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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 30-Nov-2017**

**Subject: Planning Application 2017/93326 Outline application for erection of residential development (62 dwellings) and formation of new access to Woodhead Road Land off Woodhead Road, Brockholes, Holmfirth**

**APPLICANT**

Tim Williams, Miller  
Homes Limited

**DATE VALID**

27-Sep-2017

**TARGET DATE**

27-Dec-2017

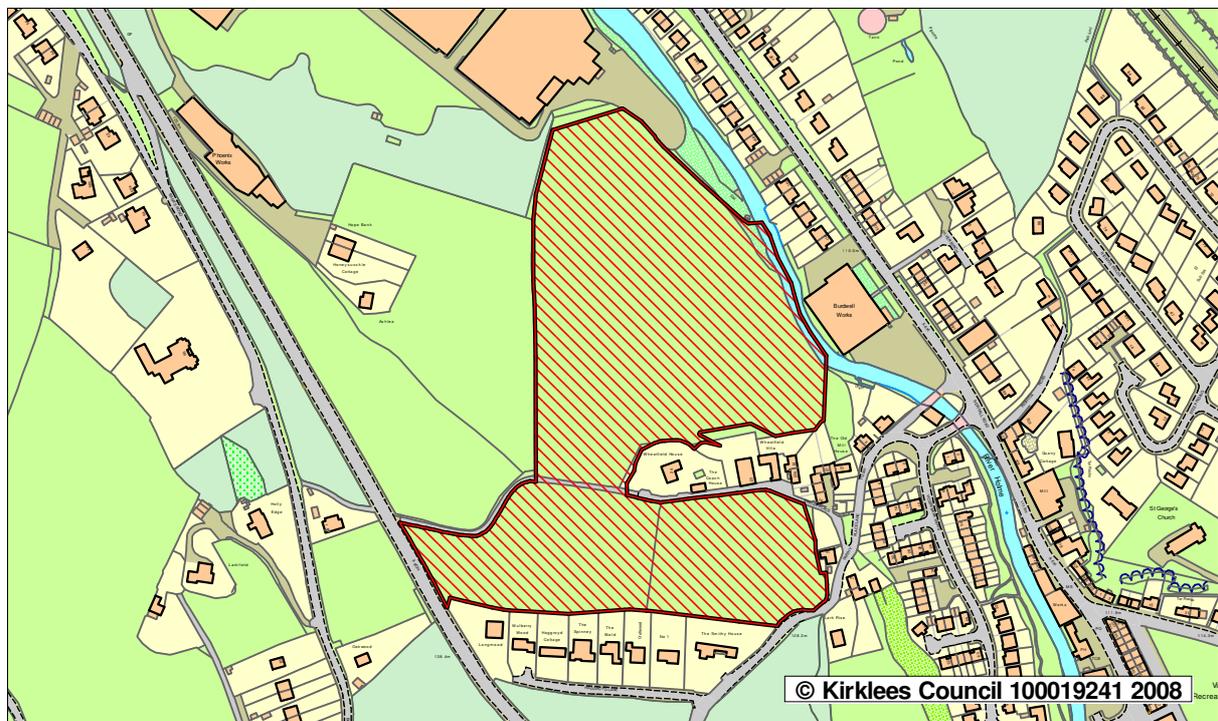
**EXTENSION EXPIRY DATE**

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

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

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: Holme Valley North**

Yes

Ward Members consulted  
(referred to in report)

**RECOMMENDATION:  
REFUSE FOR THE FOLLOWING REASONS:**

- 1. The proposed access arrangements for the development site would significantly harm highway safety and efficiency and as such the development is contrary to Policies T10 and BE1 of the Kirklees Unitary Development Plan, policy PLP21 of the Kirklees Publication Draft Local Plan and paragraph 32 of the National Planning Policy Framework. The harm to highway safety is not outweighed by any other material considerations, thus the proposal constitutes an unsustainable form of development.**
- 2. In the absence of a completed Section 106 agreement the development fails to provide for Educational requirements, affordable housing provision, public open space and travel planning requirements.**

**1.0 INTRODUCTION:**

- 1.1 This application is a resubmission of planning application 2016/92181 which was refused for the following reasons on 7<sup>th</sup> February 2017:
  1. *The proposed access arrangements for the development site would be detrimental to highway safety and efficiency in this location. The harm to highway safety is not outweighed by any other material considerations.*
  2. *In the absence of a completed Section 106 agreement the development fails to provide for Educational requirements, affordable housing provision, public open space and travel planning requirements.*
- 1.2 This application was an outline submission involving the erection of up to 116 dwellings.
- 1.3 The applicant exercised their right to appeal the above decision and the appeal is now in progress. A decision has not yet been made on the appeal.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The site is split into two open grassed fields that lie to the east of Woodhead Road. The fields are bounded by lines of mature trees along field boundaries and there are also a number of individual large mature trees within the fields. Many of these trees are protected. Three public rights of way (footpaths)

converge within the southern part of the site and link Smithy Place Lane and Woodhead Road.

- 2.2 Towards the north of the site are large commercial premises and to the west is the River Holme with housing and a commercial site beyond. To the south is residential development with the site also surrounding a small row of houses on Smithy Place Lane.
- 2.3 The site lies approximately equidistance between Thongsbridge and Honley on fields which are undulating in nature, which slope away from Woodhead Road.

### **3.0 PROPOSAL:**

- 3.1 Outline application for erection of residential development (62 dwellings) and formation of new access to Woodhead Road.
- 3.2 The application seeks approval for the access only by means of a new junction off Woodhead Road. The indicative internal layout has been designed with a principal spine road running into the site from Woodhead Road, with a hierarchy of roads branching off the main spine road, providing access to properties across the site. The indicative layout is not for consideration as part of this application.
- 3.3 The current application involves a smaller site than that previously proposed under outline planning application 2016/92181. The application site now excludes an area of land to the west, which has the benefit of an extant grant of outline consent for residential development (2013/93373).
- 3.4 The applicant states that the development would have a maximum density of 33 dwellings per hectare with dwellings being up to a maximum height of 2.5 storeys.
- 3.5 The proposed access would front Woodhead Road. The proposed access would be 5.5m wide with 2.0 wide footways on both sides of the carriageway. The northern radii would be 6m and the southern radii 6m into a 26m to accommodate refuse vehicles turning left out of the site. The footways continue, at a width of 1.5m – restricted by the existing dry stone wall, along the site frontage with the A6024 Woodhead Road and terminate adjacent to the pedestrian facilities proposed on the A6024 Woodhead Road, as part of the proposed site access junction layout.

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

- 4.1 2016/92181 – Outline application for erection of residential development (116 dwellings) and formation of new access to Woodhead Road - Land off, Woodhead Road, Honley, Holmfirth – refused.

2013/93373 Outline application for residential development – Conditional outline permission (all matters reserved) – *This planning permission is on land immediately adjacent to the application site. This planning permission included the provision of a 'right turn lane' to ensure safe site access. There are further details contained in the Highways section of this report.*

2017/92568 - Erection of 70 residential units (C3) and associated parking with vehicular access from Woodhead Road – currently under consideration - *This planning application is on land immediately adjacent to the application site.*

- 4.2 The site of the above application forms part of the current application site. The application indicated that there would be up to 51 dwellings served by a new access off Woodhead Road.

## **5.0 PLANNING POLICY:**

- 5.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007). The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

- 5.2 The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased and substantial weight. At this stage of the Local Plan process the Publication Draft Local Plan is considered to carry significant weight in the determination of planning applications. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

### **5.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:**

The site is allocated as Provisional Open Land (POL). The site comprises the a large POL allocation with an area to the north and west excluded. Part of the western boundary adjoins a green corridor.

Relevant policies are:

BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about buildings  
BE23 – Crime prevention  
D5 – Provisional open land  
D6 – Land adjoining green corridor  
EP4 – Noise sensitive development  
EP10 – Energy Efficiency  
EP11 – Ecological landscaping  
G6 – Land contamination  
H1 – Housing needs of the district  
H10 – Affordable Housing  
H12 – Arrangements for securing affordable housing  
H18 – Provision of open space  
NE9 – Retention of mature trees  
T10 – Highway safety

T16 – Pedestrian routes  
T19 – Parking standards  
R13 – Rights of way

Kirklees Draft Local Plan Strategies and Policies (2017):

PLP3 – Location of New Development  
PLP7 – Efficient and effective use of land and buildings  
PLP11 – Housing Mix and Affordable Housing  
PLP20 – Sustainable Travel  
PLP21 – Highway safety and access  
PLP22 – Parking  
PLP24 – Design  
PLP27 – Flood Risk  
PLP28 – Drainage  
PLP30 – Biodiversity and Geodiversity  
PLP32 – Landscape  
PLP35 – Historic Environment  
PLP48 – Community facilities and services  
PLP51 – Protection and improvement of local air quality  
PLP52 – Protection and improvement of environmental quality  
PLP61 – Urban Green Space  
PLP62 – Local Green Space  
PLP63 – New Open Space

5.4 Supplementary Planning Guidance:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)
- Kirklees Housing Topics Paper (2017)
- Kirklees Council Housing Allocations – Accessibility Assessment (March 2015)
- Planning Practice Guidance

5.5 National Planning Guidance:

National Planning Policy Framework: Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The NPPF also considers issues relating to design, highway safety, amenity considerations, flood risk, pollution and contamination.

**6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application was advertised by neighbour letter, newspaper advertisement and site notices. A total of 16 objections have been received.

6.2 Representations summarised as follows:

- Highway Safety. The access to the development from Woodhead Road will be unsafe. The access point is too close to the cross roads at Woodhead Road and Smithy Place Lane. The close proximity of the cross roads will be unsafe.

The access to the development from Woodhead Road will be unsafe as it is too close to a bend to the SE on Woodhead Road. This is a fast road, where speeding is common. There have been fatal accidents at the Woodhead Road and Smithy Place Lane junction previously, the new development will exacerbate existing problems and replicate them with a further dangerous junction.

Highway Safety. The proposed development does not consider the increased traffic that will be generated on Smithy Place Lane. This is already a very narrow road without any pedestrian provision. It is a key route to many in the area and will be the natural route for new residents to access local schools, the train station, the M1, Leeds, Sheffield, Wakefield Barnsley, The South, the East, the A1 and other local amenities including schools.

Highway Safety. The development does not adequately consider access to New Mill Road. It would be better to build a new bridge across the River Holme and access the development from the north.

Loss of amenity of neighbouring properties. The proposal would adversely affect the amenity of our property. The proposed plot 14 directly abuts our property with the new house being proposed directly on our boundary. This is not sympathetic. Our back garden would be significantly overlooked affecting our privacy. This is in the only section of our garden that gets consistent sun.

Loss of amenity of neighbouring properties. – views. The development will adversely affect our views.

Inappropriate density. There are too many properties planned. The density proposed is too great, out of character with the area. The impact of local schools, especially primary, and of other local facilities has not been adequately considered.

Adversely affect character of neighbourhood. The proposed development will adversely affect the character of the local neighbourhood, particularly the unique setting of the properties on Smithy Place and Smithy Place Lane. The setting of these historic dwelling will be lost within the larger conurbation, particularly considering the previous impact of Holmebank Mews.

The development does not consider the other proposals immediately adjacent to the NW by the same developer.

Adversely affect the amenity of the neighbourhood. The development will destroy the character of Smithy Place, (sometimes seen on maps as Moyers Lane). This is a popular lane with local families, and walkers, cyclists, horse

riders, and walking groups. The lane is quiet with car traffic only from residents. The development access crosses this lane and so will adversely affect safety of the users of the existing lane.

Highway Safety. The development is not clear on how traffic will be prevented from turning onto Smithy Place without stopping up the access to Smithy Place. Residents of Smithy

- On December 1<sup>st</sup> 2016 Highways refused planning permission for the 116 Miller Homes development 2016/92181 Reference 612002 . This refusal was given primarily due to the access point of the proposed road being unsuitable coming out of the field directly onto the Woodhead Road . It stated that the number of cars directly attributable to the Miller development would have made the volume of traffic going onto the Woodhead Road highly dangerous.

Currently less than a year later Miller Homes development 2017/93326 has been submitted and it appears to have an identical footprint to the earlier site with the access to the road in exactly the same place. Half the number of houses has been submitted with a purple dotted box which "Provides adopted highway to site boundary to serve adjoining future development"

If in fact this were to be the case and those additional houses were built at a later date it would take the number of houses on this development to not just 62 but in the longer term over 120 dwellings.

Having lived here for 25 years I feel that the residents of the proposed site will primarily gravitate to the amenities in Brockholes . The school is excellent and with nursery and out of school club provisions these will attract the new families . Also with shops / churches and take aways and access to the A616 and M1 directions the heaviest of the traffic will use Smithy Place Lane as their preferred route . ( if only to avoid the heavily congested junction with traffic lights at Honley Bridge )

This lane is already used as a "cut through" with heavy traffic and highly dangerous. My son was hit on the hairpin bend on Smithy Place Lane in 2014 by an uninsured driver. I have attended other similar accidents ... These may not appear on police records but they are many ... Similarly , over the years there have been many incidents at the cross roads where Smithy Place meets the Woodhead Road ... Including one where I witnessed a boy being hit while crossing .

The lack of pavements on Smithy Place Lane also make it hazardous for pedestrians. I walked to school when my children were young and I walk my dogs now but it is very dangerous .

I do believe that Smithy Place Lane should be designated as one way should any future development be considered. This would be highly inconvenient for

the residents and many others but I truly believe that it would be for the safety of everyone.

- I have family living on Smithy Place and my concerns are the same as those about the application for adjacent land and the 2016 application for the land. The site is adjacent to Brockholes, being much closer to Brockholes than Honley. There is no direct vehicular access from the site to Brockholes, forcing traffic to use Smithy Place Lane. This is the same for commuter traffic to South Yorkshire and the M1 South. Smithy Place Lane has several hundred metres of mixed vehicle and pedestrian traffic without any segregation- ie no pavements - and some of this is single track around blind bends. The junction at the top of Smithy Place Lane with Woodhead Rd has been the scene of a RTA fatality in recent years. I have presented photographs showing this with my previous objections. In consequence I believe to go ahead with this development would present real dangers and would be criminally negligent.
- The plans show a road crossing Smithy Place which is a well-used public footpath. This will endanger users of this footpath.

The access road joins Woodhead Road at a point where the visibility, especially from the Holmfirth direction, is limited. Woodhead Road is a very busy road and this will have an impact on road safety.

There will be a significant increase in the number of cars using Smithy Place Lane. This lane is a single track road which has 2 blind bends on it and no footpath. The increase in traffic is a serious concern for both the safety of pedestrians as well as vehicles.

This application in conjunction with application number 2017/92568 is basically a re-working of the application submitted last year which was rejected. The 2 applications should be viewed as 1 application in terms of the impact on the area.

The plans show some of the houses abut directly onto existing properties, overlooking the properties.

Deer have been seen in the fields which are part of the application and this puts their habitat at risk.

- No capacity on Smithy Place Lane to access Brockholes Primary School at the busiest times.
- A number of trees across the site have a tree preservation order.

## **7.0 CONSULTATION RESPONSES:**

### **7.1 Statutory:**

K.C. Highways: - Object. Full details set out in the remainder of this report.

Environment Agency: - No objection.

K.C. Lead Local Flood Authority: – No comments received.

## 7.2 **Non-statutory:**

K.C. Environmental Health: - No objections subject to conditions

K.C. Conservation & Design: - No objection.

K.C. Trees Section: - Object due to impact on trees within the site.

K.C. Landscape Section: – No comments received. Will be reported as an update.

K.C. Strategic Housing: – There is a need for affordable housing in this housing market area and affordable housing should be secured as part of the planning process.

K.C. School Organisation & Planning: – A financial contribution of £141,439 is required towards school funding

Yorkshire Water: - No objection subject to conditions.

WY Police Architectural Liaison Officer: – Advice provided on crime prevention measures to be submitted at reserved matters stage.

## 8.0 **MAIN ISSUES**

Principle of Development  
Impact on Character of Surrounding Area and Landscape  
Residential Amenity  
Highways and Traffic Implications  
Flood Risk and Drainage  
Ecology and Biodiversity  
Planning Obligations and Community Benefits  
Other Matters  
Conclusion

## 9.0 **APPRAISAL**

### 9.1 Principle of development

9.1 Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is one such material consideration. The starting point in assessing any planning application is therefore, to ascertain whether or not a proposal accords with the relevant provisions of the development plan, in this case, the saved policies in the Kirklees Unitary Development Plan, 1999 (UDP). If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.

9.2 The NPPF is a Government statement of policy and is therefore, considered an important material consideration especially in the event that there are policies in the UDP which are out-of-date or inconsistent with the NPPF.

Paragraph 215 of the NPPF reinforces that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

- 9.3 It is clear that the NPPF seeks to *“boost significantly the supply of housing...”* (para 47). Para 47 then goes on to describe how local authorities should meet the full objectively assessed need for market and affordable housing. This requires a range of measures including ensuring a deliverable five year supply of housing. Para 49 states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.
- 9.4 As evidenced in recent appeal decisions (eg. APP/Z4718/W/16/3147937 - Land off New Lane, Cleckheaton), the Council are falling foul of their requirement to ensure a five year housing land supply by a substantial margin. This is important in the context of paragraph 14 of the NPPF.
- 9.5 Para 14 of the NPPF states that for decision-taking, the presumption in favour of sustainable development means:
- Approving development proposals that accord with the development plan without delay, and
  - Where the development plan is silent, or relevant policies are out-of-date, granting planning permission unless:  
*Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or*  
*Specific policies in the Framework indicate development should be restricted.*
- 9.6 As the Council are unable to demonstrate a 5 year housing land supply as required by para 49 of the NPPF, relevant policies relating to housing are considered to be out-of-date. Indeed, the housing land supply shortfall is substantial and falls below 3 years. Whilst the Council have submitted the emerging Local Plan for examination which, for housing purposes, is predicated on the basis of a five year housing land supply; the Local Plan has not been through examination, nor has it been adopted. Therefore, it is currently the case that the Council are unable to identify a five year supply of specific deliverable housing sites against the requirement.
- 9.7 Based on the above, there is a presumption in favour of sustainable development and planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.
- 9.8 The site is allocated as Provisional Open Land (POL) on the UDP. Therefore, policy D5 is applicable in this case:
- On sites designated as provisional open land planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the long term.*

- 9.9 It is considered that policy D5 is not a policy for the supply of housing in respect of the way in which it relates to paragraph 49 of the NPPF. Therefore, policy D5 is considered to be up to date.
- 9.10 The proposed development is clearly at odds with policy D5 of the UDP partly because the scheme of housing development fails to maintain the character of the land as it stands and fails to retain the open character. The proposed development constitutes a departure from the development plan.

*Emerging Local Plan*

- 9.11 In respect of the emerging Local Plan, the Publication Draft Local Plan (PDLP) was submitted to the Secretary of State on 25th April 2017 for examination in public. The site forms a housing allocation (H129) within the PDLP. Given that the PDLP has now been submitted consideration needs to be given to the weight afforded to the site's allocation in the PDLP.
- 9.12 The NPPF provides guidance in relation to the weight afforded to emerging local plans. Paragraph 216 states:

*From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- 9.13 The above is further supplemented by guidance in the Planning Practice Guidance (PPG). The PPG states that “*arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

*a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and*

*b. the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

- 9.14 Given the scale of the development proposed when assessed against the wider context of the PDLP the application could not be deemed to be premature as the proposed development, by virtue of its relatively small scale and strategic

importance, is not considered to be central to the delivery of the Local Plan. Whilst officers do not consider that the application is premature in terms of the emerging Local Plan, it has been confirmed that given the advanced stage at which the Local Plan has progressed considerable weight should be afforded to the policies within the emerging Local Plan. However, it is also noted that the proposed housing allocation (H129) has received a substantial number of unresolved objections and this is considered to reduce the weight afforded to the housing allocation in the emerging Local Plan. In short, limited weight is afforded to the emerging housing allocation in this case.

- 9.15 In the PDLP the housing requirement is set out at 31,140 homes from 2013 – 31 to meet identified needs. This equates to 1730 homes per annum. The Council’s current supply position is detailed in the Housing Topics Paper (2017) and this also includes the number of dwellings built since the emerging Local Plan base date of 1<sup>st</sup> April 2013. There has been persistent under-delivery:

Year	Net annual housing completions	Local Plan requirement	Completions compared to Local Plan requirement
2013/14	1,036	1,730	-694
2014/15	666	1,730	-1064
2015/16	1,142	1,730	-588
Total	2,844	5,190	-2,346

- 9.16 The PDLP includes the application site as a housing allocation and is therefore, a site which the Council consider appropriate for housing. The site allocation in the PDLP includes the current application site and the site adjacent which has outline planning permission for residential development (2013/93373). The current application effectively involves the subdivision of this allocation. However, as stated above, limited weight is afforded to the emerging housing allocation due to the unresolved objections to the allocation.

- 9.17 If the emerging Local Plan was to be adopted in its current form, the Council would be able to demonstrate a five year housing land supply. However, the PDLP has not been through examination and as it stands the Council is a substantial way off being able to demonstrate a five year housing land supply and housing delivery has persistently fallen short of the emerging Local Plan requirement. This triggers the presumption in favour of sustainable development as advocated by para 14 of the NPPF.

#### Impact on Character of Surrounding Area and Landscape

- 9.23 Section 11 of the NPPF sets a wide context to conserving and enhancing the natural environment and requires that valued landscapes are protected and enhanced and requires that the level of protection is commensurate with the status and importance of the landscapes.
- 9.24 Policy BE1 of the UDP requires that all development should be of good quality design such that it contributes to a built environment. Policy BE2 states, amongst other matters, that new development should be designed so that it is in keeping with any surrounding development. Policy BE11 of the UDP

requires that new development should be constructed in natural stone of a similar colour and texture to that prevailing in the area. Policy PLP24 of the PDLP requires that good design to be at the core of all planning decisions.

- 9.20 The scale, layout, appearance and landscaping of the site are all reserved matters. An indicative layout has been submitted which shows a mixture of detached, semi-detached and terraced dwellings set around a series of estate roads.
- 9.21 On issues of urban design officers are satisfied that an acceptable scheme could be brought forward that complies with relevant local and national planning policies. As part of this it would be necessary to consider mitigating the visual impact of continuous areas of parking to the front of some of the houses and the physical separation between dwellings to ensure that the built form provides a sense of openness. The inclusion of mature trees and pockets of landscaping are a benefit to the general design of the development.
- 9.22 The proposal essentially forms an extension of the village of Brockholes, albeit partially separated by a river, and in broad terms officers are satisfied that a development could be provided without significantly impacting on the landscape. The concerns that have been raised around the loss of this open space and a reduction in physical separation between the built-up areas of Brockholes and Honley are acknowledged. However, there remains a substantial wedge of Green Belt land between the site and the Honley settlement boundary and it is considered that this prevents a sense of the two villages merging. The development would bring about a concentrated built form closer to the established ribbon development towards the west of the site but these existing properties would remain as more isolated dwellings within the Green Belt that are distinct from the built up part of Brockholes.

#### Residential Amenity

- 9.21 Para 123 of the NPPF indicates that planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
  - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.
- 9.22 Policy BE12 of the UDP provides guidance on appropriate separate distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.
- 9.24 There a number of residential properties adjoining the site. These are to the northwest and towards the south and southeast along Haggroyd Lane and Smithy Place. There are also a couple of properties towards the west of the site but these are on the opposite side of Woodhead Road and set up and back from the highway. The properties to the east on New Mill Road are set down from the site but are well separated by trees and have the River Holme lying in between.

- 9.25 The group of three dwellings that abut part of the northwest boundary of the site are predominantly screened by protected trees and the indicative layout demonstrates that acceptable separation distances can be provided to these existing properties.
- 9.26 Officers are broadly satisfied that acceptable separation distances can be achieved to all of the adjacent properties on Smithy Place subject to detailed consideration of scale and layout. It is noted that one of the dwellings on the indicative layout is very close to the rear garden boundary of 22/22a Smithy Place which is a potential concern.
- 9.27 The properties on Haggroyd Lane back onto an undeveloped part of the site (POS) and are screened by protected trees. These properties are therefore unlikely to be significantly affected.
- 9.28 Based on the indicative layout habitable windows within the development are reasonably well spaced and officers are satisfied that acceptable internal separation distances can be achieved.
- 9.30 A noise report has been submitted with the application and reviewed by Environmental Health. Officers agree with the report's conclusions that an acoustic barrier to protect the residents nearest Woodhead Road from road traffic noise is necessary (details would be necessary by condition). A sound insulation scheme (glazing/ventilation) designed to protect the amenity of the occupiers of the new dwellings which are closest to Hope Bank Works would also be required (details by condition).

#### Highways and Traffic Implications

- 9.25 Policy T10 of the Kirklees UDP states that new development will not normally be permitted if it will create or materially add to highway safety issues. Policy PLP21 of the PDLP aims to ensure that new developments do not materially add to existing highway problems or undermine the safety of all users of the network. Para 32 of the NPPF states:

*Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

- 9.26 In terms of background, the previous outline application on this site for c.150 dwellings was refused on highways safety grounds with respect to the sites unsuitable access layout and development quantum, and configuration with the approved access arrangement with the adjacent site serving c.51 dwellings (plan ref: 2013/93373). Within the PDLP the application site is part of a wider Housing allocation which sits adjacent to a site which already has the benefit of planning permission (2013/93373) complete with a separate point of access which includes a 'right turn' lane. The current proposal would effectively subdivide the allocation. There is no reason in principle why

finding this site unacceptable on highways safety grounds would prejudice the comprehensive and acceptable development of the comprehensive housing allocation.

- 9.27 As it stands Woodhead Road has a distinct 'movement' function. The introduction of housing on this site would not significantly alter the character of the road given that the site is set down from Woodhead Road and therefore, the introduction of housing is not considered to significantly alter the way that Woodhead Road operates in terms of its function.
- 9.28 The proposal for 62 dwellings would be accessed off the start of a sweeping inside bend on the busy A6024 Woodhead Road and is forecast some 48 and 51 two-way vehicular trips in the 'pm' and 'am' peaks respectively. The proposed access arrangement would be a simple priority junction which would require the realignment of Woodhead Road to achieve improved visibility splays. A consequence of the road realignment would be to the removal of c.117m of on-road cycle lane.
- 9.29 The proposed access arrangement would be in the main featureless in that it would provide one pedestrian island to the north of the proposed access. This would be contrary to the layout for the approved residential site (plan ref: 2013/93373) adjacent to the application site and designed to serve both developments. The layout would provide a right turn lane, maintain the existing on-road cycle lane, a central island to the north of the access accommodate pedestrians, and a central island to the south to accommodate pedestrians and facilitate an acceptable sight line measured to centre of the carriageway.
- 9.30 Based on the information and data submitted and collected by HDM, the proposed access arrangement raises highway safety concerns in summary relating to:
- a) Accident trend/profile along the A6024 Woodhead Road both direction from the proposed site access to the junctions Mirey Lane, Thongsbridge, and Eastgate, Honley Bridge. Where 14 accidents have been recorded within the past 5 years from the 31st October 2017; 2 of which involved pedestrians, 7 involved cyclists, and 2 involved motorcyclists'. As such 11 out of the 14 recorded injury accidents involved vulnerable road users.
  - b) The site access arrangement which does not include a right turn lane on the A6024 Woodhead Road where observed two way flows are likely to incur queuing behind right turning vehicles into the site to the detriment of the free and safe flow of traffic.
  - c) The removal of c.117m of on-road cycle lane along the A6024 Woodhead Road to facilitate the proposed access arrangement and visibility requirements.

d) The substandard southern visibility splay from the site access which is measured to the centre line without the benefit of a physical feature (i.e. pedestrian island) to deter overtaking movements by northbound vehicles to the south.

e) The substandard forward stopping sight distance for northbound drivers on the A6024 Woodhead Road approaching stationary right turning vehicles into the proposed site.

f) The location of approved site access (plan ref: 2013/93373) located c.120m north of the proposed site access and the nature of the A6024 Woodhead Road with the proposed alignment/deflection through the junctions, the approved junction having features (right turn lane, cycle lane, and pedestrian islands) and the proposed junction having just one (pedestrian island); and the absence of any supporting information i.e. DMRB standard design criteria and Stage 1 Road Safety Audit.

As such and notwithstanding the absence of detailed qualitative information relating pedestrian and cycle accessibility to local facilities and public transport connections, the proposed access arrangement is considered to be substandard at this location on the A6024 Woodhead Road to the detriment of highway efficiency and safety. Whilst it is acknowledged that the current scheme reduces the amount of traffic movements utilising the proposed junction in comparison to refused planning application 2016/92181; the proposed access arrangement is considered to represent an unsafe and unsuitable access which would be severely detrimental to highway safety, in conflict with para32 of the NPPF and policy T10 of the UDP.

### Flood Risk and Drainage

9.31 Para 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case.

9.27 The submitted Flood Risk Assessment (FRA) considers the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water.

9.28 It is proposed to utilise drainage by soakaways which will be located in rear gardens and within the highway. The Council's drainage officer has assessed the proposal and raises no objection in principle subject to the imposition of appropriate conditions. The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:

- 1 – into the ground (infiltration)
- 2 – to a surface water body

- 3 – to a surface water sewer, highway drain, or another drainage system
- 4 – to a combined sewer

- 9.29 In this regard, the proposal provides a scheme in accordance with the hierarchy and adheres to sustainable drainage good practice. Subject to detailed design Officers are satisfied that the site can be adequately drained. Kirklees Flood Management and Drainage have not commented on the current proposal but did not raise any objections to the previous application subject to conditions requiring approval of a detailed surface water drainage strategy. The drainage scheme will need to restrict the rate of surface water discharge from the site to a 5 litres per second per hectare. This restricted rate of run-off is also in line with comments made by the Environment Agency, who have no objections to the principle of development.
- 9.65 The Flood Risk Assessment (FRA) submitted with the application states that once detailed level design is carried out it could be the case that a surface water pumping station may be required for part of the site.
- 9.66 The FRA also states that further investigation into the mill race is required. The findings of these investigations should be used to inform the site layout and should therefore be carried out prior to submission of 'layout' at reserved matters stage. The findings may impact on the number of dwellings that can be accommodated because of the need to provide acceptable flood routing. Furthermore, an assessment of potential overland flow routes must also be carried out and used to inform the layout (a condition regarding this could be imposed).
- 9.67 Yorkshire Water was consulted on the application and raise no objections.

#### Ecology and Biodiversity

- 9.30 UDP policy EP11 requires that application incorporate landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.
- 9.31 To the east of the site is the River Holme which forms a green corridor as allocated in the UDP. This stretch of river adjoins a Site of Scientific Interest just to the south of the site.
- 9.32 The application is accompanied by an ecology report. This concludes that the site consists of four semi-improved pasture fields that provide limited ecological value. The trees within and bordering the site provide some bat roosting and foraging habitat. Part of the site also provides a habitat for a protected species.
- 9.33 Officers are satisfied that a development could be brought forward that would avoid unacceptable impacts on biodiversity. As part of this it would be necessary for the preliminary ecological appraisal to influence the final layout of the site and for a Construction Environment Management Plan and a Landscape and Ecological Management Plan to be provided. A licence from

Natural England would be required to deal with the issue of a specific protected species.

9.34 In terms of trees, an objection has been received from the arboricultural officer regarding the loss of protected trees within the site (not those associated with the proposed access). At the time of writing this report this objection had not been resolved. However, it is noted that planning application 2016/92181 included the same indicative layout and no objections were raised at that time due to the potential loss of trees. In any event, these matters would need to be addressed as part of the reserved matters where the layout could be designed so as to minimise the impact on trees within the site as far as practicable.

9.34 Planning obligations and community benefits:

9.35 The application is accompanied by draft heads of terms for a S106 obligation. This covers the following matters:

9.36 Affordable Housing:

9.37 The applicant has offered to provide 20% of the total number of dwellings as affordable units.

9.38 It is considered that the affordable offer is acceptable, particularly in light of the emerging interim affordable housing policy which is based on the draft emerging Local Plan. The policy is underpinned up-to-date evidence of the viability of schemes within the District can likely afford were it is proposed to seek at least 20% of total dwellings on sites for affordable housing with a split of 55-45% social rented to sub market tenure.

9.39 Education:

The number of dwellings proposed is above the threshold for an education contribution. KC School Organisation & Planning advise that a contribution of £141,439 is required towards school funding in the area.

9.40 Public Open Space:

9.41 The site is over 0.4 ha and therefore triggers the requirement for the provision of public open space.

9.42 Ample space is available for on-site POS provision. This development also comes within the zone for existing equipped play facilities in Brockholes and for a development of this large scale, it is expected that an off-site lump sum for broadening these existing facilities would be provided [sum calculated once the on-site POS areas are designed]. That being said, the site offers opportunities for a variety of natural play provision.

9.43 Off-site highway works:

9.44 Financial contribution to the provision of speed warning signage on A6024 Woodhead Road in the vicinity of the site at a location(s) to be agreed with the

highway authority. Improvements to public footpaths within and in the immediate vicinity of the application site.

#### 9.47 Other Matters

9.48 Intrusive investigations are required to fully establish contamination issues with the land. This could be dealt with by conditions.

9.49 NPPF Paragraph 109 states that “the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution...” On small to medium sized new developments this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition.

### **10.0 CONCLUSION**

10.1 Matters of principle in this case are considered acceptable. As guided by para14 of the NPPF, the tilted balance in favour of sustainable development applies in this case.

10.2 The proposed access arrangements for the development site that have been put forward by the applicant are considered to be unacceptable on highway safety grounds for the reasons set out in this report. The harm to highway safety is not outweighed by any other material considerations, including the boost to the supply of housing as well as the affordable housing offer and the cumulative benefits that could be provided through the S106 package. Consequently, the severe highways impacts associated with the proposed development is considered to conflict with the requirements of policies T10 and BE1 of the UDP and PDLP policy PLP21. The proposal is not a sustainable form of development and there is demonstrable and significant harm in this case which outweighs the benefits of the proposal. The application is not a sustainable development and conflicts with the Development Plan as a whole.

10.2 Matters of scale, layout, appearance and landscaping are reserved but officers are satisfied that on these issues an acceptable scheme could be brought forward that complies with relevant local and national planning policies.

10.3 In the absence of a signed Section 106 covering matters of education, affordable housing, greenspace and travel planning the application is also recommended for refusal on these elements.

### **11.0 Reason for refusal:**

1. The proposed access arrangements for the development site would significantly harm highway safety and efficiency and as such the development is contrary to Policies T10 and BE1 of the Kirklees Unitary Development Plan, policy PLP21 of the Kirklees Publication Draft Local Plan and paragraph 32 of the National Planning Policy Framework. The harm to highway safety is not outweighed by any other material considerations, thus the proposal constitutes an unsustainable form of development.

2. In the absence of a completed Section 106 agreement the development fails to provide for Educational requirements, affordable housing provision, public open space and travel planning requirements.

**Background Papers:**

Application and history files.

Certificate of Ownership –