
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 21-Oct-2021

Subject: Planning Application 2021/92801 Erection of 284 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive Land at, Merchants Field Farm, off Hunsworth Lane, Cleckheaton

APPLICANT

Harron Homes Ltd

DATE VALID

30-Jul-2021

TARGET DATE

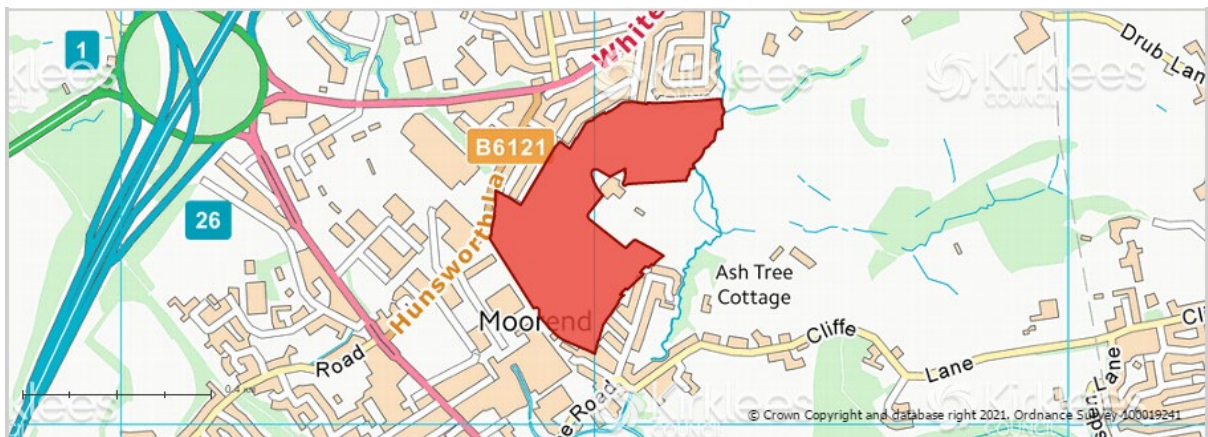
29-Oct-2021

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

<p>POSITION STATEMENT – For Members to note the content of the report and presentation, and to respond to the questions at the end of each section.</p>
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1.0 INTRODUCTION:

1.1 The application is for full planning permission for the erection of 284 dwellings. The proposal is a resubmission of application number 2019/93303 for 267 dwellings, which was refused by the Strategic Planning Committee on 28th April 2021. The application was refused for the following reason:

“The proposed layout does not deliver a sufficient mix of housing suitable for different household types because it is overly dominated by four bedroom detached dwellings. Furthermore, the double hedgerow within the site, which is classed as ‘important’ under the Hedgerow Regulations 1997, would not be retained in situ and it has not been adequately demonstrated that this hedgerow can be translocated without unduly prejudicing its ability to survive. As such, the proposal results in a poor quality layout and the application is contrary to Policies LP11, LP24 and LP65 of the Kirklees Local Plan and guidance in chapter 5 and chapter 12 of the National Planning Policy Framework.”

1.2 The revised scheme seeks to respond to the previous reason for refusal through changes to the site layout and housing mix and the submission of additional information in relation to the translocation of the important hedgerow.

1.3 The Council’s Officer-Member Communication Protocol provides for the use of Position Statements at Planning Committees. A Position Statement sets out the details of an application, the consultation responses and representations received to date, and the main planning issues relevant to the application.

1.4 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the application, and discussions between officers and the applicant. This Position Statement does not include a formal recommendation for determination. Discussion relating to this Position Statement would not predetermine the application and would not create concerns regarding a potential challenge to a subsequent decision on the application made at a later date by the Committee.

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 The proposal is a full application for the erection 284 dwellings.
- 3.2 The fundamental difference between the current application and the refused scheme is the 17 additional dwellings to increase the amount of smaller sized properties and a slight reduction in the number of four bed detached properties.
- 3.3 The number of four bed units has been reduced by four, the number of two bed units has been increased by ten and the number of three bed units has been increased by eleven.
- 3.4 The increase in the quantum of development has been achieved by modifying elements of the previous layout and extending the built development closer to the south-eastern site boundaries.
- 3.5 The hedgerow that is classed as important under the Hedgerow Regulations is proposed to be translocated to the same part of the site as the previous application. The applicant has provided additional supporting information in relation to the methodology for the translocation, which has been provided by a company who has previously carried out similar work.
- 3.6 The layout retains the two separate points of access which were proposed under the previous application, with a new access to be formed off Hunsworth Lane and an extension to Kilroyd Drive.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2019/93303 Erection of 267 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive – Refused 21/5/21

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

- 5.1 Officers requested that the applicant review their scheme in light of paragraph 131 of the revised National Planning Policy Framework, which states that planning decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate). The applicant has submitted an amended landscaping layout which seeks to respond to this matter. The amended landscaping plan also seeks to address concerns raised by Yorkshire Water regarding the proximity of planting to a sewer within the site.
- 5.2 The applicant has submitted additional information in response to comments made by The Coal Authority regarding an identified coal mining feature close to the proposed access on Hunsworth Lane. The Coal Authority has been consulted on the additional information and a response is awaited.
- 5.3 The applicant has also provided vehicle swept paths which seek to demonstrate that the road layout can accommodate an 11.85m refuse collection vehicle.
- 5.4 An updated Flood Risk Assessment has been requested, which reflects the layout as currently proposed.

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 – Heritage

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
Open Space SPD
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 The application has been advertised by site notices, press advert and neighbour notification letters. The statutory publicity period ended on 23rd September 2021.

7.2 98 representations have been received. A summary of the representations is provided below.

Planning history:

- Application now proposes more houses so impacts will be worse than previously refused application
- Objections raised to the previous application are still relevant
- Proposal does not address the previous reason for refusal in relation to housing mix; proposed mix of housing is unsuitable
- Proposal does not address the previous reason for refusal in relation to the hedgerow. The important double hedgerow should be incorporated into the layout, not translocated elsewhere within the site

Highways:

- Impact of increased traffic on local highway network, including key junctions
- Local highway network cannot accommodate the additional traffic. There are already congestion problems in this area.
- Impact on queuing times at junctions Additional traffic will be detrimental to highway safety
- Local junctions will be operating well over capacity
- Cumulative highway effects with other planned/committed developments in the area
- 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
- Impact of construction traffic and development traffic on Kilroyd Drive
- Construction access should be taken from the proposed new access on Hunsworth Lane, not Kilroyd Drive
- Concerned that the developer will not construct the Hunsworth Lane access and all traffic will go via Kilroyd Drive
- Traffic mitigation measures are required for development on this site, as set out in the Local Plan
- Local junctions will be operating well over capacity
- Impact on queuing times at junctions
- Safety concerns with the proposed access on Hunsworth Lane; access is on a bend
- Public transport infrastructure inadequate to support this development
- Development will be reliant on private car because of limited bus services in this location
- Development will be used as a rat-run between the proposed points of access
- Suggestion for a Traffic Regulation Order on Kilroyd Drive to prevent the site being used as rat-run and consequently limit the impact on residents of Kilroyd Drive
- Internal road layout is unsuitable for large vehicles and will require reversing manoeuvres
- Applicant's transport assessment is inadequate
- The submitted Travel Plan is unrealistic and does not reflect the reality of local circumstances
- Public transport infrastructure inadequate to support this development
- Impact on footpaths

Amenity:

- Detrimental impact on outlook
- Overbearing/imposing impact on adjacent houses
- Overshadowing/loss of light
- Overlooking/loss of privacy
- Noise and air pollution from additional traffic
- Air quality monitoring needs to be carried out closer to the site with cumulative impacts of other planned/committed developments also taken into account
- Impact on health as a result of increased air pollution
- Increased light pollution
- Loss of an accessible local beauty spot
- Nuisance and disturbance from construction activities
- Impact on amenity of residents of Kilroyd Drive by using this road as an access

Land stability and contamination:

- Concern with the impact on public safety from the legacy of coal mining activity
- Site instability due to historic mining legacy
- Evidence of active subsidence on the site
- The fourth mine shaft close to Hunsworth Lane has not been adequately investigated
- Concerns regarding mine gas

- Gas protection measures for new houses should be provided; no information regarding this has been submitted
- There could be other mining features that have not been identified

Flooding:

- Concerned that the development will increase flood risk on and off the site
- There are existing flooding problems in this area. Proposal is likely to exacerbate these
- Site is prone to flooding
- There are existing road flooding problems on Kilroyd Drive
- There have been flood incidents at nearby properties
- Developing the land will mean surface water run-off is increased
- Cumulative impact on flooding from this development and other planned/committed developments in the area
- Increased risk of flooding to existing property from greater discharge to the adjacent beck
- Loss of natural drainage provided by the existing fields, which will increase flood risk elsewhere
- Impact of vegetation removal on flood risk

Infrastructure:

- Increased pressure on schools and medical service providers.
- Inadequate infrastructure and amenities to support the additional housing proposed, including shops
- Cumulative impact with other developments must be taken into account when considering the impact on facilities and services

Ecology:

- Detrimental impact on flora and fauna including owls, bats, foxes, herons
- Loss of habitat
- Detrimental impact on the ecosystem of the adjacent watercourse
- Impact on the 'important hedgerow' by translocating it; concern that it will not survive
- Trees and hedgerows have previously been removed from the site
- Net loss to biodiversity
- Submitted ecological reports are out of date and contain inaccuracies

Landscape and urban design:

- Loss of green fields
- Land was Green Belt
- Development will merge Hunsworth and Cleckheaton
- Housing will detrimentally affect the established character of this area
- Hunsworth will lose its rural feel and character
- Overly dense form of development
- Inadequate open space provided

Other matters:

- Development needs to be assessed in the context of other Local Plan allocations in this area – cumulative impact
- Many of the submitted reports need updating

- Size of new dwellings (majority large detached) is out of keeping with the area which is mainly 2/3 bed terraced and semi-detached
- Brownfield sites should be built on first
- Proposed community orchard may attract anti-social behaviour
- There is a Roman road running through the site; archaeological investigation and recording is required
- Inadequate play areas for children of all ages
- Inadequate engagement by the developer with the local community
- A contribution should be sought to improve the public realm in Cleckheaton town centre
- Building houses on these open fields is inconsistent with achieving net zero climate change and similar environmental commitments
- Question the competency of the developer
- Negative impact on house prices

7.3 Ward Councillor Kath Pinnock has commented on the application as follows.

1. *Please can this application be considered by committee given the size of the application and the number of objections*
2. *I am not convinced that the latest proportions of different house types and sizes in the plan are sufficient to meet the concerns raised at the last committee and meet the Council's policy objectives*
3. *The 4th mine shaft has still not been located;*
4. *Currently the double hedge is both protected under the legislation but also deemed to be a significant feature in the local landscape. How can both these be retained if the hedge is moved as per the application?*

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objection

KC Lead Local Flood Authority – The submitted Flood Risk Assessment (FRA) relates to the previous scheme for 267 dwellings. An updated FRA which reflects the revised layout for 284 dwellings should be provided by the applicant.

The Coal Authority – Further information/clarification required. Since the issuing of our previous comments, it has come to our attention that it may not be possible for the applicant to undertake a full search for one of mine shafts within the site – this is the shaft to the north of the proposed new road junction with Hunsworth Lane (ref 418426-008). This is because such investigations may necessitate accessing land beyond the western application site boundary, which would be outside the control of the applicant. As such, in order for the Coal Authority to comment fully on the current proposal, the applicant should be requested to provide/clarify the following:

- A proposed site plan to show the plotted position of mine shaft 418426-008 and its potential zone of influence/instability, taking into account factors including its allotted departure radius and the depth to rock in the locality;
- A plan to show the extent of the proposed additional area of search for the shaft; and

- Should a full search for the shaft note be possible due to the need to access land beyond the application site boundary, details of the nature of measures that will be incorporated into the development, in particular the new junction/access road, to mitigate the risk of instability in the event of an offsite shaft collapse.

The applicant has provided additional information in response to the above comments. The Coal Authority have been consulted on the additional information and their response is awaited.

Highways England – No objection subject to condition requiring a construction phase traffic management plan

8.2 **Non-statutory:**

KC Ecology Unit – 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 – There is an opportunity to provide high quality open space provision on this site, including play provision for children and young people. On-site provision to meet the needs of children and young people should be considered in the first instance, before an off-site commuted sum is considered. Aspects of the proposed open space provision have been well thought-out, such as the community orchard. However, a much more expansive and detailed scheme is necessary for the development to fully meet the different open space typologies, particularly in relation to parks and recreation and equipped play. The scale of the development also generates a requirement for outdoor sport provision, which would be sought as a commuted sum.

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

KC Environmental Services – Final comments awaited. A financial contribution towards air quality mitigation will be required.

KC Waste Strategy (Refuse & Cleansing) – All plots appear to have bin storage and presentation points which is welcomed. However, consideration should be given to providing suitable screened and secure bin storage to the front of terraced plots and any plot which has stepped rear access. On these plots rear access for the storage of bins is poor and convoluted which may discourage use. Formal provision of bin stores at the front of these dwellings would help to avoid the casual storage of bins at the front of houses in full view of the street, under windows and blocking driveways/footways.

Swept paths for an 11.85m refuse collection vehicle are required.

A condition is recommended requiring temporary waste collection arrangements if properties are to be occupied before the site construction is complete.

KC School Organisation – A contribution of £1,146,481 is required towards education provision.

KC Strategic Housing - There is significant need for affordable 1 to 3+ bedroom homes in Batley and Spen. The proposal triggers a requirement for 57 affordable dwellings (20% of the total number of units). A tenure split of 55% social or affordable rent to 45% intermediate housing is sought. 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. Strategic Housing would prefer to see the clusters of affordable homes further dispersed where possible.

KC Public Health – No objections raised

Yorkshire Water – Yorkshire Water strongly objects to the site layout as currently shown. Prior to determination, the site layout must be amended to account for the critical public sewerage infrastructure to the south west of the site. It is likely that a diversion of this infrastructure will incur high costs, which may be prohibitive to the development. A stand-off distance of 5 (metres is required at each side of the centre line of the 800mm public syphon sewer that crosses the site. It may not be acceptable to raise or lower ground levels over the sewer. No trees should be planted within 5 metres of any public sewer crossing the site. Concerns raised with the proximity of an attenuation tank and trees to the public syphon sewer. The plans should be amended to show the required stand-off distances from the public syphon sewer (or an agreed alternative scheme i.e. a diversion of this sewer).

The applicant has provided an amended plan which seeks to address the above concerns. Yorkshire Water has been consulted on the additional information and their response is awaited.

Police Architectural Liaison Officer – No objection subject to conditions

9.0 MAIN ISSUES

- Principle of development
- Layout and housing mix
- Important hedgerow
- Highway matters
- Coal mining legacy
- Planning obligations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The proposal is a resubmission of application number 2019/93303 for 267 dwellings which was refused earlier this year. The starting point for the assessment of the current application is the previously refused scheme, which is a significant material consideration.
- 10.2 The previous scheme for 267 dwellings was refused on the basis of the housing mix – which was considered to be overly dominated by four bedroom detached dwellings – and concerns with the proposal to translocate the important hedgerow within the site, specifically because it had not been adequately demonstrated that this could be achieved without prejudicing its ability to survive.

- 10.3 The applicant has now submitted a revised scheme that increases the number of units to 284, resulting in an increase in the number of smaller two and three bed roomed properties (+21) and a reduction in the number of four bed detached houses (-4).
- 10.4 The applicant has also submitted additional supporting information with respect to the translocation of the hedgerow. This is in the form of a report from a company who has previous experience of carrying out habitat translocation, including hedgerows. The report details the technical aspects of translocating the important hedgerow and demonstrates the expertise of the company to complete this work.
- 10.5 The main issues with the application are therefore the density and housing mix and the proposals for the important hedgerow.
- 10.6 The overall principle of development is considered to be acceptable. The land 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.

Layout and housing mix

- 10.7 The indicative capacity of this housing allocation is 413 dwellings, which is based on the Local Plan's minimum density target of 35 dwellings per hectare, as set out in Policy LP7.
- 10.8 It has previously been accepted that the constraints of the site are such that the site's capacity is considerably less than the indicative capacity in the Local Plan.
- 10.9 The current proposal increases the quantum of development in comparison to the previous scheme, albeit by a relatively modest 17 units. This nevertheless represents a more efficient use of this housing land which would contribute towards the Council's overall housing targets as set out in the Plan. Furthermore, delivering a more efficient use of the allocation would be consistent with guidance in the NPPF, which 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.
- 10.10 The proposal still provides a high proportion of four bed detached dwellings although there is now a greater number of smaller sized houses which would help to meet the needs of a broader range of people. The proportion of these smaller house types has increased from circa 20% to just over 25%.
- 10.11 The increase in the quantum of development has partially been achieved by extending the built development closer to the south-eastern site boundaries. This brings new housing closer to the existing properties towards the south on Brookfield View, Brookfield Terrace and Brookfield Avenue, and it also impacts on the amount of open space that is to be provided on site. The proposed layout nevertheless retains a buffer to these existing houses and to Nan Hall Beck in the north-eastern part of the site. The reduction in the open space would be taken into account as part of the calculation for open space contributions.

- 10.12 The proposed house types remain the same as the previous application and as such there are not considered to be any design implications.
- 10.13 The applicant has been asked to review their scheme in the context of the revised NPPF which was published in July 2021, and specifically paragraph 131 which states that planning decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate).
- 10.14 The applicant has submitted a revised landscaping layout which provides a handful of additional trees across the site. Furthermore, the applicant has advised that where trees are to be provided within front gardens, these areas would fall under the responsibility of a management company. This would mean that the first half metre of the front garden would not be within private curtilage and so it would provide some control over the retention of the trees.
- 10.15 The application is a resubmission of a previously refused scheme and the requirement to provide tree-lined streets within the NPPF post-dates the original proposal. As such, it is recognised that it is more difficult to integrate tree planting without a redesign of the road layout. Having said that, trees are provided at many of the key junctions and at the terminus of some of the cul-de-sacs, as well as groups of trees within areas of open space. Individual trees to the front of certain plots are to be provided as described above and other plots would incorporate shrub planting to their frontages. However, if some of these shrubs were replaced with trees then it would help to give a more tree-lined feel to the development.
- 10.16 Subject to further consideration of the number of trees provided to the front of dwellings, on balance officers consider that the development would accord with paragraph 131 of the NPPF in this instance. However, it is important to state here that the applicant's approach to deliver tree-lined streets by removing a narrow strip of front garden and placing it within a management company may not be appropriate on other sites.
- 10.17 The proposal brings development closer to Brookfield Avenue, Brookfield Terrace and Brookfield View which lie to the south of the site. However, these properties would be separated from the new dwellings by an undeveloped buffer and the separation distances would all exceed those recommended within the Housebuilders Design Guide SPD. The proposed layout would not bring development any closer to existing dwellings to the west and north of the site on Links Avenue, Kilroyd Avenue and Mazebrook Crescent. In the case of separation distances to properties on Kilroyd Avenue, separation distances have increased slightly in some instances. Overall, officers consider that the proposed layout provides acceptable separation distances to neighbouring houses.
- 10.18 **Do Members have any comments in relation to the revised layout, density and housing mix at this stage?**

Important hedgerow

- 10.19 There is a double hedgerow that lies to the south-west of Merchants Field Farm, and which is classed as 'important' under the Hedgerow Regulations 1997. The applicant is proposing to translocate this hedgerow to the southern flanks of the site where it would be laid out as a single hedgerow set within an area of open space, similar to the previous application.
- 10.20 Retaining the hedgerow in its current location poses a very significant constraint to the site layout, particularly the road network within the site which is already influenced by topographical constraints.
- 10.21 Translocating the hedgerow provides a technical response to this issue and the Local Planning Authority (LPA) must make an assessment as to whether this is suitable and achievable.
- 10.22 As with the previous application, the latest submission is supported by details regarding the translocation of the hedgerow. This has now been further supplemented with an additional detailed report which sets out the technical aspects of moving the hedgerow whilst preserving its value. This additional statement also provides examples of similar work that has been undertaken by the contractor around the country, including the translocation of 550m of hedgerows for UK Coal Ltd in the East Midlands and North East.
- 10.23 From the submitted detail, the LPA's trees officer and ecologist are satisfied that the translocation is a viable option for the hedge. The examples of hedgerows being translocated elsewhere in the country serve to provide further comfort that this is a viable solution.
- 10.24 Furthermore, it is considered that there is a benefit to moving the hedge and setting it within an area of open space. The hedge in its current location would not be as valuable within a developed site and the wildlife value that it currently provides within this open field system would be significantly reduced if it were to be incorporated into the built environment.
- 10.25 It is relevant to note that the hedge is deemed an important hedgerow due to its species mix, rather than any association with historic features specific to the location where it is currently growing. On that basis, moving the hedge, including the species composition and basal soil with its associate seed bank, to an alternative location is a good option to ensure that it can continue to offer a high degree of wildlife and public amenity value.
- 10.26 The proposal seeks to move the hedge to a boundary location along an existing public footpath and in a position that is associated with planned open space within the development. This would create a much longer wildlife corridor than the hedge currently forms and will allow the current hedge material and associated species mix to form a new valuable landscape feature. Additionally, new hedgerow planting would be provided parallel to a section of the translocated hedgerow which would recreate a new double hedgerow feature within the site.
- 10.27 **Do Members have any comments in relation to the important hedgerow at this stage?**

Highway matters

- 10.28 The site lies approximately 1.2km 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.

Accessibility:

- 10.29 The site is allocated for housing in the Local Plan and the principle of its suitability for residential development and the accessibility of the site was assessed as part of this process and found to be acceptable.

Access:

- 10.30 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.
- 10.31 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 is required demonstrating vehicle swept paths, forward visibility, horizontal and vertical alignment, 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:

- 10.32 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 284 dwellings and therefore the TA provides a robust assessment.
- 10.33 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.
- 10.34 In terms of traffic generation this equates to 208 and 215 two-way trips respectively in the AM and PM peak periods. The table below provides full details.

Trip Rates and Traffic Generations for 284 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	69	139	208
17:00-18:00	0.463	0.296	0.759	131	84	215

Traffic Distribution:

- 10.35 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:

- 10.36 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):

- 10.37 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.

Hunsworth Lane/Proposed Site Access (Priority Junction):

- 10.38 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):

- 10.39 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.

- 10.40 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.

- 10.41 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):

- 10.42 The junction has been modelled using LinSig modelling software, the Council's UTC team have reviewed the model and provided the following comments:
- 10.43 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.
- 10.44 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.
- 10.45 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.
- 10.46 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.
- 10.47 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.
- 10.48 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):

- 10.49 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):

- 10.50 In addition to the aforementioned junctions, National Highways 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 National Highways. Following review of this assessment National Highways have confirmed that subject to conditions they offer no objection to the proposal.

Internal Layout/Servicing/Bins:

- 10.51 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.
- 10.52 The internal layout is very similar to that previously submitted and is generally acceptable. The S38 Team have been consulted, their detailed comments are awaited and may result in minor layout changes.
- 10.53 It is noted that concerns have been expressed by some local residents that the development may create a desirable cut through for traffic travelling west on A58 Whitehall Road West wishing to turn left at the Whitehall Road/Hunsworth Lane junction, thus avoiding the signals. This has been considered and the view of Highways Development Management is that due to the length, alignment and nature of the route through the development, this is unlikely to prove a popular or well used cut through. Use of the internal layout as such a route would be undesirable and should this prove to be an issue a 'No motor vehicles except for access' TRO could be implemented. TRO's of this type have to be enforced by the police. If Members consider it appropriate a contribution could be secured to implement such a TRO if it became necessary once the development was complete.

Road Safety:

- 10.54 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.
- 10.55 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:

- 10.56 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.
- 10.57 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 £145,266 plus £15,000 Travel Plan monitoring fee.

Conclusion on highway issues:

- 10.58 The proposal is for 284 dwelling and the Transport Assessment is based on 310 dwellings. As such the Transport Assessment represents a robust assessment of traffic impact of the development. Highways Development Management have assessed the proposals and consider that the development would not have an unacceptable impact on highway safety or that the cumulative impact of traffic generated would have a severe impact on the operation of 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.
- 10.59 Subject to satisfactorily addressing any issues raised by S38 regarding layout, clarification of the Hunsworth Lane access design and the submission of a Stage 1 RSA and Designer's Response covering the internal layout and any external highway works, the proposals are considered acceptable from a highway perspective.
- 10.60 **Do Members have any comments in relation to access and highway matters at this stage?**

Coal mining legacy

- 10.61 Four coal mining features have been identified as posing a potential constraint to the development.
- 10.62 Three mine shafts have been located within the eastern part of the site and the applicant is proposing to remediate these and accommodate them within an area of open space. This is acceptable to The Coal Authority.
- 10.63 A fourth mine shaft has been identified within the vicinity of the proposed new access off Hunsworth Lane. Previously, The Coal Authority was satisfied that this feature could be adequately addressed through a suitable planning condition requiring further investigation and remediation as may be necessary. However, The Coal Authority has commented on the current application and

have advised that, since their previous comments, it has come to their attention that it may not be possible for the applicant to undertake a full search for this mine shaft. This is because such investigations may necessitate accessing third party land outside of the site boundary. As such, The Coal Authority has requested that the applicant provide clarification and additional information on this shaft before the application is determined.

10.64 The applicant has submitted an additional plan indicating the location of this fourth mine shaft and proposing a no-build zone around it. The shaft is identified as lying within an area of the site that is proposed to be soft landscaped. The Coal Authority has been consulted on the acceptability of the submitted plan and their response is awaited.

10.65 **Do Members have any comments in relation to coal mining issues at this stage?**

Planning obligations

10.66 The planning obligations sought from this development are:

- 57 of the dwellings to be affordable with a tenure split of 55% affordable rent and 45% Intermediate
- Public open space provisions. Based on the information provided to date, the off-site open space contribution would be £733,884. However, this could be significantly reduced subject to the detailed design of the on-site provision, particularly with respect to the 'parks and recreation' and 'children and young people' open space typologies.
- Inspection fee for the on-site open space of £1,000
- £1,146,481 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.
- Off-site highway works (£65,000)
- Contribution towards sustainable travel measures (£145,266)
- Travel Plan monitoring fee (£15,000)
- Bus stop improvements (£10,000)
- Air quality mitigation (circa £162,000)
- Off-site biodiversity contribution (circa £120,000)

10.67 The applicant has submitted a financial viability appraisal (FVA) which concludes that the proposed scheme is unable to viably deliver any level of on-site affordable housing in addition to the required Section 106 off-site payments.

10.68 The applicant's FVA has been independently assessed on behalf of the Council. The Council's advisor does not agree that there is a viability issue with this development and considers that the scheme can provide policy compliant Section 106 contributions, whilst delivering an acceptable developer profit.

10.69 The NPPF states that "the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case".

10.70 The applicant has not formally responded to the independent assessment of the FVA, however, should the applicant continue to pursue matters of viability, officers' position would be to recommend refusal of the application on the basis that the development would fail to deliver appropriate planning contributions.

Other matters

10.71 Kirklees Lead Local Flood Authority (LLFA) did not object to the previous application. An updated Flood Risk Assessment has been requested from the applicant which reflects the revised layout for 284 dwellings.

10.72 Yorkshire Water has raised an objection to the proposed site layout because of the impact on existing public sewerage infrastructure in the eastern part of the site. The applicant has submitted an amended landscaping plan which seeks to respond to Yorkshire Water's concerns. Yorkshire Water has been consulted on this amended information and a response is awaited.

10.73 As with the previous application, the proposal includes a scheme of biodiversity mitigation and enhancement measures including new hedgerow planting, new woodland planting and provision of wildflower rich grassland. Notwithstanding these measures, the development results in a net biodiversity loss on the site and to mitigate this 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. This would provide funding for ecological enhancement works that would be administered by the Council and carried out at a location as close to the site as possible.

10.74 **Are there any comments that Members wish to make in relation to flood risk, viability or any other matters relevant to planning at this stage?**

11.0 CONCLUSION

11.1 Members are asked to note the contents of this Position Statement. Members' comments in response to the questions listed above (and recapped below) would help and inform ongoing consideration of the application, and discussions between officers and the applicant.

1) Do Members have any comments in relation to the revised layout, density and housing mix at this stage?

2) Do Members have any comments in relation to the important hedgerow at this stage?

3) Do Members have any comments in relation to access and highway matters at this stage?

4) Do Members have any comments in relation to coal mining issues at this stage?

5) Are there any comments that Members wish to make in relation to flood risk, viability, or any other matters relevant to planning at this stage?

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92801>

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