
Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 25-Oct-2018**

Subject: Planning Application 2017/92568 Erection of 62 dwellings with associated works and formation of associated parking with vehicular access from Woodhead Road (amended description) Land off Woodhead Road, Honley, Holmfirth

APPLICANT

BMS Group, C/O Agent

DATE VALID

21-Jul-2017

TARGET DATE

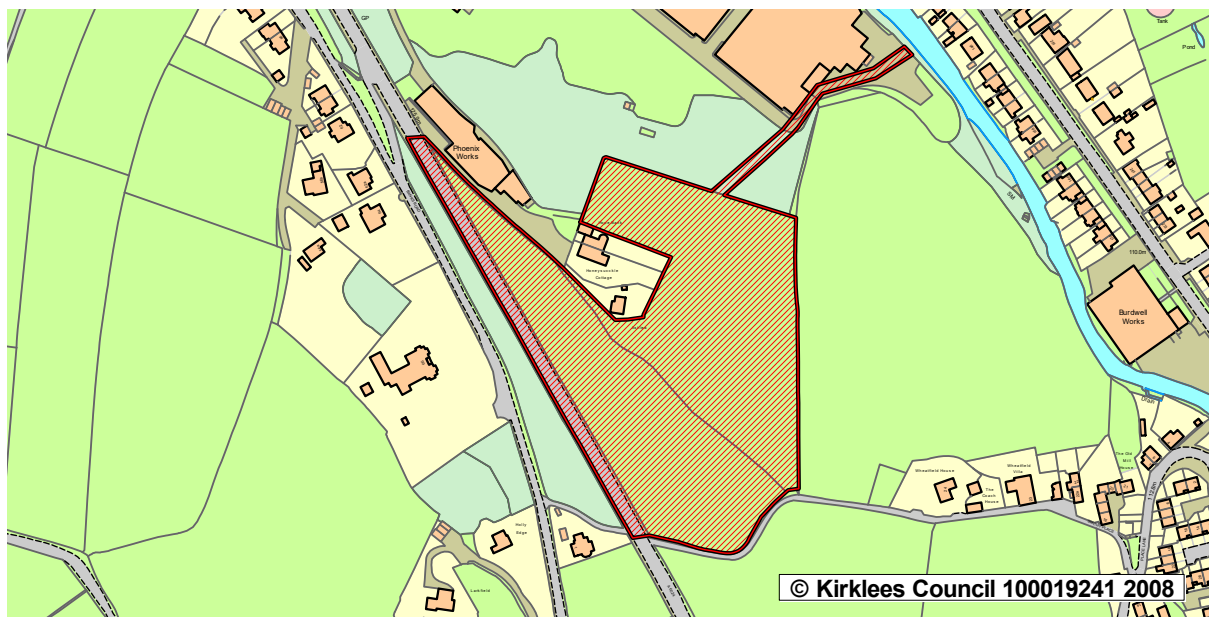
20-Oct-2017

EXTENSION EXPIRY DATE

05-Nov-2018

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<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: HOLME VALLEY NORTH

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

1. The application has failed to justify that the proposed housing allocation cannot facilitate the delivery of required infrastructure in accordance with Kirklees Publication Draft Local Plan Policy PLP5. A S106 agreement is required to ensure contributions towards affordable housing, education and play equipment are provided and this has not been submitted and therefore the proposed development does not constitute a sustainable form of development and fails to constitute a comprehensive development for the whole emerging housing allocation within the Kirklees Publication Local Plan. The proposed development, therefore, fails to comply with the requirements of policy PLP4, PLP5, PLP49 and PLP63 of the Kirklees Publication Draft Local Plan, the guidance within the Kirklees Interim Affordable Housing Policy (2016), paragraphs 11, 62, 94 and 96 of the National Planning Policy Framework and guidance contained within the National Planning Practice Guidance.

1.0 BACKGROUND

- 1.1 The site sits on a POL allocation on the UDP which extends beyond the site boundary to the south and east. The site did benefit from an outline planning permission (2013/93373) which expired in April 2018. The outline consent established the principle of development and included full details of the proposed access.
- 1.2 The current planning application comprises the same site area as the outline planning permission, albeit that it is slightly larger (but still within the 'POL' allocation), hence a full application has been submitted as opposed to a 'reserved matters'.
- 1.3 Members may recall that this site was also subject a separate outline planning application by Miller Homes for up to 116 dwellings (2016/92181). However, the site area also included the wider POL allocation and, importantly, access was proposed further to the south along Woodhead Road. This application was refused primarily for highways reasons.
- 1.4 A further outline planning application was refused mainly for highways reasons (2016/93326) for up to 62 dwellings. The site area did not include the current application site and, as above, access was proposed further to the south along Woodhead Road. The subsequent appeal was dismissed.
- 1.5 The application is subject to viability. A summary will be provided to Strategic Planning Committee within the committee update setting out the viability position of the scheme and how this affects the proposed materials and S106

requirements. This is because at the time of writing the council's independent assessors had not concluded its advice. Some details are considered to be commercially sensitive information and therefore these will be included within a private appendix that is exempt from public view.

2.0 SITE DESCRIPTION:

- 2.1 The site is located off the A6024, Woodhead Road. A Public Right of Way runs through the site (Hol/31/40). The site measures approximately 2.8 hectares and borders open fields to the east, Robinson Lane to the south and a number of dwellings/Phoenix Works to the north. Woodhead Road runs along the western boundary at a higher level.
- 2.2 There are a number of trees present particularly on the southern and eastern boundaries and the site is well screened from Woodhead Road by a line of mature trees. A number of these trees are subject to Tree Preservation Orders (TPO's).
- 2.3 The site lies approximately equidistant from Honley and Holmfirth on land which is allocated as Provisional Open Land on the Kirklees Unitary Development Plan (UDP). The site forms the eastern portion of a larger housing allocation (H129) on the Kirklees Publication Draft Local Plan (PDLP). It forms part of a wider expanse of countryside. There are a number of trees on the boundary of the site and within the site boundary subject to a Tree Preservation Order (TPO).

3.0 PROPOSAL:

- 3.1 Full application for erection of residential development (62 dwellings). The application has been amended whilst being processed:
 - The site layout has been altered to facilitate a more suitable gradient from the point of access on Woodhead Road.
 - Alterations have been made to individual house types and the relationship with the street.
 - Additional Public Open Space has been incorporated into the layout.
 - Boundary treatments have been altered.
 - The relationship with the existing Public Right of Way has been altered through changes to the layout.
 - The number of units has been reduced from 71 units to 62 units.
- 3.2 It is proposed to access the site via a new priority junction from Woodhead Road, positioned roughly centrally along the site frontage on to Woodhead Road. A Stage 1 Road Safety Audit was undertaken as part of the outline planning permission (2013/93373) and found acceptable.

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 – *Included this site and the site adjacent*

2017/93326 - Outline application for erection of residential development (62 dwellings) and formation of new access to Woodhead Road - Land off,

Woodhead Road, Honley, Holmfirth – refused and appeal dismissed – *This appeal relates to the land immediately adjacent this site.*

2013/93373 Outline application for residential development – Conditional outline permission (all matters reserved) – Approved.

5.0 PLANNING POLICY:

5.1 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 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 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.

5.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

The site is allocated as Provisional Open Land (POL) along with a large adjoining piece of land located immediately to the south.

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
PLP5 – Masterplanning sites
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)
- Planning Practice Guidance

5.5 National Planning Guidance:

National Planning Policy Framework

National Planning Practice Guidance

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by neighbour letter, newspaper advertisement and site notices. A total of 19 objections have been received.

6.2 Representations summarised as follows and are addressed within the main body of the report unless otherwise stated:

- Access to woodhead road from the proposed site is still dangerous. Nothing much changed from the original planning application. Woodhead road already has a high casualty rate, why increase the risk? also the 5m build up of the field would destroy the natural beauty of the area. Green belt land should remain Green and undeveloped. I also think the development would have an impact on the wildlife for the area and would be destroying habitats
- Children and adults walking to Brockholes school via Smithy Place Lane is a concern.

- Public footpath would be a tunnel

Officer response – the scheme has been amended to ensure the footpath is incorporated into the layout.

- The density of housing is too great. All transport assessment have been undertaken based upon fewer dwellings. 2. Impact on local schools, dentist, doctors and other essential public amenities has not been adequately considered. Brockholes School is oversubscribed. 3. The continuing provision of the footpath through the field on which the site has been based is not considered. The loss of amenity for locals who use that footpath through a natural environment has not been considered. 4. The development with tall dense townhouses is not in keeping with the character of the local area, particularly the old buildings of Smithy Place and Smithy Place Lane. 5. The wider transport implications for the wider road network have been inadequately considered. The transport assessment does not consider how vehicles will access New Mill Road. The likely route will be left onto Woodhead Road, then left again onto Smithy Place Lane. The increased volume of traffic that will be generated down Smithy Place Lane. This will be the primary transport route for new residents to go East, North and South. It provides access to the M1, A1, Leeds, Sheffield, Wakefield and Barnsley as well as local destinations. The road is already dangerously tight with poor visibility. At present there is not pedestrian provision on Smithy Place Lane, which provides resident access to local amenities such as Hag Woods, and bus stops on Woodhead Road. The increase in traffic will increase the risk unacceptably. 6. The traffic assessment has not been carried out for sufficient vehicles, in addition the design year of 2018 is inappropriate. The development will not be complete in the design year. The design year should be set 15 to 20 years in advance of the scheme completion. Given a 3 year build. Likely commencement of 2020. This would suggest the design year should be set between 2038 and 2043. 7. The flood risk has not been adequately considered. 8. The impact on Smith Place, with increased traffic, including bicycles on a footpath has not been considered. 9. The local ecology including deer which use the fields has not been considered. 10. There is provision for future development, the scale of which is not defined and the impact of which cannot be considered.
- I fail to see how the change in road lay out alleviates the dangers in relation to access that were the reasons for upholding previous objections. In addition the development will have a serious negative visual impact on Brockholes. One on has to consider the eyesore of the non-development on Huddersfield Road closer to Holmfirth to see how I'll thought through development can have a detrimental impact on semi-rural communities. Surely this eyesore should be built on before the council even considers swallowing yet more green belt to be ripped up? The increased tragic that will inevitably flow down Smithy Place Lane is also a major concern. I therefore strenuously object to this application.

Officer response – This is not Green Belt land. Highways issues addressed in main body of report.

- The access point has been moved by approximately 50 yards and I do not accept that this is a safer solution. Regularly traffic exceeds the speed limit past the

proposed site. As residents for more than ten years, we regularly experience motorbikes, cars and vans travelling much faster than 40 mph. The refused application did carry out a average speed survey but did this just off a bend and even they found an average speed in excess of the legal speed limit! To place a junction at this point along the Woodhead road with potential amount of drivers and pedestrians, is going to create an accident black spot or worse. The proposed site is one of the few areas of open fields with deer, partridge and other wildlife. It is a communal place where dog walkers, joggers etc can exercise and enjoy our lovely fast diminishing countryside. There are numerous brownfield and industrial sites which could be used instead. I also notice that the plans show housing to the left 54 Hope Bank. This area of the field is for the majority of the year extremely boggy. It is also the site of our septic tank. The area has been earmarked as provisional open land and it is an area that would benefit more from attaining greenbelt status rather than be paved over. The tunnel has the potential to attract anti social behaviour and be intimidating and not user friendly for all the community. Schools in the area are close to or at capacity and to suggest that space would be available in local schools if pupils outside catchment are disregarded is clearly ludicrous. They are surely there because their own catchment areas are full.

- Holmfirth Public Footpath 31 is directly affected by the development. Currently the footpath crosses the site and is enjoyed by many people on a regular basis. It is rural in nature, crossing an open green field surrounded by trees and completely traffic free. The footpath is of high amenity value to members of the public in the area and this development would ruin the rural character and amenity value of the path. The development creates a path squeezed between the rear of properties with part of the path being put in a tunnel! It is likely to fall into disuse and be filled with garden waste and fly tipping. It will be used for unsociable activities as paths of this nature always are. If the development goes ahead I suggest a green corridor of 20 metres either side of the path is created so that some of the rural nature of the path can be maintained. Trees should be planted and the developer should pay a realistic sum to the council for maintenance over the next 50 years. On a wider note the development will create more traffic and pollution in the valley and put further strain on our bankrupt council in terms of education, social and healthcare and the environment and should be turned down for these reasons also.

Officer response – The existing footpath now forms part of a green link through the site linking to public open space. A S106 agreement is required for maintenance of public areas in order that funding for maintenance is in place.

- My reason for this request is that the proposal would foment anti-social behaviour. I would point out that in para. 5.23 it is stated that 'a footway is to be provided along the western side of Woodhead Road'. There is already a footway on the western side of Woodhead Road. The proposed development makes provision for the existing footpath that runs across the site from north to south. The footpath will run along the rear of properties at plot 24 – 40, and the development will provide a tunnel under the proposed new main access road into the site.

- Application 2013/93372 gave permission for an outline development of 51 houses. This included 19x2 bedroom dwellings. The current application is for 70 houses and no longer includes 2 bedroom properties. This is at a time when the Kirklees Strategic Housing Market Assessment of October 2015 identifies that in the Rural–West area there is a net annual affordable housing imbalance which is as follows: General needs 1 to 2 bed – 173 Older persons 1 to 2 bed – 34 • A density of 70 houses is too great for this site and has resulted in a particularly unimaginative layout and little land left for public open space. The limited amount of garaging in the development would also add to the impression of an over-crowded site. These factors make the density and design inappropriate for a semi-rural setting in the Holme Valley.

Officer response – the applicant is proposing housing at a time when the Council are unable to demonstrate a 5 year housing land supply and this is a significant benefit of the scheme. Officers also have concerns relating to the lack of affordable housing.

- The Addendum to the Transport Statement calculates that an additional 19 houses on the site would result in 54 and 58 two way trips during the peak periods of 8-9 am and 5-6 pm respectively. It is concluded that this number of trips is acceptable and would have a low impact on the adjacent local highway network. This conclusion is debatable as an additional 54 and 58 peak time trips would add considerably to the congestion experienced in Holmfirth and at the traffic lights at Honley Bridge. Current practice is that, in order to avoid the congestion at Honley Bridge, vehicles coming from Holmfirth cut through to Smithy Bar on a dangerous lane not designed for the existing level of traffic. Increased congestion would lead to increased traffic on this lane.
- The traffic calculations do not take account of the likely use of the neighbouring field for residential development and a housing development on the Rodgers site off Woodhead Road.
- The planning application includes reference to future access to a residential/ industrial area. Also the layout of the roads on the plan indicates that traffic from both the future residential/industrial area and a development on the neighbouring field would be able to use the proposed access onto Woodhead Road for this site. This traffic could include lorries and vans.
- The site lines on Woodhead Road are poor and the development would lead to a potentially dangerous situation whereby large vehicles are mixing with private cars and pedestrians at peak times.

Officer response – on all the points above, Highways DM have considered the representations and raise no objections.

- If approved it will pave the way for a much larger development in the field adjoining it. In fact the plans clearly show a road way ending by the wall of the adjoining field which indicates that this is the ultimate plan. The erection of 70 dwellings will most likely see an influx to the area of approximately 140 extra cars. This is to a road system within the Smithy Place, Honley Bridge area which currently struggles at peak times. Further issues include, once built no clear distinction between where one village ends and the other begins. Furthermore this is an area frequented by the local populace for exercising their dogs which the current plans show no sign of being accommodated. In recent

months Deer have appeared within this field and those surrounding it. Once construction begins these will disappear and all because of financial greed.

- Access to the right of way. This path is currently enjoyed on a daily basis by the local community and many visitors to the area. While there does seem to be a vague reference to keeping a path through the development, we are particularly concerned by the reference to a "roadway over footpath tunnel". This sounds like a place that could quickly be vandalised with graffiti, and become unpleasant and very far removed from the beautiful walk through open fields that exists today. It is also unclear from the plans whether access will be maintained throughout the building period. Will the right of way be violated? 2. Trees. We are very saddened by the number of trees which will be destroyed. It seems that only one tree is "to be retained" as a token gesture. This destruction will radically change the nature of the area to the detriment of all. 3. Flooding. Recent years have shown that flooding is a serious concern in the area. The houses in Holmebank Mews are already at an increased risk. It is widely recognised that tarmac-ing the higher ground leads to greater water run-off which in turn increases the likelihood of flash flooding. 4. Roads. There are two roads on the plan which are labelled "future access to residential/industrial" (Located at plots 55 and 62). These currently lead to fields. There seems to be a presumption that further development will be granted. Yet we cannot find any current planning applications. Clarity on this point is needed. If there are plans for further building, then this should be honestly stated.

Officer response – there is no proposal for additional housing on any of the adjacent sites at this time.

- Whilst the local the road network can just about cope with the traffic numbers it has on the roads surrounding the site at the moment it surely cannot cope if you add 62 dwellings, which would most likely see a further 124 cars all aiming to slot into the traffic waves that currently exist. Currently the traffic on Woodhead Road behaves in waves of vehicles. The traffic lights in Honley and Holmfirth cause the traffic to bunch. This means that road users looking use the Smithy Place/Woodhead Road junction must wait for a gap in the traffic. With upwards of around 100 plus new vehicles those gaps will become less and less. The layout of the bend combined with vegetation make visibility extremely poor and it becomes very difficult to judge whether there's a gap in the traffic or not. Hence why the Junction at the top of Smithy Place & Woodhead road is an accident black spot. Furthermore, Smithy Place from the Woodhead Road down to Brockholes is a rat run for traffic going from one side of the valley to the other. Again add 100 plus cars and you're sure to see a rise in the number of accidents. Should the development be allowed to go ahead we will see the end of what are the last vestiges flora & fauna prevalent in this part of the village & which is enjoyed by the community of Brockholes. The environmental impact from building on this field will be so severe it'll not only impact the local area with site traffic to and from the site but we'll lose this land forever.
- As a resident of Smithy Place I wish to object to the above application for the reasons listed below: • Many new residents to the development will use Smithy

Place Lane in order to access local facilities such as Brockholes, Brockholes Trains Station and Brockholes School as well as destinations such as Leeds, Barnsley, Wakefield and Sheffield. The road is extremely narrow and such increased usage will impact existing road users and pedestrians. • There are several recorded accidents on Woodhead Road near to the proposed new access to the site. Visibility onto Woodhead Road from Far End Lane is already poor and would be further impacted by the introduction of pedestrian islands. • There have been 8 accidents at the junction between Smithy Place Lane and Woodhead Road, plus a further serious accident on the approach to it. Visibility at this junction is extremely poor due to the bend in the road and vegetation which is not maintained by the landowner. Road users are therefore committed to their manoeuvre before they are fully able to see oncoming traffic. This is particularly the case for users attempting to turn right from Smithy Place Lane on to Woodhead Road or continue straight ahead on to Hagg Wood Road. • Should the development go ahead increased traffic on Woodhead Road would only cause further accidents. • Smithy Place Lane is often used as a rat run to gain access across the Holme Valley. Whilst there are only two recorded accidents on this road there are often accidents which go unreported. I have witnessed one such accident and noted that a wall at the bottom of Smithy Place Lane was damaged earlier this year due to a car losing control on the bend. • During bad weather earlier this year it became apparent that Smithy Place Lane is inadequately gritted or cleared of snow. Despite this road users still attempt to travel down the lane and often lose control. Public grit bins have been removed from the area in recent years further compounding the issue. • There is no pavement for a vast section of Smithy Place Lane. The proposed development would lead to greater numbers of pedestrians using the road to access Brockholes, Brockholes School and the train station. It would also lead to more traffic using the Lane therefore putting pedestrians in greater danger. • Long queues often form at the junction between Smithy Place Lane and New Mill Road and there are 6 recorded crashes and 7 injuries. Increasing traffic on Smithy Place lane will increase queuing at that junction, thereby increasing the risk of accident. • The fields upon which the development is proposed are used and enjoyed by many members of the community. They are also host to a wide range of wildlife such as deer, badgers, bats and foxes. Loss of the site if the development goes ahead, as well as increased traffic, will have a significant negative impact upon all of this.

Officer response – Highways DM have assessed this element of the proposals and raise no objections. However, additional comments will be provided as an update.

- Councillor Greaves supported by Councillor Holroyd-Doveton raises the following objections:

The site lies outside of Brockholes and bears no real relationship to it, nor is it clear how the site can be fully integrated into the village. New Mill Road is a very busy road and access to the village will require site residents to cross this road. Whilst there is a pedestrian crossing, the sight-lines and the speed of traffic make it difficult to use - this crossing needs to be upgraded to traffic light control to ensure that the residents walking to school, shops and public services can do so safely.

The application site offers an open, rural aspect that provides a visual break between the built up urban settlements of Honley and Brockholes. The site is publicly accessible from both settlements, and the Holme Valley Riverside way footpath runs through the centre of it, whilst the Holme Valley Green Corridor runs along the river at the farther end of the site.

The proposal shows the access road to the site as being a massive structure - so big that it runs deep into the site and so high that the public footpath has to be routed beneath it in a tunnel. It is hard to think of a more unsuitable design - the visual impact will be tremendous and will detract from any retained open space and landscaping.

The proposal shows the site linking it to Brockholes via Smithy Place Lane. This lane only has a short section of footpath, is narrow, steep and has blind turns and is subject to numerous collisions and near misses. There ought to be analysis work undertaken in respect of Smithy Place to establish its capability to take the additional foot and vehicle traffic - along with proposals as to what improvements are needed that the developer will fund.

Development of this site would result in the loss of the last remaining strategic gap between Honley and Brockholes. The site provides a local centre for all forms of wildlife, and it plays an important role in enabling movement and onward colonisation between wildlife areas.

Whilst I would prefer no development at this location, if the site is to be developed, a unified proposal for the whole site needs to be brought forward – the developers must work together to create a cohesive plan that addresses all of the issues - this current proposal does not and I ask the committee to reject this application.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

K.C. Highways: - No objection in principle. Full comments set out in the relevant section of this report.

Environment Agency: - To be completed

K.C. Lead Local Flood Authority: – Objection.

Flood Management as LLFA maintain our objection. The FRA requires updating to reflect the proposed layout alterations in particular so it can be demonstrated that space has been made for water, i.e. for attenuation systems and for safe flood routing.

We note alterations and proposed road levels that indicate a safe flood route is now possible but need detailed examination given the design shows some properties floor levels and therefore driveways much lower than the adjacent highway. There are some flattish areas around plots 23-35 where water may enter curtilage without appropriate mitigation. Properties and driveways may

need to be raised. Road gullies on the near side of bends may need to be considered. However care should be made so that the private drive serving plot 38 amongst others does not become the prime flood route.

7.2 **Non-statutory:**

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

K.C. Conservation & Design: - No comments received.

K.C. Trees Section: - Insufficient information submitted with the application.

K.C. Landscape Section: – No objection in principle subject to an off-site contribution of £102,374.02 to off-site play. Also wish to see the level of accessibility to this area/cross sections/path etc demonstrated to ensure that POS within the site is useable.

K.C. Strategic Housing: – No objection.

K.C. School Organisation & Planning: – In response to the above application the updated calculation shows that an education contribution to the sum of £141,439 is required.

K.C Biodiversity Officer – No objection subject to conditions. The applicant has submitted an Ecological Impact Assessment (EclA) to support the revised layout. At the time that the report was produced it was not possible to undertake all of the survey work highlighted in my previous response during the appropriate season. Therefore the EclA is not based on breeding bird survey or complete bat activity survey, and the reptile survey was partially undertaken outside of the optimal period.

Despite the limitations sufficient information on the nature of the habitats present is available to inform scheme design. Given the nature of the proposals and the habitats to be affected and retained the level of certainty is sufficient to accept this report as supporting evidence.

The proposed mitigation and enhancement measures are not described in sufficient detail to demonstrate a biodiversity net gain without the need for conditions to secure additional detail.

Yorkshire Water: - No objection subject to conditions.

WY Police Architectural Liaison Officer: – No comments received.

8.0 **MAIN ISSUES**

Principle of Development

Overview of Planned Development in the Area and Infrastructure

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

Land Contamination

10.0 APPRAISAL

Principle of development

- 10.1 The site is allocated as Provisional Open Land (POL) on the Kirklees Unitary Development Plan. Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework 2018 (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. The Council are also at an advanced stage in the preparation and adoption of the Local Plan. The Local Plan - Kirklees Publication Draft Local Plan (PDLP) – was submitted for examination in April 2017 and is at advanced examination stage.
- 10.2 As part of the PDLP examination process a series of public hearings have taken place to discuss a variety of different issues, including the proposed site allocation. Following the hearing sessions the Inspector invited the Council to consult on a range of proposed modifications in order to make the Local Plan sound. The consultation period on these proposed amendments has now ended. Insofar as site specific modifications are concerned, the allocation associated with the application site is not subject to any modifications and, therefore, the emerging allocation – Housing allocation (ref – H129) – will be carried forwards with the intention that it becomes a Housing allocation in the adopted PDLP. The emerging allocation is considered to attract significant weight in this case.
- 10.3 There is clear support for housing proposals contained within the NPPF in order to “boost significantly the supply of homes...” (para 59). The same chapter then goes on to describe how local authorities should meet the full objectively assessed need for market and affordable housing. Despite the fact the PDLP is predicated on the basis of a deliverable 5 year supply, officers are currently of the view that the Council are unable to demonstrate a 5 year supply of deliverable sites in accordance with the NPPF and NPPG. Based on the Objectively Assessed Need which has been used to inform the PDLP which is at an advanced stage of examination, the PDLP intends to assist in the delivery of at least 1730 homes per annum which is required in order to ensure a 5 year housing land supply.
- 10.4 For the current application this has implications. Para 11 of the NPPF states that for decision-taking, the presumption in favour of sustainable development means:
- Approving development proposals that accord with an up-to-date development plan without delay; or
 - Where there are no relevant development plan policies in the NPPF that protect areas of 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 Framework when taken as a whole.
- 10.5 As the Council are unable to demonstrate a 5 year housing land supply as required by para 73 of the NPPF, it is considered that the 'tilted balance' presumption in favour of sustainable development as advocated by para11 of the NPPF applies in this case. This provides that planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Unitary Development Plan

- 10.6 Policy D5 is considered to be up-to-date as it complies with the NPPF, in particular para 139 and, therefore, it is considered that it should be given full weight. Development of this site for housing would run contrary to policy D5 thus representing the scheme as a departure from the Development Plan.

Housing Land Supply

- 10.7 In the PDLP the housing requirement is set at 31,140 homes from 2013 – 31 to meet identified needs, with 16,637 dwellings to be delivered during the five year period following the adoption of the Local Plan. This equates to 1730 homes per annum with additional arrangements set out in the NPPF to ensure continual delivery throughout the plan period.
- 10.8 Over the last 5 years there has been persistent under-delivery of new houses. However, the PDLP is predicated on achieving sufficient housing delivery and if it was to be adopted in its current form, the Council would be able to demonstrate a housing land supply in excess of 5 years.

Conclusion on Principle of Development

- 10.9 The site lies on POL land on the UDP and it is considered that accompanying policy D5 should be applied full weight. It is considered that the strict application of policy D5 would prevent improvement to the shortfall in the supply of housing at this particularly time and this should, therefore, be weighed against the significant lack of housing land supply and the contribution to housing numbers made by this application, along with any other associated benefits. The Council also granted planning permission in outline form which covered the whole application site (2013/93373).
- 10.10 For the reasons identified above, the current POL allocation does not necessarily preclude residential development and this has been evidenced in recent years through appeal decisions. The emerging Local Plan allocation has increased in weight as the examination and PDLP has progressed and now commands significant weight in the decision making process. The proposed development would be in compliance with the emerging housing allocation. The Council cannot demonstrate a five year supply of deliverable sites. The 'tilted balance' as set out in para11 of the NPPF is engaged in this case and planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF taken as a whole.

Overview of Planned Development in the Area and Infrastructure

- 10.11 The site forms part of a large housing allocation within the PDLP (allocation H129). The gross site area is 9.65 hectares but the net site area is reduced to 6.92 hectares because the developable area is constrained. The indicative capacity of the allocation is 124 dwellings.
- 10.12 The current application proposes development over 2.4ha comprising 62 dwellings. Policy PLP5 of the PDLP 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.
- 10.13 There are unresolved objections to this policy, however, following the examination in public and following the Inspector's recommendations, modifications have been made to the policy which seek to address the unresolved objections. One of the amendments deals with piecemeal development. These modifications have just been through public consultation in order to ensure the co-ordinated delivery of infrastructure where multiple landowners are involved. Unresolved objections would normally reduce the weight that can be afforded to an emerging policy but the proposed modifications allow the weight that can be afforded to policy PLP5 to be increased.
- 10.14 There has not been a masterplan prepared for housing allocation H129, although the proposed layout includes a potential link to the wider allocation. The applicant has submitted a viability appraisal which, in their view, indicates that the site is incapable of making any monetary contribution to any planning gain agreement (education, affordable housing or off-site POS). The applicant has identified a number of abnormal costs associated with the development. They also conclude:
- "...the greatest abnormal costs are associated with works which are only partially to the immediate benefit of the subject site. There are significant abnormal costs attributable to this site, and to allow the capacity for future phases of development on adjoining sites (which will be to the benefit of other land owners rather than the subject site directly)".*
- 10.15 The viability appraisal is currently being assessed by the Council's appointed independent consultant. However, at this stage the applicant does not propose any S106 monies for infrastructure.
- 10.16 In respect of viability, the NPPG provides specific detail on viability issues that ought to be considered as part of any planning proposal. Included in the guidance is the following:
- "Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular*

circumstances justify the need for a viability assessment at the application stage.

Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force”.

- 10.17 The PDLP has not yet been brought into force. However, the evidence base that has informed the PDLP is robust and no modifications have been made to the emerging Housing allocation. No representations were made by the applicant as part of the Local Plan process concerning the viability of the scheme. There is no reason why the comprehensive development of the wider allocation should be deemed unviable.
- 10.18 As the applicant has stated, the provision of the site access significantly constrains the potential to develop only a proportion of the wider allocation (due to the change in levels and the level of engineering works required). Officers are of the view that this piecemeal approach to the development of the wider allocation is detrimental to the delivery of the comprehensive development of emerging allocation H129, contrary to PLP5 of the PDLP.
- 10.19 Regardless of the weight afforded to PLP5 of the PDLP, the NPPF makes it clear that the weight given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in this case, including whether the plan and evidence underpinning the plan is up-to-date.
- 10.20 The proposal does not include any on-site affordable housing and therefore, fails to meet the requirements of the Affordable Housing Supplementary Planning Document (2016). The application fails to deliver an identified need for an education contribution in accordance with PLP49 of the PDLP and conflicts with para 94 of the NPPF.

Previous Consent

- 10.21 Planning permission 2013/93373 established the principle of development on this site, including the site access. At that time officers had some concerns about the comprehensive development of the wider allocation. The applicant submitted a viability appraisal at that time which demonstrated that the scheme was viable in terms of likely S106 contributions in addition to the necessary highway works and pedestrian movements required to facilitate a suitable access for both sites. Officers were, therefore, satisfied that the comprehensive development of the allocation could take place in compliance with planning policy. The current application represents a significant departure from this position.

Impact on Character of Surrounding Area and Landscape

- 10.22 Chapter 12 of the NPPF states, amongst other things, that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of

sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 10.23 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.
- 10.24 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. In any event, the emerging Local Plan envisages housing will take place across the whole allocation.
- 10.25 Officers have spent a considerable amount of time advising on the proposed layout. In short, the scheme has been altered in order to reduce density of development to create a street scape that is greener and more spacious than originally proposed, thus reducing the dominance of car parking along the frontage. Corner plots have been altered so they more effectively turn corners. In addition, a small area of POS establishes a link between the front-most housing and the public footpath (PROW) which lies at a lower level and runs the width of the site. In addition, whilst it was originally proposed to build the road over the PROW, the levels have been altered in order to ensure the PROW is a component part of the layout. A prominent Oak tree within the site is retained as part of the proposed layout surrounded by a small area of POS.
- 10.26 Those properties facing Woodhead Road would be at a significantly lower level and, therefore, the rear gardens facing this road would be acceptable subject to landscaping. Within the site the PROW would be retained and shored up by shrubs and open space so as to introduce a green link running along with line of the PROW. Subject to conditions relating to landscaping detail, it is considered that this would represent a safe and attractive route for residents.
- 10.27 To the northwest and within the site boundary it is proposed to introduce a large area of POS. This would be accessible from within the site via the PROW.
- 10.28 The proposed house types comprise two and three storey units (including split levels). Due to the way the site slopes away from Woodhead Road, there are no concerns relating to the scale of the development. Proposed house types take on a traditional form reminiscent of the local vernacular. They include headers, cills, eaves detailing and stone mullions dividing each window frame. The scheme would utilise natural stone throughout. It is noted that the levels across the site facilitate the need for significant retaining wall elements, particularly along Woodhead Road. Details of the retaining wall could be conditioned and a landscaping condition is proposed to soften the impacts as necessary.
- 10.29 In terms of POS, the proposed development provides in excess of policy requirements and comprises an area 3300m² against a policy requirement of

2100m. There is opportunity to provide additional benches, tables, bins within the development site. The POS would be managed by a separate management company which could be secured by S106 Agreement. There is a further requirement to provide an off-site contribution to play equipment.

Residential Amenity

10.28 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.

10.29 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.

10.30 There are no properties nearby which would be significantly affected by the proposed development and the closest properties to the north are in excess of UDP external spacing standards.

10.31 Internally some of the plots include small garden spaces but, in the round, the scheme is considered to provide sufficient outdoor amenity space which would be enhanced in this case by the POS proposed on-site.

Highways and Traffic Implications

10.32 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 109 of the NPPF states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

10.33 The site is located to the east of Woodhead Road around 1.2 km southeast of the local centre Honley. A6024 Woodhead Road is a district distributor and forms part of the strategic highway network linking Huddersfield, Honley, Holmfirth and the wider highway network. In the vicinity of the site Woodhead Road is a single two-way carriageway, with a carriageway width of around 8.3m incorporating a southbound (i.e. towards Holmfirth) advisory cycle lane, with a footway to the western flank of varying width between 1.5m – 2m. A6024 Woodhead Road is subject to a 40mph speed limit, with street lighting to appropriate standards.

10.34 The forecast traffic generation on the existing network comprise 54 two way movements in the AM peak and 59 two ways movements in the PM peak (this was based on 70 dwellings, 62 are now proposed). Planning permission has already been granted on this site for a similar number of units (2013/93373) and

whilst this elapsed in April 2018; there have been no significant change in circumstances.

- 10.35 In context of existing traffic flows along Woodhead Road (which are *circa* 439 northbound in the AM peak and 530 southbound in the PM peak), the provision of the additional traffic from the site would not be significant, nor would it have an unacceptable impact on existing junction capacity.
- 10.36 With regard the proposed junction design and the impact on the surrounding network, Highways DM are satisfied with the proposal subject to conditions. The applicant has been requested to provide a Stage 1 Road Safety Audit and designers response relating to the internal layout. An update will be provided to committee relating to this matter.

Flood Risk and Drainage

- 10.37 Para 155 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.
- 10.38 The submitted Flood Risk Assessment (FRA) considers the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water.
- 10.39 The originally submitted FRA clarified that drainage to the watercourse at a restricted discharge rate would be the preferential drainage method. However, the applicant has not submitted a revised FRA, nor has a revised drainage strategy been submitted. At the time of writing the report the LLFA object to the proposal. An update will be provided to committee concerning this matter when clarification has been provided by the applicant.

Ecology and Biodiversity

- 10.40 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.
- 10.41 The applicant has submitted an Ecological Impact Assessment (EclA) to support the revised layout. At the time that the report was produced it was not possible to undertake all of the survey work highlighted in my previous response during the appropriate season. Therefore the EclA is not based on breeding bird survey or complete bat activity survey, and the reptile survey was partially undertaken outside of the optimal period.
- 10.42 However, the applicant has significantly altered the layout to incorporate green links and introduce biodiversity gains. The Council's ecologist has assessed the information and raises no objection subject to the imposition of

appropriate conditions requiring further submissions relating to significant habitat enhancement.

- 10.43 On the basis of conditions, the proposed development is considered to comply with policy EP11 of the UPD and PLP 30 of the PDLF.

Trees

- 10.44 In respect of trees, there are a number of TPO'd trees on the eastern and western edges of the site along with a large Oak tree within the site. Initially the tree officer reported concerns regarding the level of tree loss proposed and insufficient information had been submitted concerning arboricultural information. Since then the scheme has been significantly altered, including the retention of the Oak tree. However, the latest submission is not supported by sufficient information to assess the impact on trees, thus the scheme fails to meet policies NE9 and BE2 of the UDP. An update on this matter will be reported to planning committee pending the submission of additional information from the applicant.

Planning Obligations and Community Benefits:

- 10.43 In accordance with para 56 of the NPPF planning obligations should only be sought where they meet the following three tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Affordable Housing:

- 10.44 A development on this scale generates a need for 12 affordable houses split between 54% affordable rent and 46% intermediate. However, the applicant is not proposing affordable housing in this case, contrary to the Interim Affordable Housing Policy and para 62 of the NPPF.

Education:

- 10.45 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. The applicant is not proposing a contribution to education due to their viability submission. The application conflicts with PLP49 of the PDLF and para 94 of the NPPF.

Public Open Space:

- 10.46 The site is over 0.4 ha and therefore triggers the requirement for the provision of public open space.
- 10.47 Ample space is available for on-site POS provision and the applicant has put forward a scheme which exceeds the requirements set out in H18 of the UDP. However, as the proposal does not include any play equipment on-site, an off-site contribution is required relating to this matter.
- 10.48 The applicant does not proposed any S106 contributions and has submitted a viability appraisal which is currently being assessed by the Council's

independent assessor. A summary will be provided to Strategic Planning Committee within the committee update setting out the viability position of the scheme and how this affects the proposed materials and S106 requirements. This is because at the time of writing the council's independent assessors had not concluded its advice. Some details are considered to be commercially sensitive information and therefore these will be included within a private appendix that is exempt from public view.

Land Contamination

- 10.49 The previous application was accompanied by a phase 1 survey which was assessed at that time by Environmental Health. In terms of the current application, conditions are recommended concerning a phase 2 report and strategy. This is in accordance with the requirements of Chapter 15 of the NPPF, policy G6 of the UDP and PLP 53 of the PDLP.

Air Quality

- 10.50 PDLP policies 20 and 47 encourage schemes which offer to reduce air quality impacts. Given the scale of the development, 1 electric vehicle charging point shall be installed for each dwelling. There is also a requirement for a Travel Plan.

CONCLUSION

- 11.1 Matters of principle in this case are considered acceptable. As guided by para11 of the NPPF, the tilted balance in favour of sustainable development applies in this case.
- 11.2 Whilst the proposal would result in a change to the otherwise open and undeveloped site, this has to be considered in the context that the Council cannot demonstrate a deliverable five year supply of housing sites and has allocated the site for housing in the PDLP. The proposed development aligns with the emerging Local Plan housing allocation.
- 11.3 Concerns relating to highways matters have been sufficiently addressed. The proposal involves a quantum of development which would not overburden the existing highway network and the proposed access is considered to be safe in allowing access to the site and the wider future housing allocation.
- 11.3 The applicant is of the view that the provision of the works to engineer the access, along with other abnormal costs, significantly affects the viability of the scheme to an extent where no S106 contributions are proposed. However, there was no evidence presented as part of the Local Plan process to suggest that development of the wider emerging housing allocation would be unviable. Furthermore, the development of this scheme in isolation represents an approach to place making which runs contrary to the master planning policy contained in the emerging Local Plan. Consequently, the proposed development does not constitute a sustainable form of development and fails to constitute a comprehensive development for the whole emerging housing allocation within the Kirklees Publication Local Plan. The proposed development, therefore, fails to comply with the requirements of policy PLP4, PLP5, PLP49 and PLP63 of the Kirklees Publication Draft Local Plan, the Kirklees Interim Affordable Housing Policy (2016), paragraphs 11, 62, 94 and

96 of the National Planning Policy Framework and guidance contained within the National Planning Practice Guidance.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92568>

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