the layout continues the building line of the existing houses on the eastern side of the road and on the western side of the road the layout provides a dual aspect dwelling and then an area of tree planting which helps to provide some visual interest.
- 10.25 Where the development abuts Links Avenue, the new dwellings are side on to the road. The proposal has been amended to improve the interface between the development and the street scene; strips of amenity grassland enclosed by ornamental hedgerows incorporated along much of the boundary to provide a softer edge and enable individual plot boundary treatments to be set in from the roadside where possible. Boundary treatments to the roadside are generally sympathetic, being either a brick wall or low timber knee rail, although there is a short section of 1.8m timber fencing on top of a retaining wall at the top of Links Avenue. The amendment also includes some limited tree planting alongside Links Avenue. Overall, it is considered that the design of the development would satisfactorily integrate with Links Avenue.
- 10.26 The development includes several features that are intended to enhance the quality of design. These include dual aspect properties on all prominent corner plots so that the dwellings have active frontages to both roadsides and tree planting within the internal site layout, such as at the end of roads to enhance street vistas. Substantial tree planting is provided around the proposed new access off Hunsworth Lane and this is intended to mirror the trees on the opposite side of the road. The whole of the area around the access would be landscaped.
- 10.27 The scheme provides good permeability for pedestrians. The layout successfully integrates with the PROW network and connections are provided to Hunsworth Lane and Kilroyd Drive. The applicant has also been asked to provide a connection to Links Avenue. These pedestrian links enhance the sustainability of the development.
- 10.28 The two points of vehicular access allow traffic to and from the development to be split and spread across the highway network. The layout of the site is such that the development should not be attractive as a shortcut or 'rat run' between the A58 and Hunsworth Lane.
- 10.29 The site is not in a Conservation Area and the nearest listed buildings are approximately 130m to the north east and separated by a field and some trees. As such, there would not be any significant impact on the setting of these designated heritage assets.
- 10.30 The applicant carried out a pre-determination archaeological evaluation in 2019. The results of this work established that the site had very low archaeological potential and, in particular, the line of a Roman road was not located by archaeological trial trenching. This being the case, the West Yorkshire Archaeology Advisory Service do not consider that any further archaeological work is necessary at the site.
- 10.31 In summary, the proposal would not result in any unacceptable harm to heritage assets and is an acceptable standard in design terms and therefore is considered to comply with Policies LP24 and LP35 of the Local Plan and guidance in the NPPF.

Landscape issues

- 10.32 Policy LP32 of the Local Plan relates to the landscape. It states that proposals should be designed to take into account and seek to enhance the landscape character of the area considering in particular the setting of settlements and buildings within the landscape; the patterns of woodland, trees and field boundaries and; the appearance of rivers, canals, reservoirs and other water features within the landscape.
- 10.33 In addition, Policy LP24 of the Local Plan requires proposals to have regard to the landscape. It requires, *inter alia*, that the form, scale, layout and details of all development respect and enhance the character of the landscape.
- 10.34 The existing site is unused agricultural land comprising of five distinct fields separated by hedgerows along with some scattered trees to the boundaries. The main landscape features are the hedgerows and in particular the double hedgerow to the south west of Merchants Field Farm which is classified as an 'important hedgerow' within legislation.
- 10.35 The site is located towards the north eastern extent of Cleckheaton and the proposal would effectively 'round off' the built-up area between Hunsworth to the north and Moorend to the south. Much of the eastern site boundary forms the Green Belt boundary, with most of Merchant Fields Farm falling within Green Belt.
- 10.36 The layout incorporates landscape buffers to a significant proportion of the site boundaries. This includes a substantial woodland buffer and area of open space to the north eastern corner of the site where the allocation borders onto Green Belt and Nann Hall Beck. The provision of this area helps the transition between the Green Belt and the new residential development and also meets the requirements of the housing allocation in the Local Plan which requires a vegetated buffer to Nann Hall Beck. An area of open space and a narrow landscape buffer are also provided to the Green Belt where the allocation abuts the southern boundary of Merchants Field Farm.
- 10.37 Open space is provided towards the southern periphery of the site which provides a buffer between the proposed housing and existing residential and commercial development. It is proposed to relocate the important hedgerow within this area where it would form a single hedgerow running parallel to two public footpaths (as discussed at paragraphs 10.94-10.98).
- 10.38 The landscaped area and tree planting around the proposed access off Hunsworth Lane would screen and soften views of the development, which would be set up from Hunsworth Lane given the topography.
- 10.39 Boundary treatments to the open space are generally low timber knee rails which allow a sense of openness to the development.
- 10.40 The proposed development would largely be viewed in the context of the established built form which surrounds the majority of the site and the proposed layout mitigates the visual impact on the landscape. In conclusion it is considered that the proposal would successfully assimilate itself within the landscape without resulting in any significant harm and as such the application is considered to comply with Policies LP32 and LP24 of the Local Plan.

Residential Amenity

- 10.41 Policy LP24 of the Local Plan states that development proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. The NPPF also seeks to ensure that developments create a high standard of amenity for existing and future users.
- 10.42 The proposed development borders onto residential development to the north/north west and to the south east.
- 10.43 The most direct relationship between new and existing dwellings is where plots 251-267 back onto the rear elevations of the properties on Kilroyd Avenue. The topography in this part of the site is such that the respective dwellings would be broadly on the same level and all the dwellings would be similar in height, except for 45 Kilroyd Avenue which is a dormer bungalow.
- 10.44 Separation distances are all in the range of circa 21m-24m, but this separation is reduced to approximately 18m and 20m in relation to conservatories on six of the neighbouring dwellings. The adjacent properties have an assortment of rear boundary treatments; the proposed boundary treatment plan does not specify how this boundary will be treated although a typical 1.8m rear boundary fence would provide an effective screen between ground floor windows.
- 10.45 New houses also back onto the side of 45 Kilroyd Avenue, which has a secondary bedroom window and the side windows to its conservatory facing towards the application site. The separation distance to the conservatory is approximately 20m.
- 10.46 It is considered that the above separation distances are acceptable. The impact on residential amenity would be further mitigated by suitable boundary treatment. Sensitive boundary treatment is particularly important to the boundary with 45 Kilroyd Avenue because there is a small parking courtyard adjacent to the boundary which would benefit from being softened; it would also reduce the potential for nuisance from vehicle headlights. The removal of permitted development rights for rear extensions and roof extensions (e.g. dormer windows) would also protect the amenity of existing residents in the future.
- 10.47 The houses on Links Avenue front onto the side elevations of new dwellings at distances of around 17m to 22m.
- 10.48 Existing properties on Mazebrook Crescent that back onto the site are well separated from the nearest proposed dwellings, which generally have a side elevation facing towards these existing properties. Plots 46-48 back onto part of Mazebrook Avenue and Mazebrook Crescent and the separation to the nearest dwellings is approximately 24m and 32m. There is a landscape buffer along the whole of this northern boundary.
- 10.49 New dwellings are separated from existing dwellings to the south and south east by open space which allows for very generous separation distances. It is also considered that acceptable separation is provided to the four existing dwellings that make up the Merchants Field Farm site.

- 10.50 The applicant has agreed to amend the scheme so that it achieves 100% compliance with Nationally Described Space Standards, which will ensure a high standard of amenity for all future occupiers. The amendment comprises of minor changes to two of the house types. The amendment is shown on the updated site layout plan, although amended floor plans for the two house types are awaited. The development is considered to provide adequate outdoor amenity space for each dwelling.
- 10.51 The site lies in close proximity to some commercial development on Riverside Drive. The application is supported by a noise assessment. The proposed dwellings are well separated from the nearest units and Kirklees Environmental Services have raised no concerns regarding noise.
- 10.52 In summary, it is considered that the proposed development would provide an acceptably high standard of amenity for future and neighbouring occupiers and the application therefore accords with Policy LP24 of the Local Plan and guidance in the NPPF.

Highway issues

- 10.53 The site lies approximately 1.2 km to the north of Cleckheaton Town Centre and is located to the east of the B6121 Hunsworth Lane and south east of Whitehall Road (A58). Vehicular access is currently taken from Kilroyd Drive, which serves an existing complex of farm buildings and associated residential accommodation.

Access:

- 10.54 The site is allocated for housing in the Local Plan and the accessibility of the site was assessed as part of this process and found to be acceptable.
- 10.55 Two points of access are proposed, one from the existing access on Kilroyd Drive, which is to be extended into the site, with a second point of access off Hunsworth Lane (B6121) via a new priority junction.
- 10.56 The new access from Hunsworth Lane takes the form of a priority junction with right turn lane, which is considered acceptable in principle and appropriate for the scale of development proposed. Further information has been requested demonstrating vehicle swept paths and forward visibility, together with the submission of a stage 1 RSA and Designer's Response. Subject to these issues being satisfactorily addressed the access is considered acceptable.

Traffic Impact/Network Assessment:

- 10.57 The scope of the Transport Assessment (TA) was agreed during pre-application discussions and is based on current guidance and industry standard methodology. Traffic surveys have been undertaken which identify the local network peak hours as 0730-0830hrs and 1645-1745hrs. For assessment purposes the TA is based on a residential development comprising of 310 dwellings. The proposal is for 267 dwellings and therefore the TA provides a robust assessment.

10.58 Traffic growth has been based on TEMPro growth rates with a future design year of 2025 Industry standard TRICS database has been used to determine trip rates, for robustness the assessment uses 85% percentile trip rates based on AM and PM peak hours of 08:00 – 09:00hrs and 17:00 – 18:00hrs respectively, which are higher than actual local network AM and PM peak hours of 07:30 – 08:30hrs and 16:45 – 17:45hrs respectively.

10.59 In terms of traffic generation this equates to 227 and 236 two-way trips respectively in the AM and PM peak periods. The table below provides full details.

Trip Rates and Traffic Generations for 310 Dwellings

	85 th Percentile Vehicular Trip Rates			Traffic Generations		
	Arrivals	Departures	Two-Way	Arrivals	Departures	Two-Way
08:00-09:00	0.243	0.491	0.734	75	152	227
17:00-18:00	0.463	0.296	0.759	144	92	236

Traffic Distribution:

10.60 Traffic has been distributed on the highway network using origin and destination data from the 2011 Census, method of travel to work data set. The methodology has been reviewed and is considered to be acceptable.

Junction Assessment:

10.61 The following junctions have been assessed using a base year of 2020 and a future design year of 2025.

Kilroyd Drive/A58 Whitehall Road (Priority Junction):

10.62 Assessment indicates that the junction will operate within practical capacity in the future design year 2025 with base plus development traffic flows scenario, with no adverse queuing or capacity problems. It is noted that vehicles turning right out of Kilroyd Drive may have to wait up to 30 seconds to find an acceptable gap, which is less than ideal.

10.63 Hunsworth Lane/Proposed Site Access (Priority Junction):

Assessment indicates that the junction will operate within practical capacity in the future design year 2025 with base plus development traffic flows scenario, with no adverse queuing, capacity or vehicle delays.

A58 Whitehall Road/A651 Bradford Road (Roundabout):

10.64 Assessment shows that in the 2025 base traffic (without development traffic) scenario, the A58 Whitehall Road East arm operates beyond practical capacity in the AM and PM peak periods and the A651 Bradford Road South arm operates beyond practical capacity in the AM peak period. The addition of development traffic, i.e. 2025 base plus development traffic scenario, marginally worsens this situation, although in terms RFC values and queuing the addition of development traffic is considered to have a relatively minimal impact and equates to an increase of approximately 4 queuing vehicles in the peak periods.

10.65 In the 2025 base plus development traffic scenario all arms except the A651 Bradford Road south arm continue to operate within theoretical maximum capacity, the Bradford Road south arm operates marginally over maximum capacity in the AM peak period. The A651 Bradford Road North and A58 Whitehall Road West arms continue to operate within practical capacity in all scenarios including the 2025 base plus development scenario.

10.66 It is considered that future network growth is the main contributory factor towards certain arms of the roundabout operating over capacity and that the impact of development traffic is in relative terms minimal.

A58 Whitehall Road/Hunsworth Lane (Signalised Junction):

10.67 The junction has been modelled using LinSig modelling software, the Council's UTC team have reviewed the model and provided the following comments:

10.68 Signalisation of this junction was undertaken in around 1999 and was introduced as an accident remediation scheme, the junction being effectively at capacity when commissioned. A situation which is still currently the case, with some arms of the junction operating at or slightly over capacity, with significant queues observed on Hunsworth Lane and A58 Whitehall Road westbound, during peak periods. During interpeak periods the junction operates satisfactorily with spare capacity on all arms.

10.69 Measures are proposed to improve the operation of the junction, these include the introduction of a staggered pedestrian crossing on the Hunsworth Lane North arm of the junction and removal of the pedestrian crossing facility on the A58 Whitehall Road West arm.

10.70 The removal of an existing pedestrian crossing facility is seen as a retrograde step in terms of pedestrian movement and safety and is not supported by Highways. Similarly, the introduction of a staggered crossing on what is currently a relatively short single crossing is also considered detrimental to pedestrian movement.

10.71 After careful consideration, the view of the Highway Authority is that whilst the proposed improvements provide some additional capacity, by 2025 this additional capacity has been exhausted - the view being that for a marginal five-year betterment the improvements are not worthwhile, particularly when taking into consideration the disbenefit and potential safety implications to pedestrian movements.

10.72 In summary, the proposed improvements, which offer only marginal short-term capacity benefits are considered detrimental to pedestrian movement and safety, are not supported by the Highway Authority and should be omitted from the proposals.

10.73 The view of the Highway Authority is that there are no reasonable meaningful mitigation measures that can be provided at this junction, within the constraints of the adopted highway. Notwithstanding, the development will undoubtedly have some impact on the operation of this junction. The existing signalling equipment is nearing the end of its serviceable life and is due for replacement within the next few years. In-lieu of the proposed mitigation measures the Highway Authority would seek a contribution towards the replacement of signalling equipment at this junction. The level of contribution proposed, to be secured by Section 106 Agreement, is £50,000.

A638 Bradford Road/Hunsworth Lane/Whitechapel Road (Signalised Junction):

- 10.74 The junction has been modelled using LinSig modelling software. Results show that in the 2025 with development scenario the signals will operate over capacity in the AM and PM peak periods. To mitigate this impact the Highway Authority are seeking a contribution for the installation of blue tooth journey time monitoring equipment at the junction and its approaches. The level of contribution proposed, to be secured by Section 106 Agreement, is £15,000.

Chain Bar Roundabout (M62 Junction 26):

- 10.75 In addition to the aforementioned junctions, Highways England requested that, as part of the Strategic Road Network, Chain Bar roundabout (M62 Junction 26) should also be assessed to determine the impact of development traffic on the roundabout. The junction was assessed using a LinSig model provided by Highways England. Following review of this assessment Highways England have confirmed that subject to conditions they offer no objection to the proposal.

Internal Layout/Servicing/Bins:

- 10.76 The internal layout is required to be built to adoptable standards, as set out in the Kirklees Highway Design Guide SPD and Highways Guidance Note – Section 38 Agreements for Highway Adoptions March 2019 (version 1) and associated documents.
- 10.77 Review of the latest site layout plan has identified the following issues which need to be satisfactorily addressed to ensure that the layout is suitable for adoption:
- Clarify size of waste collection vehicle used and re-run swept analysis using 11.85m waste collection vehicle
 - Show visibility splays at all junctions
 - Show forward visibility
 - Demonstrate using swept path analysis that the layout provides sufficient width to allow a waste collection vehicle and car to pass.
 - Provide turning head at private drive serving plots 210 to 214
 - Show visitor parking
 - Provide Stage 1 RSA and Designer's Response

Road Safety:

- 10.78 A review of personal injury accidents in the preceding five-year period shows that in the agreed accident study area, which includes Chain Bar Roundabout (M62 Junction 26), there has been 14 incidents. 10 incidents were classified as slight, with 4 being classified as serious and no fatal incidents recorded. Of the 4 serious incidents, all of which occurred at different locations, 3 involved a motorcycle, which is perhaps more of a reflection on the lack of protection and vulnerability of motorcycle riders in collision situations. The fourth serious incident involved a single vehicle and was a loss of control incident with the vehicle leaving the road on a bend and hitting a lamp post, probable causation factor travelling too fast. Of the remaining 10 slight incidents, there were no significant incident clusters, with probable contributory factors being recorded as; failure to look properly, travelling too fast, poor turn manoeuvre, sudden

braking, all of which can be classified generally as driver error and not as a result of any inherent highway design issue.

- 10.79 It is considered that there are no significant accident clusters or trends in terms of either type or location that would warrant further investigation or mitigation and that the proposed development is unlikely to materially exacerbate the current situation.

Sustainable travel

- 10.80 West Yorkshire Combined Authority (WYCA) have been consulted and have recommended that bus stop number 15469 (Hunsworth Lane / Links Avenue) be upgraded to provide Real Time Information display. The cost, to be secured by S106 agreement, would be £10,000.
- 10.81 To encourage the use of sustainable transport and to help achieve the Travel Plan targets it is recommended that the developer provides a sustainable travel fund, which can be used to fund a range of sustainable travel measures such as discounted travel cards and/or measures to improve sustainable travel in the immediate vicinity of the site, for example localised footpath improvements. The sustainable travel fund, to be secured by S106 agreement, is based on the cost of a bus only Residential Metro Card Scheme, which for a development of this scale is £136,571 plus £15,000 Travel Plan monitoring fee.
- 10.82 The Spen Valley Greenway, which forms part of NCN Route 66, runs approximately 800m to the southwest of the site, access to which provides a quality off road cycle route to destinations such as Bierley, Low Moor and Oakenshaw to the north, and Cleckheaton, Liversedge, Heckmondwyke, Dewsbury, Ravensthorpe and Mirfield to the south.

Conclusion on highway issues

- 10.83 The proposal is for 267 dwellings although the Transport Assessment is based on 310 dwellings on the site. Highways Development Management have assessed the Transport Assessment and consider that the traffic generated can be safely accommodated on the local highway network. Off-site highway improvements are nevertheless considered necessary to help to mitigate the impact of the development. These involve a contribution towards replacement signals at A58 Whitehall Road/Hunsworth Lane junction and a contribution for the installation of blue tooth journey time monitoring equipment at the junction of A638 Bradford Road/Hunsworth Lane/Whitechapel Road and its approaches.
- 10.84 Subject to satisfactorily addressing outstanding issues regarding layout, as previously specified, the proposals are considered acceptable from a highway perspective.

Drainage and flood risk issues

- 10.85 The proposed surface water drainage strategy is to discharge to watercourses. The northern part of the site would discharge to Nann Hall Beck and the southern part of the site would discharge to the Hunsworth Beck/River Spen via an existing Yorkshire Water outfall sewer in Hunsworth Lane. Kirklees LLFA consider that the principle of the proposed drainage strategy is acceptable and satisfies the surface water drainage hierarchy.

- 10.86 Surface water would be attenuated within the site in two separate locations and discharged at a restricted rate. Kirklees LLFA consider the proposed discharge rate to be acceptable. Conditions requiring detailed design of the drainage system would be required by conditions, including details of the outfall to Nann Hall Beck.
- 10.87 The site falls within Flood Zone 1 and is therefore at low risk from main river flooding. There is however a concern with the risk of flooding to certain plots from Nann Hall Beck in extreme rainfall events. The main concern relates to Plot 48 and to a lesser extent Plot 47, which are closest to the watercourse. This stems from knowledge of a recent extreme localised rainfall event in the Cleckheaton/Liversedge area that caused river and surface water flooding. Public representations have also provided photographic and video evidence showing the ordinary watercourse flooding the gardens of properties at Mazebrook Avenue to the north of the site (it is understood that this flooding was limited to curtilage and internal property flooding was not experienced).
- 10.88 The applicant is currently seeking to address the concern with the risk of flooding to the development. The applicant has also been asked to ensure that the access points for the proposed attenuation tank adjacent to Nann Hall Beck are not at risk of flooding. Further information on this will be provided within the Agenda Update.
- 10.89 There is an existing surface water ditch to the northern site boundary which is adjacent to 31 Kilroyd Drive, Mazebrook Crescent and the property at the end of Mazebrook Avenue. This watercourse is retained within the layout as a landscaped swale. New properties may be at risk of the swale overflowing if it becomes blocked. The applicant has advised that the swale would be managed and maintained by a management company which would mitigate the potential for blockages to build up. The applicant is also seeking to amend the scheme to provide additional protection to Plot 35, such as through a landscaped bund.
- 10.90 Residents have raised concerns with the proposed discharge of surface water to watercourses and the potential for increased risk of flooding off-site. Paragraph 163 of the NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere when determining any planning applications. At present there is an unrestricted discharge from the site, including to Nann Hall Beck. The development would provide a betterment in that all surface water run-off from the site would be stored and discharged at a restricted maximum rate. The attenuation tanks are to be designed to store the 1 in 100 year storm event plus 30% allowance for climate change. On this basis no objections have been raised by the LLFA in relation to the risk of flooding to existing property.

Yorkshire Water

- 10.91 There is an 800mm diameter public combined syphon sewer recorded to cross the southern section of the site which benefits from an easement. The easement shows an offset stand-off distance of 8 metres in total. The developer is required to ensure that no buildings or other obstructions/landscaping features are to be built within this easement. The site layout plan identifies the easement and Yorkshire Water have stated that the proposed layout indicates that the syphon sewer will be unaffected by the proposals. Yorkshire Water have recommended that a site survey is undertaken to obtain the exact position of the syphon sewer and ensure that the relevant easement on the sewer can be adhered to. A condition regarding this can be imposed.

10.92 Yorkshire Water have also commented that the plans indicate a line of proposed trees to be over/very close to the aforementioned syphon sewer. This is not considered to be acceptable given its operational significance and criticality. Yorkshire Water have advised that no trees are to be planted within at least 5 (five) metres of any of the public sewers crossing the site. A condition specifying this is recommended and can be addressed by the developer as part of the detailed landscaping scheme for the areas of open space (to be secured by condition).

Ecology and trees

10.93 The majority of the site forms part of the Pennine Foothills Biodiversity Opportunity Zone, as identified in the Local Plan. The site principally comprises of low value agricultural grassland however there are a number of hedgerows within the site which have ecological value, including a double hedgerow that is classed as 'important' under the Hedgerow Regulations 1997. This hedgerow is considered to be of district ecological importance.

10.94 The important hedgerow is located to the south west of Merchants Field Farm. The applicant is proposing to translocate the hedgerow to the southern flanks of the site where it would be laid out as 370m of single hedgerow set within an area of open space.

10.95 The reason the applicant is seeking to translocate the hedgerow is to facilitate the construction of the development, particularly given the topographical constraints in this part of the site and the need to provide the access from Hunsworth Lane, which will set the levels of the development plateau. If the hedgerow was retained in its current position it would need to be set within an area of open space to maintain its function and significance, which would constrain the overall layout.

10.96 Officers have carefully considered this matter and whilst it is acknowledged that the ecological importance of the hedgerow would be reduced by it becoming a single hedge rather than a parallel hedge, it is considered that translocating the hedgerow is acceptable. The applicant has provided a method statement which demonstrates that the hedge is capable of translocation and details how the works would be carried out. As part of the works the soil structure around the base of the hedge would also be translocated which would help to maintain its ecological importance. A section of new hedgerow planting is proposed adjacent to part of the translocated hedgerow to form a double hedgerow which would maintain a degree of its existing function as a green corridor.

10.97 A short section (circa 20m) of the existing hedge is shown to be removed entirely. The applicant has advised that this is to accommodate the proposed build route for the development when accessing from Hunsworth Lane. The period of time between the initial root trimming and subsequent relocation works could conflict with the construction of the main estate access road and build route. The 20m section shown as removed, has been mitigated with replacement planting within the site layout. If the construction access is first taken from Kilroyd Drive then the build route timescales may then allow the 20m section of hedgerow to be retained and incorporated into the layout.

- 10.98 The translocated hedge would be planted up initially and any shrubs or trees which fail within the first five years would need to be replaced to enable the translocation to be successful. In addition, any lighting around this part of the site would need to be designed sensitively to ensure the hedge is maintained as an effective dark corridor for wildlife. Control over the long-term retention of the hedgerow is recommended through planning condition or Section 106 Agreement. On this basis officers are satisfied that the importance of the hedgerow would be maintained.
- 10.99 The proposal includes new woodland planting which would improve the woodland interest and enhance the connective function of the Nann Hall Beck corridor. Substantial new hedgerow planting is also proposed within the site which results in a significant net gain in hedgerow coverage. Wildflower rich grassland is provided to a large proportion of the open space and areas within the site are to be provided as rain gardens which would help to create niche habitat for invertebrates and marginal vegetation. Log piles and insect boxes within the areas of open space and bat and bird boxes on the dwellings will also mitigate the impact on biodiversity.
- 10.100 Notwithstanding the above ecological mitigation and enhancement measures, the development results in a net biodiversity loss on the site. To mitigate this loss and deliver an overall net gain to biodiversity, as required by LP30 and the NPPF, the applicant is required to provide a contribution towards off-site ecological enhancement (£111,060).
- 10.101 The impacts of the construction of the development on ecology can be mitigated through a Construction Environmental Management Plan (CEMP), which can be secured by condition.
- 10.102 There is a row of protected trees to the south west of Merchant Fields Farm that adjoin the important hedgerow. These trees are to be retained. There is also a group of protected trees adjacent to the north east corner of the site that sit alongside Nann Hall Beck. These trees would not be significantly affected by the proposed development because they would be located next to an area of open space. A condition requiring an arboricultural method statement is recommended to ensure that these protected trees and any other trees to be retained on the site are protected during construction.
- 10.103 In summary, it is considered that the historic and ecological value of the important hedgerow can be preserved and the impacts of the development on trees and ecology adequately mitigated through the landscaping proposals, the inclusion of the proposed biodiversity features and planning conditions. Furthermore, the development would deliver a net biodiversity gain of 10% through the inclusion of an off-site contribution. The application is considered to comply with Policies LP30 and LP33 of the Local Plan and guidance in the NPPF.

Representations

- 10.104 A significant level of local objection has been received. The main concerns relate to highway matters, flood risk, the impact on biodiversity, harm to residential amenity and the impact on local infrastructure such as schools and medical services. In so far as the concerns raised have not been addressed within this report, an officer response is provided as follows.

- *Loss of Green Belt land*
- *Loss of green space and recreational opportunities*

Officer response: The land was previously allocated as Green Belt but is now allocated for housing.

Highways:

- *Request for a Traffic Regulation Order for Kilroyd Drive to prevent the site being used as cut through (rat run) and thus increasing the amount of traffic on Kilroyd Drive beyond that generated by the development alone*

Officer response: Consideration has been given to a TRO on Kilroyd Drive, the effect of which would be to make this road access only. Enforcement of such a TRO would be dependent on the Police who would have to catch vehicles driving from Kilroyd Drive through the site and onto Hunsworth Lane. As such it is unlikely that the TRO could be enforced effectively and would be of very limited benefit. It is considered that the internal layout of the site, which includes several estate road junctions, would serve as an adequate disincentive to use the site as a 'cut through'.

- *Increased pressure on schools and medical service providers. Cumulative impact with other developments must be taken into account.*
- *Inadequate infrastructure and amenities to support the additional housing proposed*

Officer response: The development would provide an education contribution which would meet the education needs generated by the development. The development is not of a scale so that it would justify additional medical facilities or other amenities, even if the application was being assessed with other developments in the area. The delivery of medical services is a matter for those providers, having regard to census data.

- *Land stability/subsidence concerns*
- *Impact of construction on stability of adjacent property*

Officer response: Land stability is a material planning consideration. In this case it is considered that potential land stability issues associated with the legacy of coal mining can be addressed through conditions in line with The Coal Authority comments. The extent of engineering works that would be required close to existing property does not suggest that land stability would be a particularly significant issue in planning terms and could be addressed through the Building Regulations regime.

- *Detrimental impact on property values*

Officer response: This is not a material planning consideration.

- *Power and essential services such as water and gas will be compromised*

Officer response: This is not a planning consideration and is a matter for the developer and utility providers.

- *Boundary dispute in relation to a property at Merchant Fields Farm*

Officer response: This matter has been raised with the applicant and a response will be provided.

- *Concerns with applicant's engagement with local community*
- *Applicant's Statement of Community Involvement is poor and misleading*

Officer response: There is no formal requirement for applicants to engage with a local community although it is accepted to be good practice.

- *How is access to the public footpaths maintained?*

Officer response: The public rights of way within and adjacent to the site are retained as part of the proposed site layout. Existing connections to these public rights of way are not proposed to be altered.

- *Impact on livestock in adjoining fields*

Officer response: It is not considered that adjacent agricultural land would be unduly prejudiced by residential development on the site, which is separated by a landscaped buffer from the nearest open land.

- *There is not demand for this amount of housing*

Officer response: The Local Plan has identified this site for housing and its delivery is necessary towards meeting the housing delivery targets set out in the Plan.

- *Permission has previously been refused for development on the site*

Officer response: There have been no previous applications to develop this site.

- *Development may increase crime*

Officer response: It is considered that this is an unsubstantiated assertion. Reducing opportunities for crime and the fear of crime are material considerations and it is considered that these have been addressed as part of the application. No objections have been raised by the Police Architectural Liaison Officer subject to conditions.

10.105 The fundamental issues which Councillor Kath Pinnock has raised are considered to have been addressed within the report.

Planning obligations

Affordable housing

10.106 Fifty-four affordable dwellings are to be provided on site which equates to 20.2% of the total number of units and is in accordance with Policy LP11 of the Local Plan. A policy compliant tenure split is proposed with 55% social/affordable rent and 45% intermediate housing. The proposed units comprise of a mixture of two and three bed properties and are located in six clusters across the site.

Education

10.107 Policy LP48 of the Local Plan relates to education provision. The Council's Education Service have advised that a contribution of £1,086,099 is required based on 267 dwellings. This is to be spent on priority admission area schools within the geographical vicinity of this site.

Open space

10.108 LP63 of the Local Plan relates to open space provision. Some on-site open space is provided within the site. This includes a community growing area, a kickabout space and play area which would include a trim trail. Full details of the layout of the open space can be secured by condition. The play/recreation area in the southernmost part of the site is on graded land and the proposed

trim trial and other play provision in this area will need to respond to the land levels to ensure that this is usable and accessible open space. Full details of the future maintenance and management of these areas would need to be secured through a section 106 agreement.

10.109 Having regard to the quantum and type of open space proposed on the site, the development triggers a contribution of £150,000 for off-site open space provision. This is principally towards equipped play. There are existing facilities in the vicinity, within the recommended 720m for accessibility of the site, which would require enhancement in lieu of on-site provision. Suitable sites could potentially be Exchange Street and Hunsworth Rec although this would be determined following consultation with the local community and local councillors once the contribution was provided.

10.110 The applicant is in process of refining the proportions of different open space typologies that are to be provided on the site in response to comments from the Council's Landscape Section. This is likely to result in a small adjustment to the above financial contribution.

Sustainable travel

10.111 As discussed within the highway section of this report, a sustainable travel fund of £136,571 is sought along with Travel Plan monitoring fee of £15,000 plus a £10,000 contribution towards the upgrade of a bus stop in the vicinity of the site.

Other contributions

10.112 Other contributions sought are £65,000 towards off-site highway works and a contribution of £111,060 to deliver a net biodiversity gain – as discussed earlier in this report. A contribution towards air quality mitigation measures totalling £152,378 is also required, as discussed later in this report.

Other Matters

10.113 The application site falls within the defined Development High Risk Area for coal mining. The Coal Authority records indicate that shallow coal mining has taken place beneath the site at shallow depth and that further historic unrecorded shallow coal mining is likely to have taken place. Records also indicate that there are four mine shafts present within the application site.

10.114 Three mine shafts have been located within the eastern part of the application site and these were found to be filled. The shafts have been accommodated in an area of proposed public open space, away from residential plots and separate to surface water attenuation tanks. The applicant is proposing to remediate the shafts, with the shaft columns being fully grouted and reinforced concrete caps installed across the shafts. This is acceptable to The Coal Authority.

10.115 A fourth coal mining feature has been located in the western part of the site. Assessment by the applicant indicates that it is likely that the feature relates to surface extraction of coal at outcrop rather than a true shaft to deeper coal seams. No specific further works are proposed in respect of this mine entry. This feature is located adjacent to the proposed access off Hunsworth Lane. The plotted position of the shaft appears to be accommodated in an area of

proposed landscaping/open space on an embankment to the north of the proposed new junction. Assuming that the feature was a true shaft (as suggested by the Coal Authority records), based on calculations included in the original Geoenvironmental Appraisal, the potential zone of influence of the shaft would not appear to extend to the proposed new junction and highway.

- 10.116 However, The Coal Authority notes that the previous investigations were only able to partially investigate the potential departure distance for the shaft, which equates to a c.10m radius from its plotted position. As such, the Coal Authority concurs with the recommendation of the original Geoenvironmental Appraisal that further works should be undertaken to locate the shaft or to prove that it is not present within the site/relates to surface extraction of coal, along with the undertaking of any necessary remedial treatment or mitigatory measures to ensure the stability of the site.
- 10.117 The Coal Authority raises no objection to the application subject to conditions requiring further investigation of the coal mining feature identified adjacent to the proposed access off Hunsworth Lane and remedial stabilisation works to the three shafts identified in the eastern part of the site. A condition is also recommended regarding validation of the remediation works.
- 10.118 Conditions relating to land contamination are recommended by Kirklees Environmental Services (intrusive site investigation report, remediation strategy and validation).
- 10.119 The Police Architectural Liaison Officer raises no objections to the application. This is subject to the imposition of a condition requiring revised details of the treatment of the rear plot boundaries where dwellings have shared rear access paths; this is to enhance natural surveillance of these areas (alternatively different security measures to these plots would be needed such as enhanced glazing and locks). A condition regarding suitable provision of lockable garden gates is also recommended along with the provision of external lighting to the shared private driveways in the form of Dusk to Dawn lighting on the front elevations of all properties that are located off the unadopted private drives. It is advised that the maintenance programme for the open space, especially in the area of the trim trial, should have regard to natural surveillance, for example keeping the trees and vegetation within recommended heights. It is also advised that the bench to the front of plot 165 is relocated so it is not close to dwellings or vehicles and well overlooked.
- 10.120 To mitigate the impact of construction on the local community, conditions are recommended requiring construction management plans which would deal with highway safety and residential amenity issues. The highway construction management plan reflects the advice from Highways England as well as Highways Development Management. A condition requiring a phasing plan for the construction of the development is also recommended which will also assist in this regard.

Air Quality

- 10.121 The application is accompanied by an Air Quality Assessment which includes the impact of the development during both the operational and construction phases. For the construction phase a qualitative assessment of dust levels was undertaken based on the Institute of Air Quality Management Guidance on the Assessment of Dust from Demolition and Construction. For the operational

phase detailed dispersion modelling using ADMS-Roads was undertaken in accordance with national guidance to predict future concentrations of particulates (PM10) and Nitrogen Dioxide (NO2) across the site.

10.122 The report concludes that during the construction phase predicted fugitive dust emissions would be negligible, however any impact could be further reduced by the implementation of the mitigation measures proposed within the report. For the operational phase the report concludes that predicted NO2 and PM10 concentrations would be below the national air quality objectives for those pollutants at all sensitive receptor locations, and therefore the traffic generated because of the development is predicted to have a negligible effect on local air quality.

10.123 Notwithstanding the above, as the development is classified as major development and to accord with the West Yorkshire Low Emission Strategy (WYLES), a damage cost calculation has been provided to determine the amount (value) of mitigation required to offset the detrimental impact that the development will have on air quality. The calculation was undertaken in accordance with DEFRA guidance current at the time and provides a five-year exposure value to the sum of £152,378. The contribution is to be used by the Local Authority to spend on air quality improvement projects within the locality. In addition, the following mitigation measures are also required:

- Provision of Electric Vehicle (EV) charging points;
- Sustainable travel fund (Metro Cards or alternative sustainable travel measures)
- Production of a full Travel Plan to encourage the use of non-transport modes and assist with the reduction of development transport related emissions;
- Monitoring of the Travel Plan

10.124 Subject to the above, Kirklees Environmental Services have advised that the impact of the development on air quality is acceptable.

Climate change

10.125 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.126 As part of this application a Travel Plan to encourage the use of low emission forms of transport is to be provided along with a sustainable travel fund as referenced earlier within this appraisal. The development provides good connectivity to the existing PROW network which will encourage walking as well providing good connectivity to Hunsworth Lane where the nearest bus stops are located. Electric vehicle charging points are also to be provided. These measures will help to mitigate the impact of this development on climate change.

11.0 CONCLUSION

- 11.1 The principle of residential development on the site is in accordance with the land's allocation in the Local Plan.
- 11.2 It is considered that the proposal represents a well-designed scheme that provides a high quality of design, including open space and good connectivity and permeability. The development is not policy compliant in terms of density and there is not an even mixture of property types/sizes, however, these issues are outweighed by the positive elements of the scheme as a whole.
- 11.3 The development would boost the supply of housing in the District, including 54 affordable dwellings. All the proposed dwellings would meet Nationally Described Space Standards.
- 11.4 The traffic associated with the development can be accommodated on the highway network although the contributions sought to improve nearby junctions would help to mitigate the effects of this.
- 11.5 The development would deliver a full education contribution and measures to promote sustainable travel as well as bus stop improvements. The impacts of the development on biodiversity and air quality impacts can be mitigated through financial contributions.
- 11.6 Further information will be provided in the Agenda Update regarding the outstanding internal highway layout and flood risk issues discussed within the appraisal.
- 11.7 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.8 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Time limit to implement the permission (3 years)
2. Development to be provided in accordance with the approved plans
3. Phasing of the development
4. Full details of the landscaping to the open space including layout, levels and play provision
5. Highway construction management plan
6. Construction management plan for residential amenity
7. Construction Environmental Management Plan for biodiversity
8. Arboricultural method statement
9. Temporary drainage scheme for the construction phase
10. Detailed design of the proposed surface water drainage strategy
11. Detailed highway layout design
12. Detailed design of all highway retaining structures
13. Full Travel Plan
14. Suite of contaminated land conditions (site investigation, remediation, validation)

15. Electric vehicle recharging points (1 per dwelling)
16. Removal of permitted development rights for rear extensions and roof extensions on plots 243-246 and 251-257
17. Coal Authority conditions (further investigation of the coal mining feature adjacent to the proposed access off Hunsworth Lane, remedial stabilisation works to the three shafts identified in the eastern part of the site and validation of these works)
18. Police Architectural Liaison conditions (boundary treatment, gates, lighting)
19. Biodiversity Management Plan (to include measures for the translocated hedgerow)
20. Details of any external lighting that could affect the translocated hedgerow
21. Survey of the Yorkshire Water syphon sewer
22. No planting over or close to the Yorkshire Water syphon sewer
23. Provision for waste storage and collection

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93303>

Certificate of Ownership – Certificate B signed. Notice served on Mr Mark, John, Harold and Robert Smith.