

---

**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 20-Sep-2018**

**Subject: Planning Application 2018/90776 Outline application for erection of up to 10 dwellings Land at, Yew Tree Road/Burn Road, Birchencliffe, Huddersfield**

**APPLICANT**

J M Fryer

**DATE VALID**

15-Mar-2018

**TARGET DATE**

14-Jun-2018

**EXTENSION EXPIRY DATE**

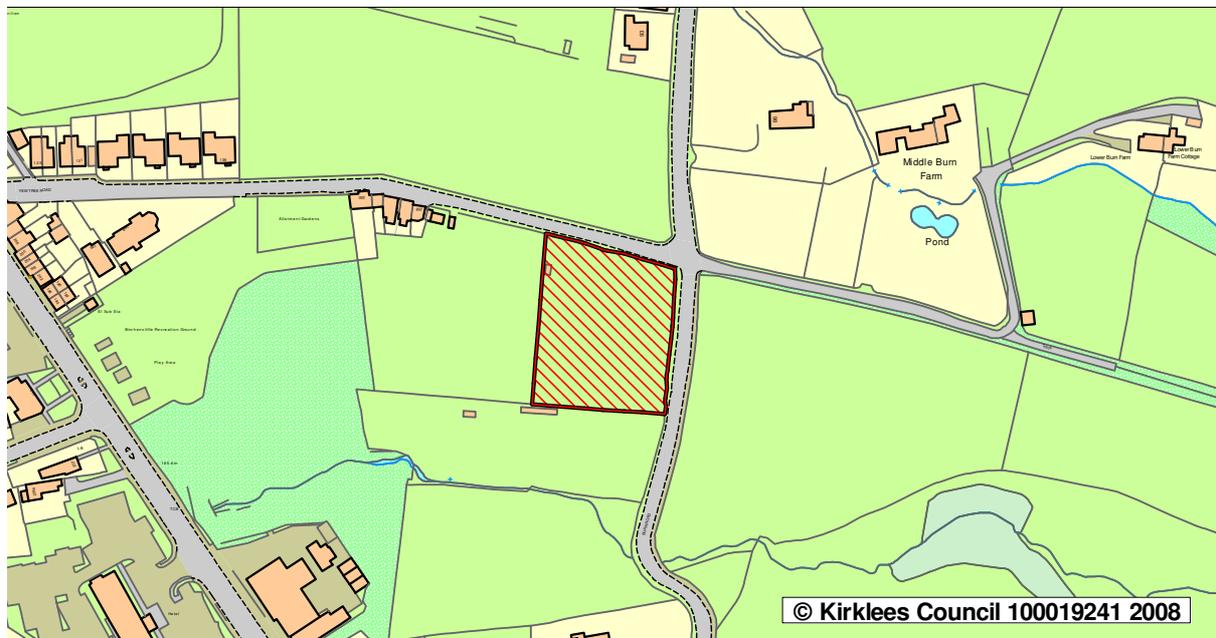
03-Sep-2018

---

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:** Lindley

Yes

Ward Members consulted

---

**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 obligation covering the following matters:

1. Education contribution
2. Affordable housing (20% of the total number of units on the site)
3. Public Open Space
4. Financial contribution towards off-site improvement works at the Halifax Road/East Street (Cavalry Arms) junction (figure dependent on number of dwellings to be agreed under 'layout' at reserved matters)

**1.0 INTRODUCTION:**

- 1.1 The application was deferred at the previous committee meeting to enable officers to bring back a report which includes a more detailed overview of how this site fits in with the bigger picture of development in the Yew Tree Road/Burn Road area. This includes reference to S106 issues that might affect the development including highway improvements and other S106 contributions, having regard to cumulative impacts and a piecemeal approach to development.
- 1.2 The application was originally brought forward to the Sub Committee in accordance with the Scheme of Delegation because the proposal is for residential development on Provisional Open Land and therefore represents a departure from Policy D5 of the development plan.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is a field that lies at the junction of Yew Tree Road and Burn Road, Birchencliffe. The field is largely flat.
- 2.2 There is open land to the north and east on the opposite sides of Yew Tree Road and Burn Road that is currently being developed as part of a scheme for 95 dwellings. There is a field to the west of the site that is the subject of an outline application for residential development that was approved by committee in June 2018. There is also a separate field to the south that slopes down from the site where it then meets a watercourse; this field to the south forms part of a separate outline application for residential development that is currently being considered by the council.

### **3.0 PROPOSAL:**

- 3.1 Outline application for the erection of up to 10 dwellings. Access is the only matter that has been applied for.
- 3.2 The proposed access is a simple priority junction on Yew Tree Road.
- 3.3 Layout is a reserved matter however an indicative site layout plan has been submitted showing how the site could be developed. The layout shows 10 detached dwellings; three of the dwellings have individual points of access (private drives) off Yew Tree Road and a fourth dwelling has its own access off Burn Road.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 The following applications relate to land immediately to the north of the site and land off Burn Road to the east and south east of the site:

2017/90180 – Erection of 95 dwellings with access from Yew Tree Road and Road – Approved and site currently under construction

2014/93039 – Outline application for residential development – Approved

- 4.2 The following application relates to the adjoining field to the west of the site:

2018/90151 – Outline application for residential development – Approved by the Sub Committee 21/6/18 (decision notice not yet issued)

- 4.3 The following application relates to the adjoining land to the rear of the site:

2018/91838 – Outline application for erection of residential development - Undetermined (to be reported to the Huddersfield Sub Committee at a later date)

- 4.4 The following applications relate to land off Burn Road that form part of the same POL allocation as the application site:

2016/90073 – Outline application for erection of residential development (at 98 Burn Road) – Approved

2016/90524 - Outline application for erection of three dwellings (at Middle Burn Farm) – Approved by Sub Committee earlier this year (decision notice not yet issued)

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

- 5.1 Further information requested in relation to the proposed main access on Yew Tree Road and in relation to coal mining legacy issues.

## 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 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 (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.
- 6.2 The site is allocated as Provisional Open Land (POL) on the Unitary Development Plan Proposals Map. The site is part of Housing Allocation H706 within the Publication Draft Local Plan.
- 6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:
- D5 – Provisional Open Land
  - BE1 – Design principles
  - BE2 – Quality of design
  - BE12 – Space about dwellings
  - T10 – Highway safety
  - G6 – Land contamination
  - NE9 – Retention of mature trees
  - H18 – Provision of open space for new housing
- 6.4 Kirklees Publication Draft Local Plan (submitted for examination 25<sup>th</sup> April 2017):
- Spatial Development Strategy
  - PLP3 – Location of New Development
  - PLP5 – Masterplanning sites
  - PLP7 – Efficient and effective use of land and buildings
  - PLP11 – Housing mix and affordable housing
  - PLP21 – Highway safety and access
  - PLP24 – Design
  - PLP28 – Drainage
  - PLP30 – Biodiversity and Geodiversity
  - PLP32 – Landscape
  - PLP33 – Trees
  - PLP51 – Protection and improvement of local air quality
  - PLP53 – Contaminated and unstable land
  - PLP63 – New open space

6.5 Supplementary Planning Guidance / Documents:

N/A

6.6 National Planning Guidance:

Chapter 2 Achieving sustainable development  
Chapter 4 Decision-making  
Chapter 5 – Delivering a sufficient supply of homes  
Chapter 9 Promoting sustainable transport  
Chapter 11 Making effective use of land  
Chapter 12 Achieving well-designed places  
Chapter 15 Conserving and enhancing the natural environment

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Application advertised by site notice, press advert and neighbour notification letters. In response to the publicity 2 representations have been received. These are summarised as follows:

- Enough houses have been built in this area
- Already major development going on in this area
- Negative impact on local amenities
- Loss of greenery
- Impact on wildlife
- Impact on traffic
- Roads already congested
- Halifax Road already problematical
- Further traffic on Halifax Road which is the main link between Huddersfield Royal Infirmary and Calderdale Royal Hospital. HRI A&E may move to Calderdale and this development will add to congestion which is unacceptable and dangerous
- No longer a country walk in this area
- Lindley School oversubscribed already

**8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:**

**KC Highways Development Management** – The main point of access is acceptable and is compatible with the other approved road junctions on Yew Tree Road.

The individual points of access (private drives) as shown on the indicative site plan are a concern.

The Yew Tree Road/Burn Road junction should have a 6m radii.

A footway should be provided along the site frontage.

Contribution towards off-site highway works required (Cavalry Arms junction on Halifax Road).

**KC Lead Local Flood Authority** – Limited consideration has been given to flood risk to and from the site and no drainage strategy has been submitted.

**The Coal Authority** – No objections subject to conditions

## 8.2 **Non-statutory:**

**KC Environmental Services** – No objection subject to conditions relating to land contamination and electric vehicle charging points.

**KC Ecology Unit** – No objection subject to conditions.

## 9.0 **MAIN ISSUES**

- Principle of development
- Overview of planned development within the area
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues (including planning history and cumulative highway impacts)
- Drainage issues
- Air quality
- Planning obligations
- Representations
- Other matters

## 10.0 **APPRAISAL**

### Principle of development

- 10.1 The site forms part of a much larger area of land which is allocated as Provisional Open Land (POL) on the Unitary Development Plan (UDP) Proposals Map.
- 10.2 The National Planning Policy Framework (NPPF) outlines the government's definition of how sustainable development will be achieved and paragraph 11 of the Framework sets out a presumption in favour of sustainable development.
- 10.3 In situations where local planning authorities are unable to demonstrate a five year supply of deliverable housing sites, policies which are most important for determining the application are deemed to be out-of-date.
- 10.4 As evidenced in recent appeal decisions (e.g. APP/Z4718/W/16/3147937 - Land off New Lane, Cleckheaton), the Council is failing to meet its requirement to ensure a five year housing land supply by a substantial margin. This is important in the context of paragraph 11 of the NPPF.

- 10.5 As the Council is unable to demonstrate a 5 year housing land supply as required by 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 PDLP has been through examination, the Local Plan has not yet been adopted and the council is therefore unable to identify a five year supply of specific deliverable housing sites against the requirement.
- 10.6 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.
- 10.7 Policy D5 of the UDP relates to development on POL. It states:
- 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.*
- 10.8 It is considered that policy D5 is not a policy for the supply of housing having regard to the NPPF and therefore policy D5 is considered to be up-to-date.
- 10.9 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 therefore constitutes a departure from the development plan.

#### *Emerging Local Plan*

- 10.10 The site is part of Housing Allocation H706 within the Publication Draft Local Plan (PDLP). The PDLP was submitted to the Secretary of State on 25th April 2017 for examination in public. The Examination in Public began in October 2017. Given that the PDLP has now been submitted and is undergoing examination consideration needs to be given to the weight afforded to the site's allocation in the PDLP.
- 10.11 The NPPF provides guidance in relation to the weight afforded to emerging local plans. Paragraph 48 states:
- Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) 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
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

- 10.12 Paragraph 49 of the NPPF relates to prematurity and states that in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances 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 plan; and
  - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 10.13 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.
- 10.14 Given the advanced stage at which the Local Plan has progressed considerable weight should be afforded to the policies and allocations within the emerging Local Plan. There are two unresolved objections to proposed housing allocation H706, one from Historic England and one from a member of the public. The objection from Historic England relates to the impact on the significance and/or setting of Middle Burn Farm and Lower Burn Farm, which lie around 80m and 150m from the application site. As the site is well separated from Middle Burn Farm and Lower Burn Farm, with 7 new dwellings also planned in between, it is considered that Historic England's unresolved objection does not significantly reduce the weight that can be afforded to the application site's allocation in the emerging plan.
- 10.15 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, whilst the PDLP has been through examination, as it stands the Council is a substantial way off from 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 paragraph 11 of the NPPF.
- 10.16 Planning permission should therefore be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Overview of planned development within the area:

- 10.17 The site forms part of a large housing allocation within the Publication Draft Local Plan (PDLP). The gross site area is 16.8 hectares but the net site area is reduced to 12.91 hectares because the developable area is constrained. The indicative capacity of the allocation is 392 dwellings.
- 10.18 Planning permission for 95 dwellings (2017/90180) has been approved on a significant proportion of the allocation and this development is currently under construction. Outline consent for 4 dwellings has also been approved on a separate part of the allocation to the north east of the site (2016/90073).

- 10.19 The Sub Committee recently resolved to approve an outline application for residential development on the adjoining field to the west (2018/90151); this neighbouring application does not specify a total number of dwellings but officers estimate the capacity to be in the region of 10 units. The Sub Committee has also resolved to approve an outline application for 3 dwellings on another part of the allocation to the north east of the site (2016/90524).
- 10.20 A further outline application is being considered on the fields to the rear of the application site; this application indicates a capacity of 20 dwellings (2018/91838).
- 10.21 The above developments plus the 10 dwellings as proposed under the current application totals 142 dwellings and the combined area of all of these sites amounts to approximately 10 hectares of the 16.8 hectare allocation. This equates to 36% of the indicative capacity of the allocation on roughly 60% of the land.
- 10.22 Of the remainder of the allocation there are two relatively substantial swathes of land left over along with a number of small pockets of land. All of these areas are however constrained because of the presence of protected woodland or the proximity of listed buildings. It is to be noted as well that parts of the allocation already take in a small number of existing dwellinghouses as well as the road network which further reduces the amount of the developable part of the allocation that is left over.
- 10.23 Policy PLP5 of the emerging Local Plan relates to masterplanning sites. Masterplanning seeks to ensure that development is properly integrated with existing settlements and that local infrastructure and facilities for the wider area are expanded and enhanced. The policy sets out the objectives of masterplans and the policy justification sets out circumstances when a masterplan will normally be required. This includes multi-plot developments where there may be multiple landowners and it is important to co-ordinate the delivery of infrastructure and ensuring the place shaping principles and other policy requirements are met as set out in the plan.
- 10.24 There are unresolved objections to this policy, however, following the examination in public, modifications have been made to the policy which seek to address the unresolved objections. One of the amendments deals with piecemeal development. These modifications are currently going through public consultation. Unresolved objections would normally reduce the weight that can be afforded to an emerging policy but the proposed modifications allow the weight that that can be afforded to policy PLP5 to be increased.
- 10.25 There has not been a masterplan prepared for Housing Allocation H706 although almost half of the allocation has already been taken up with a single development of 95 dwellings across two large parcels of land. It is nevertheless considered appropriate for the proposal site and the two adjoining development sites to the south and west to be considered in the context of a 'masterplan' for this particular part of the emerging housing allocation. This is because together these three sites amount to a substantial part of the remaining allocation and fall within the definition of multi-plot developments within different ownership. A masterplanning approach to the design and layout of all three sites is relevant to ensuring the respective developments integrate with the surrounding area, as well as being relevant in the context of planning obligations.

### Landscape character and urban design issues

- 10.25 The site lies towards the edge of the built-up part of Birchencliffe with open fields to the south and east. The land to the north east is however currently being developed as part of a development of 95 dwellings that also includes a further area of open land towards the southeast. This approved development will therefore substantially alter the semi-rural character of the area and in this context it is considered that additional residential development on the site would not significantly harm the landscape character. Outline consent for development on the field to the west of the site has also been approved by the committee and if this land is developed it would further alter the character of the area.
- 10.26 The application is in outline form with access the only matter applied for. The application specifies a maximum number of dwellings (10). Within the emerging Local Plan Policy PLP7 seeks to achieve a net density of at least 35 dwellings per hectare, where appropriate. The site is just under 0.4 hectares in size which equates to a density of approximately 25 dwellings per hectare. However, any development will need to respect the character of the area, including that of the development currently being built under application 2017/90180. As such this density of development is considered to be appropriate in this case.
- 10.27 Consideration of scale and appearance are also reserved for future approval but officers are satisfied that a scheme can be brought forward that respects existing development as well as new development planned within the immediate vicinity. This includes the fields to the south and west that are subject to separate outline applications and which officers consider should be assessed holistically as part of a masterplanning exercise for this part of the housing allocation.
- 10.28 The Planning Statement submitted in support of the application states that it is envisaged that the dwellings would be two storeys in height and constructed in artificial stone and slate. This would be compatible with the surrounding area.
- 10.29 In principle the application is in accordance with Policies BE1 and BE2 of the UDP, PLP24 of the emerging Local Plan and guidance in the NPPF.

### Residential Amenity

- 10.30 There are no existing dwellinghouses in close proximity to the site although there are a number of approved dwellings to the north and west that are under construction. There is also an outline consent for residential development in the garden of 98 Burn Road and outline consent for residential is to be issued for the adjoining field to the west. There is outline application for residential development on land to the rear.
- 10.31 Policy BE12 of the UDP is the council's space about buildings policy and policy PLP24 of the emerging Local Plan seeks to provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

- 10.32 The indicative site plan shows how the site could be developed and includes nearby dwellings that have been approved to the north and west. The submitted layout suggests a shortfall in policy BE12 separation distances between habitable windows for some of the plots fronting onto Yew Tree Road and approved development to the north. The shortfall varies between 1 and 3 metres although some mitigation is provided by the respective positioning of the dwellings and the separation is also comparable to the relationship between new and existing dwellings further to the west along Yew Tree Road.
- 10.33 Notwithstanding the issue identified above, officers consider that an acceptable layout can be agreed at reserved matters that provides an adequate standard of amenity for all future occupiers.
- 10.34 This is considered to be a suitable location for residential development. Environmental Services have not raised noise from road traffic (including from the M62 motorway) as a potential issue although this matter has been raised on other applications in the immediate vicinity of the site and a condition recommended to address potential noise disturbance. It is therefore considered that a similar condition should be imposed on this development.
- 10.35 In principle the application satisfies Policies BE12 and BE1 of the UDP and PLP24 of the emerging Local Plan and guidance in the NPPF.

#### Landscape issues

- 10.36 The landscaping of the site is a reserved matter. It is nevertheless considered that external boundary treatment should respect the established character of the area which includes drystone walling to field boundaries. Drystone walling has been retained to the boundaries of approved developments on other parts of the POL allocation.
- 10.37 The size of the site is just below the threshold for public open space (POS) provision.

#### Housing issues

- 10.38 The site is allocated for housing in the emerging Local Plan and the development would contribute towards the supply of housing in the district at a time when the council is currently unable to demonstrate a 5 year housing land supply.

#### Highway issues

- 10.39 The application seeks approval of the access to the site. A simple priority junction along the site frontage off Yew Tree Road is proposed. The proposed access has been assessed in relation to the approved access to the north west of the site on the opposite side of Yew Tree Road and the access proposed for the adjoining field to the west. Officers consider the location of the junction to be acceptable. Detailed design of the junction can be secured by condition.
- 10.40 The indicative site layout also includes individual points of access (private drives) off Yew Tree Road and Burn Road. Officers have concerns that these accesses would increase manoeuvres on the highway close to other approved points of access which may lead to conflict and thus harm highway safety. In response the applicant has provided a plan showing a single point of access only and it is this access which is considered acceptable.

- 10.41 It is considered that a footway to the application site frontage should be provided as part of the proposed scheme (as indicated on the site layout). This can be secured by condition and incorporated into the site layout to be approved as a reserved matter. It is also considered that the Yew Tree Road/Burn Road junction should be provided with a 6m radii where the site abuts the junction. This can also be secured by condition and incorporated into the site layout to be approved as a reserved matter.
- 10.42 The application is considered to comply with Polices T10 and BE1 of the UDP and PLP21 of the emerging Local Plan.

*Planning history and cumulative highway impacts:*

- 10.43 The site forms part of a larger POL allocation/emerging housing allocation where planning permissions have previously been granted for residential development on a significant proportion of the allocation.
- 10.44 The first permission on this POL allocation was an outline consent for up to 190 dwellings (ref 2014/93039) on two parcels of land accessed from Yew Tree Road (one access) and Burn Road (two accesses). A suite of highway works were required including:
- a) Capacity and safety improvement of the Burn Road / Grimescar Road junction: Increase visibility along Grimescar Road.
  - b) Capacity and safety improvement of the Grimescar Road / Brighthouse Road junction: Increase entry junction radii and width to Grimescar Road
  - c) Capacity and safety improvement of the A629 Halifax Road / Yew Tree Road junction; Increase visibility along Halifax Road.
  - d) Widen Yew Tree Road along site frontage and provide footway.
  - e) Change Burn Road priorities making 'one way' from Halifax Road for approximately 150m.
- 10.45 In addition to the above, financial contributions towards improvements to the A629 Halifax Road and a residential travel plan (including Metro Cards) were required.
- 10.46 The constraints of the aforementioned site meant that the developer (Harron Homes) was unable to accommodate anywhere close to 190 dwellings and so a full application was submitted for 95 dwellings on the same parcels of land and with the same points of access (ref: 2017/90180). As part of the permission the developer was still required to provide all of the highway improvements that were necessary for the 190 dwelling scheme, as listed at points a) to e) above, along with commensurate financial contributions towards improvements to the A629 Halifax Road and a residential travel plan (including Metro Cards).
- 10.47 The development approved under application 2017/90180 is under construction and the current position in relation to the secured highway works is that S278 agreements with the Council for the delivery of the highway works are in place and are/will be constructed as the development is being built out.

10.48 There are also a number of permissions/proposals for much smaller residential developments on other parts of the POL/emerging housing allocation. These are:

2016/90073 – Outline consent for 4 dwellings on land diagonally opposite the site (access and layout approved). The site would be accessed off Burn Road via an existing private shared driveway.

2016/90524 – Outline application for 3 dwellings on land to the north east of the site. The Sub Committee resolved to approve the application subject to further consultation with the Coal Authority. The site would be accessed off Yew Tree Road (Bridleway) east of its junction with Burn Road.

2018/90151 – Outline application for residential development on the adjoining field to the west of the site. The Sub Committee has previously resolved to approve this application. Access was the only matter considered with the access being a single point of access off Yew Tree Road. Officers estimate the capacity of the site to be circa 10 dwellings. A financial contribution to the A629 Halifax Road improvement scheme is to be provided.

2018/91838 - Outline application for access only. The site lies to the rear of the current application site and is proposed to be accessed via two access points off Burn Road. The application is currently under consideration and will be reported to the Sub Committee at a future date. The application indicates 20 dwellings on the site.

10.49 To summarise the cumulative impacts of the above developments, the initial application for 190 dwellings on a significant proportion of the POL/emerging housing allocation undertook a robust modelling analysis of the local highway network which identified the highway works set out in paragraph 10.44. The subsequent approval for 95 dwellings on the same land provides for the same highway works. This essentially leaves a residual of 95 dwellings which was assessed within the initial highway modelling.

10.50 Taking into account the total number of dwellings associated with the planning proposals/permissions set out in paragraph 10.48 along with the 10 dwellings as proposed within the application now under consideration, this results in a total of 47 dwellings. When this is added to the 95 houses already under construction it gives a cumulative total of 142 dwellings on the allocation. As such there is still highway capacity for a further 48 dwellings based on the original 190 dwellings analysis.

10.51 In addition to the above, a 'West Yorkshire Local Transport' funded scheme is being promoted for the extensive improvements along the A629 Halifax Road corridor at the following locations:

- **Blacker Road / New North Road / Edgerton Road / Edgerton Grove Road junction (Blacker Road Jct):**

Widening will be carried out along New North Road, Edgerton Road and Blacker Road to provide more traffic lanes approaching the junction.

- **Halifax Road / Birkby Road / East Street junction (Cavalry Arms Jct):**

Birkby Road will be re-aligned to remove the wide stagger.

- **Between Cavalry Arms Jct and Birchencliffe Hill Road:**  
Propose to remove parking from both sides of the road to improve traffic flow and enable footways to be used safely.
- **Yew Tree Road to Ainley Top roundabout (Ainley Top):**
  - Lengthening the approach lanes to the roundabout from Yew Tree Road
  - A new signal controlled left slip to bypass the roundabout for traffic travelling to the M62
  - Dedicated northbound cycle lane (Yew Tree Road to roundabout)

10.52 The proposed development will provide a contribution towards the improvements to this main arterial route.

#### Flood risk and drainage issues

10.53 The site lies within Flood Zone 1 and there are not considered to be any significant flood risk issues associated with this site.

10.54 The application is in outline form and no drainage proposals have been put forward other than indicating that surface water will be disposed of via soakaway. It is not known however whether ground conditions are appropriate for soakaways. Nevertheless officers are satisfied that in principle a suitable drainage scheme can be agreed for the site and a detailed design can be secured by condition. Subject to this condition the application accords with Policy BE1 of the UDP, PLP28 of the emerging Local Plan and guidance in the NPPF.

#### Ecology

10.55 The application is supported by an ecological appraisal which confirms that there are no important ecological features present. There are no objections from the Ecology Unit subject to a condition requiring an ecological design strategy in support of the scheme that comes forward at reserved matters. Subject to this condition the application accords with PLP 30 of the emerging Local Plan and guidance in the NPPF.

#### Air quality:

10.56 NPPF Paragraph 170 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, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.....”

10.57 This development is in close proximity to Halifax Road and the Ainley Top roundabout, where monitored air quality levels have exceeded the health related annual objective for NO<sub>2</sub>.

10.58 An air quality impact assessment was submitted for application 2014/93039 for the erection of 190 dwellings on the majority of the POL and an update to this assessment was carried out for a subsequent full planning application for 95 dwellings on the same part of the POL (2017/90180), with the development for 95 houses currently being built out. Under both assessments the air quality impacts were found to be imperceptible having regard to national guidance.

10.59 Given that the quantum of development on the full POL allocation from both approved and proposed developments is below the number of dwellings which was originally assessed (190) it is considered that the previous conclusions on air quality impact hold for this application. The provision of electric vehicle charging points within the development will help to mitigate air quality impacts and this would be in line with the West Yorkshire Low Emissions Strategy for minor developments such as this as well as being in accordance with PLP24 of the emerging Plan. A contribution towards sustainable travel would also help to mitigate the limited air quality impacts of the development.

#### Planning obligations

10.60 The quantum of development and the size of the site are such that the development does not meet the trigger for affordable housing, public open space or education contributions. Nevertheless, it is considered reasonable to take into account the wider context of the site when assessing relevant planning obligations.

10.61 The site forms one of a group of three adjoining fields that are all subject to separate outline applications for residential development. These fields form a distinct and self-contained part of the emerging housing allocation, separated from adjacent development land by Yew Tree Road and Burn Road. Together these fields comprise approximately 12% of the emerging housing allocation.

10.62 Development on these three fields could reasonably result in 40 dwellings and considerably more if the PDLP minimum density requirement of 35 dwellings per hectare were to be applied.

10.63 On their own the three developments would not trigger an education contribution, however taken together the developments are extremely likely to exceed the 25 dwelling threshold in regard to Education contributions. Affordable housing and POS provision would also apply to the proposal if the other two developments are taken into account.

10.64 The three applications represent a piecemeal approach to development on this part of the allocation and as a consequence normal planning obligations would either not apply or would apply at a lesser rate. The potential also exists for there being three permissions which could ultimately be built out by a single developer without an education contribution and with reduced affordable housing and POS contributions.

10.65 It is recognised that these three sites are in different ownership and that they are not reliant on one another for access and can be built out independently. However, as set out at paragraphs 10.23-10.25, Policy PLP5 (as modified) of the emerging Local Plan takes into account piecemeal development and enables the council to co-ordinate the delivery of infrastructure through the masterplanning of allocated sites such as this.

10.66 Officers are therefore of the opinion that it is in the public interest to calculate contributions based on there being development on the two adjoining fields that are subject to live outline planning applications, with a mechanism within the S106 to deliver a proportionate contribution towards education, affordable housing and POS.

- 10.67 The modification to Policy PLP5 post-dates the previous committee meeting when the application was deferred. It also post-dates the consideration by the Sub Committee of planning application 2018/90151 on the adjoining field to the west; given that the decision notice has not yet been issued for this neighbouring application planning obligations will be reassessed in light of the masterplanning of this part of the housing allocation.
- 10.68 It is also appropriate to consider a contribution towards sustainable travel given the number of dwellings. Such a contribution would normally be towards Metro Cards, or alternatively it could be used towards other highway/transport improvements in the vicinity of the site. Based on the cost of one Metro Card (£491) and the maximum number of dwellings (10) the contribution would be £4910. This can be secured by condition.
- 10.69 A contribution is also sought towards planned highway improvement works at the Halifax Road/East Street (Cavalry Arms) junction. These works include road widening, resurfacing, repositioned pedestrian crossings and repositioned footways. The scheme is being funded by the West Yorkshire plus Transport Fund. A contribution towards works at this junction was secured as part of the Harron Homes development (2017/90180) and has recently been sought as part of the outline application on the adjoining field (2018/90151). It is therefore considered reasonable for the proposed development to deliver a proportionate contribution. Based on these other applications the contribution is £790 per dwelling. This is to be secured via S106.

### Representations

- 10.70 Two representations have been received. An officer response to the issues raised is provided below.
- *Enough houses have been built in this area*
  - *Already major development going on in this area*

**Officer response:** The site and the adjacent fields have been identified for housing in the emerging Local Plan and will contribute towards the supply of housing in the district. The impacts of the construction phase are temporary and are not afforded any significant weight. A construction management plan can nevertheless be secured by condition.

- *Impact on wildlife*

**Officer response:** The ecological impacts have already been addressed within this report.

- *Impact on traffic*
- *Roads already congested*
- *Halifax Road already problematical*
- *Further traffic on Halifax Road which is the main link between Huddersfield Royal Infirmary and Calderdale Royal Hospital. HRI A&E may move to Calderdale and this development will add to congestion which is unacceptable and dangerous*

**Officer response:** Officers consider that the modest increase in vehicle movements that this development would generate can be accommodated on the highway network. This is supported by the site's allocation for housing in the emerging Local Plan. Localised highway improvement works are also to be delivered within the vicinity of the site under planning permission 2017/90180 and the development provides a contribution towards planned improvement works on Halifax Road.

- *Loss of greenery*
- *No longer a country walk in this area*

**Officer response:** The impact of the development on landscape character has been addressed within this report.

- *Negative impact on local amenities*
- *Lindley School oversubscribed already*

**Officer response:**

There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, PDLP policy PLP49 identifies Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, additional funding would be provided for health care is based on any increase in registrations at a practice. Long-term funding of health facilities is being considered as part of the Local Plan and Community Infrastructure Levy (CIL). Education has been addressed within the planning obligations section of this report.

Other Matters

- 10.71 The application is supported by a preliminary geoenvironmental appraisal. This has been assessed by Environmental Services who recommend that conditions are imposed requiring intrusive site investigations and a remediation strategy, as may be necessary, to address potential land contaminated issues.
- 10.72 The site lies within a high risk area for coal mining activity. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings, a thick coal seam outcrop and a recorded mine entry (shaft), the zone of influence of which potentially extends across part of the site.
- 10.73 The Coal Authority has assessed the information provided by the applicant in relation to coal mining legacy issues and raises no objection subject to the imposition of conditions requiring intrusive site investigations (including gas monitoring); a layout plan which identifies an appropriate zone of influence for the recorded mine entry off site and the definition of suitable a 'no-build' zone; a scheme of remedial works for the shallow coal workings.

## **11.0 CONCLUSION**

- 11.1 Officers consider the principle of development on this part of the POL allocation to be acceptable; there are not any specific constraints to developing the site and applications for residential development have recently been approved on other parts of the POL allocation, including a scheme for 95 houses. Furthermore the land is allocated for housing in the emerging Local Plan and significant weight can be afforded to this.
- 11.2 The proposed single point of access off Yew Tree Road to serve the development is considered to be acceptable.
- 11.3 Officers are satisfied that an appropriate scheme can be brought forward at reserved matters that integrates with the existing area and new planned development in the immediate vicinity. Subject to consideration of the reserved matters residential amenity would be protected. Ecological and drainage considerations can be dealt with by conditions.
- 11.6 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.7 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. Standard conditions for outline consents (including submission of reserved matters and time limit)
2. Intrusive site investigations and remediation to address coal mining legacy issues and contaminated land issues
3. Detailed drainage design including future maintenance and management of surface water infrastructure
4. Provision of footway to site frontage
5. Noise report and mitigation
6. Ecological Design Strategy
7. Electric vehicle charging points to be provided
8. Sustainable travel contribution
9. Construction management plan
10. Detailed road junction design
11. 6m radii to Yew Tree Road/Burn Road junction

### **Background Papers:**

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90776>

Certificate of Ownership – Certificate A signed.