
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 13-Dec-2018

Subject: Planning Application 2017/93847 Outline application for erection of 36 dwellings land off, Upper Quarry Road and Bradley Road, Bradley, Huddersfield, HD2 1XD

APPLICANT

G R E Bottomley

DATE VALID

07-Nov-2017

TARGET DATE

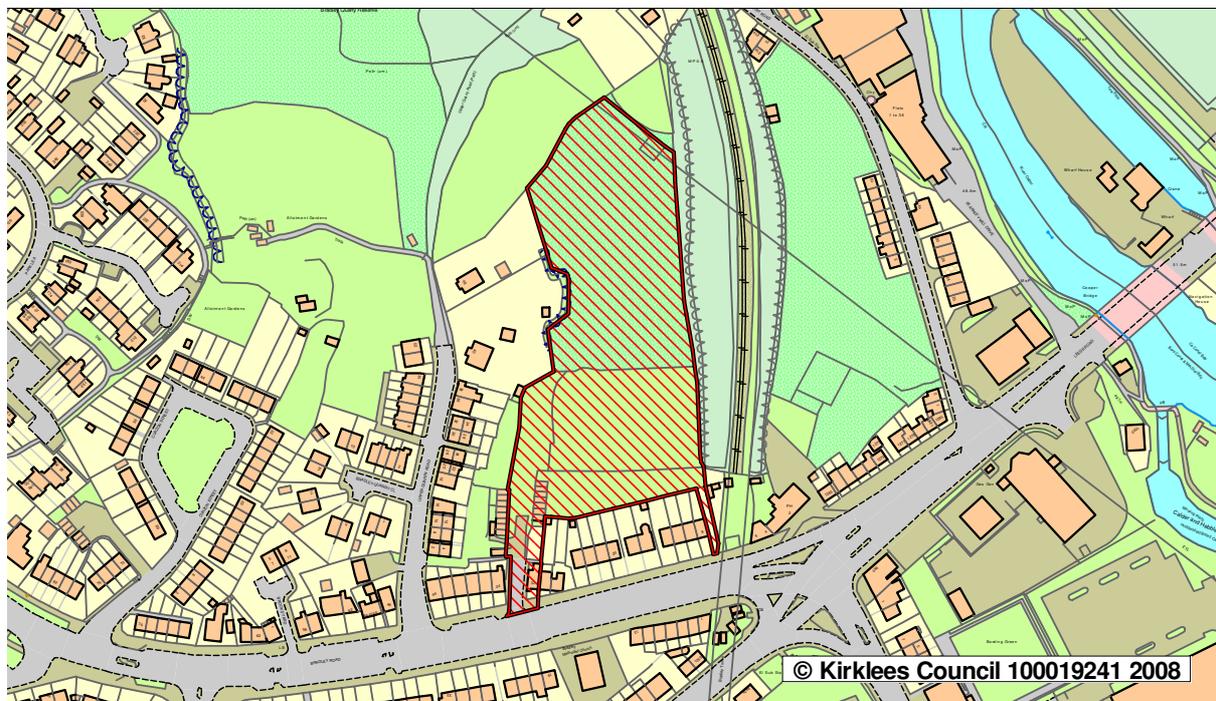
06-Feb-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Ashbrow

Yes

Ward Members consulted

RECOMMENDATION: Refuse outline planning permission

For the following reasons:

1) The proposed development would intensify right-turn movement off Bradley Road through queuing traffic across a live lane at a location with poor intervisibility, and would increase the risk of vehicles running over the footway. The proposed development would therefore have a detrimental impact on highway safety. This would be contrary to Kirklees Unitary Development Plan policy T10 and Kirklees Publication Draft Local Plan policy PLP21.

2) The proposed development, due to its lack of on-site affordable housing and Public Open Space, related financial contributions to address these requirements off-site and a financial contribution towards education provision, would not sufficiently meet known housing need, would not provide adequate, usable outdoor space for its residents, would not make adequate provision for education, and would not sufficiently mitigate its impacts. This would be contrary to Kirklees Unitary Development Plan policy H18, Kirklees Publication Draft Local Plan policies PLP4, PLP11, PLP49 and PLP63, and chapters 5, 8 and 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This is an application for outline planning permission, with all matters reserved (other than access), for residential development.

1.2 The application is presented to the Huddersfield Sub-Committee as the proposed development relates to Provisional Open Land (Policy D5 of the UDP), and includes fewer than 60 residential units.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is 1.28 hectares in size and slopes downhill from its northwest corner (75m AOD approx.) to its southeast corner adjacent to 8 Bradley Road (65m AOD approx.).

- 2.2 The site includes an existing end-of-terrace property at 32 Bradley Road, the unadopted lane between 32 and 34 Bradley Road, garages accessed from this lane, and a strip of land within the curtilage of 8 Bradley Road. An electricity pylon stands within the site at its northeast corner, and carries cables across part of the site.
- 2.3 No buildings exist within the site's boundaries, other than the above-mentioned garages which are in a poor condition. Parts of the site (32 Bradley Road, the garages and the unadopted lane) are previously-developed (brownfield) land, however the larger part of the site is greenfield. There are no protected trees on the site, however Tree Preservation Orders protect trees to the west and north.
- 2.4 Surrounding uses are residential to the south and west. Most nearby residential properties date from the 20th century, and have two storeys built of stone. On the west side of the unadopted lane is another group of garages, also in a poor condition. Fields to the north of the site are in agricultural use. Railway lines and an embankment exist to the east. Bradley Methodist Church stands almost opposite the proposed site entrance, on the south side of Bradley Lane.
- 2.5 The site is not within or close to a conservation area, and there are no listed buildings immediately adjacent to the site.
- 2.6 A Provisional Open Land designation in the Kirklees Unitary Development Plan covers most of the site and adjacent land. Most of the site was to be allocated as safeguarded land (ref: SL2161) in the emerging Local Plan, however in the August 2018 modifications to the Local Plan the council proposed to delete this safeguarded land allocation, and show the land as unallocated.
- 2.7 Land to the east of the site is within a Wildlife Habitat Network. Land to the north is green belt, and further to the northwest is the Bradley Quarry Reserve.
- 2.8 Air Quality Management Area 1 (Bradley Road / Leeds Road junction) has been designated to the south of the application site, and covers a small part of the site at 32 Bradley Road.

3.0 PROPOSAL:

- 3.1 Outline planning permission (with details of access) is sought for residential development of the site. This would involve the demolition of the existing end-of-terrace property at 32 Bradley Road, the creation of a widened vehicular access between 30 and 34 Bradley Road, and the erection of 36 houses.
- 3.2 The proposed dwellings would line a new estate road running north-south through the site, and off short drives. The dwellings would be arranged in short terraces and semi-detached pairs. Three house types are proposed as follows:
- 7x house type A (three bedrooms, 80sqm, in short terraces – units 1 to 7).
 - 20x house type B (three bedrooms, 93sqm, in short terraces – units 8 to 27).
 - 9x house type C (four bedrooms, 116sqm, semi-detached or in short terraces – units 28 to 36).

- 3.3 Detached garages are proposed for some dwellings. No dwellings are proposed beneath the pylons and cables at the north end of the site.
- 3.4 Drainage pipework is proposed to be routed beneath a strip of land within the curtilage of 8 Bradley Road. On-site attenuation crates are proposed.
- 3.5 Other matters (namely appearance, landscaping, layout and scale) are reserved.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2016/91688 – Outline planning permission granted 24/01/2017 for the erection of nine dwellings. Application related to part (0.60 hectares) of the current application site.

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

- 5.1 In attempts to address the highways safety concerns that the proposed development would arouse, the applicant team made various representations (including a technical note, video evidence and an amended detailed junction drawing), and officers met the applicant team.
- 5.2 During the life of the application, the applicant team submitted financial viability information, an amended site layout plan (drawing 3718 03 rev H, which reduced the sizes of the proposed dwellings), an amended Drainage Assessment, and gas monitoring information.

6.0 PLANNING POLICY:

- 6.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).
- 6.2 The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).
- 6.3 The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25/04/2017, 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 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.

6.4 Between 20/08/2018 and 01/10/2018 the council carried out public consultation on Main and Additional Modifications to the Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.5 The site is Provisional Open Land. Land to the north is within the green belt.

6.6 Relevant policies are:

G4 – High standard of design
G5 – Equality of opportunity
G6 – Land contamination
D5 – Provisional Open Land
NE9 – Tree retention
BE1 – Design principles
BE2 – Quality of design
BE11 – Building materials
BE12 – Space about buildings
BE21 – Open space accessibility
BE22 – Accessible parking
BE23 – Crime prevention
NE9 – Retention of mature trees
EP4 – Noise sensitive development
EP10 – Energy efficiency
EP11 – Landscaping and ecology
EP30 – Prolonged construction work
T1 – Transport priorities
T10 – Highway safety
T14 – Pedestrian safety
T16 – Pedestrian routes
T17 – Cycling
T19 – Parking standards
H1 – Housing needs
H6 – Housing allocations
H10 – Affordable housing
H11 – Affordable housing – exceptional circumstances
H12 – Securing affordable housing
H18 – Public open space
R6 – Public open space

Kirklees Draft Local Plan Strategies and Policies (2017):

6.7 No allocation is proposed for this site in the emerging Local Plan (as amended by August 2018 modifications). The green belt designation of land to the north is proposed to be retained. Land to the east is within a proposed Wildlife Habitat Network.

6.8 Relevant policies are:

- PLP1 – Presumption in favour of sustainable development
- PLP2 – Place shaping
- PLP3 – Location of new development
- PLP7 – Efficient and effective use of land and buildings
- PLP11 – Housing mix and affordable housing
- PLP20 – Sustainable travel
- PLP21 – Highway safety and access
- PLP22 – Parking
- PLP24 – Design
- PLP27 – Flood risk
- PLP28 – Drainage
- PLP30 – Biodiversity and geodiversity
- PLP32 – Landscape
- PLP33 – Trees
- PLP34 – Conserving and enhancing the water environment
- PLP35 – Historic environment
- PLP47 – Healthy, active and safe lifestyles
- PLP48 – Community facilities and services
- PLP49 – Educational and health care needs
- PLP50 – Sport and physical activity
- PLP51 – Protection and improvement of local air quality
- PLP52 – Protection and improvement of environmental quality
- PLP63 – New open space

Supplementary Planning Guidance / Documents:

6.9 Relevant guidance and documents are:

- 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
- Kirklees Housing Topics Paper
- Kirklees Council Housing Allocations
- Accessibility Assessment

National Planning Policy and Guidance:

6.10 The National Planning Policy Framework (2018) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

6.11 Since March 2014 Planning Practice Guidance for England has been published online.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised via five site notices, a press notice, and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 15/12/2017.

7.2 One representation was received from an occupant of an adjacent property. The following is a summary of the points raised:

- Occupants of two neighbouring properties on Upper Quarry Road have rights of access from their rear gardens to Bradley Road via the rough track that runs north-south. Rear gates to these properties are in close proximity. A single access between these gates and the new estate road may be appropriate (sketch enclosed to illustrate this proposal). Rights of access should be catered for in the proposed layout. This can be achieved without detriment to adjacent dwellings.
- Otherwise no objection to the proposed development.

7.3 Responses to these comments are set out later in this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

National Grid – No objection.

Network Rail – No objection in principle to the proposed development, subject to requirements regarding drainage, wayleaves and/or easements, notification, use of machinery and cranes, encroachment, noise/soundproofing, trees, shrubs and landscaping and access to the railway.

Yorkshire Water – Condition recommended regarding drainage for foul and surface water. The submitted Drainage Assessment will require clarification at conditions stage – specifically, the report suggests that surface water would discharge to the public combined sewer via storage with restricted discharge, however no consideration has been given to utilising the dedicated surface water sewer 35m from the site. According to the statutory sewer map, small diameter public combined sewers cross the site – this infrastructure must be taken into account in the development's design. There is an abandoned water main and a live water pipe within the site which will need to be disconnected or diverted if not required.

KC Highways – Sightlines from the site's existing access road onto Bradley Road are adequate in both directions, given the widths of existing footways. Demolition of 32 Bradley Road would provide sufficient space for a 5.5m wide carriageway and two 2m wide footways. The new access would require the existing laybys to the northern side of the carriageway of Bradley Road to be shortened in length by approximately 2.5m, which would allow the larger radii (for the proposed access) to tie into the existing kerb line. The parking layby

on the southern side of Bradley Road would be increased in length by approximately 3m to the east. To improve pedestrian access to the site a pedestrian refuge (approximately 2m wide and 5m long) is proposed west of the altered junction, and a pedestrian build-out is proposed to the southern side of the carriageway within the layby area to provide a pedestrian link to the existing southern footway.

Applicant predicts that the proposed development would generate nine arrivals and 21 departures in the morning peak hour and 20 arrivals and 13 departures in the evening peak hour.

Applicant's parking survey shows that laybys on Bradley Road are well used, especially in the evening. The proposed pedestrian refuge and build-out into the layby would result in a loss of parking on Bradley Road, however to mitigate this impact, four parking spaces would be provided in a layby off the new estate road adjacent, and the layby on the southern side of Bradley Road would be extended in length.

Applicant's queue survey showed that in any time period, of the three approach lanes only one experienced queues which extended as far as 28 and 30 Bradley Road, while the queue lengths in the other two lanes were considerably shorter, extending as far as 20 and 22 Bradley Road. However, officers have carried out a survey on 07/02/2018 (16:30 to 17:20) and observed vehicles queuing past the site's entrance on nine occasions. These queues were in two lanes past the site's entrance, with vehicles frequently encroaching onto the right turn pocket, into the proposed site access, and over the area of carriageway where the pedestrian refuge is proposed. Contrary to the applicant's findings, officers consider that the proposed mitigation works may have a significant impact on the queuing which occurs on the approach to the A62 junction.

Further comment: Acknowledged that there are other sites in Kirklees where turning through queuing traffic is already causing difficulties, however officers cannot support a scheme that would knowingly create another such situation. The existing situation at the site is not condoned (although the queuing that occurs helps relieve pressure), and it should not be made more hazardous. Vehicles turning through queuing traffic into a live lane is one of the major causes of injury accidents in Kirklees due to a lack of intervisibility.

Further comment: Benefit of the proposed pedestrian island is acknowledged – it would improve the crossing facilities on Bradley Road and would also protect vehicles turning right into the development. Officers were previously concerned that these works would have resulted in vehicles queueing in a single lane which could increase the queues to the Bradley Road / Leeds Road junction. However, given that the pedestrian island would leave a carriageway width of 5.1m, officers are now content that vehicles could potentially continue to queue in two lanes, and that this should not have a detrimental effect on queues along this section of Bradley Road.

Although this 5.1m width can allow two lanes of queueing, as demonstrated further along Bradley Road (at the Upper Quarry Road junction, where a pedestrian island exists), a greater (5.5m) width is not stopping vehicles from running over the kerb line. With 5.1m width proposed beside the new island, vehicles can be expected to over-run the footways, which would be hazardous to pedestrians.

Regarding the hazardous intensification of right-turn movement off Bradley Road, a serious injury was recorded at the Upper Quarry Road junction on 16/10/2014 when a motorcyclist was hit by a right-turning vehicle. The proposed intensification of the site entrance's junction would be unsafe due to traffic having to turn through queueing traffic into a live lane.

Yellow boxes are not accepted as a method of mitigating the unsatisfactory situation that the proposed development would create, as they are continually encroached upon. Changes in surfacing colour are considered ineffective. Yellow boxes of longer lengths become increasingly ineffective as it is impossible for a driver to predict when the vehicle in front will stop or start.

KC Strategic Drainage – Objection. On-site attenuation is required, and surface water must discharge from the site at greenfield run-off rates. If this is not feasible, on-site attenuation is required and surface water must discharge at a 70% reduction of the brownfield run-off rate. Discharge rates should only be calculated for the proposed impermeable areas. Further comment: applicant appears to have submitted requested information. Strongly recommend Yorkshire Water be consulted on proposed connection to combined sewer – if they do not accept this proposal, condition recommended. No objection to this connection, or to possible connection to a surface water sewer. No objection to 5.9 litres per second discharge figure. Two further conditions recommended.

8.2 **Non-statutory:**

Police Architectural Liaison Officer – No objection to approval of outline planning permission. At Reserved Matters stage, a condition should require measures to minimise the risk of crime. Proposed visitor parking spaces close to Bradley Road entrance will be vulnerable to casual, opportunistic crime from passers-by as they will not be adequately overlooked and will be remote from the proposed dwellings. Visitors will prefer to park directly outside the house they are attending, and the spaces are unlikely to be used for their intended purpose. Visitor parking should be located to where it is better overlooked and more likely to be used. Further advice provided regarding front boundaries, rear gardens, side boundaries, door and window specifications and lighting.

KC Ecology – No objection. At this outline stage, applicant's Preliminary Ecological Appraisal is sufficient to demonstrate that it is possible to develop the site for residential use while providing a biodiversity net gain, in accordance with relevant local and national policy. Ecological Impact Assessment required at Reserved Matters stage.

KC Environmental Health – Applicant's report and recommendations regarding noise are agreed with. Applicant's contaminated land report is provisionally agreed with, however further clarification regarding gas monitoring is required. Recommend conditions regarding site contamination. Applicant's report and conclusions regarding air quality are agreed with. Air quality condition recommended. Advice provided regarding hours of noisy works. Further comment: applicant's clarification allays concerns regarding gas monitoring.

KC Landscape – Proposed development would require a Section 106 POS contribution of £139,321, if no on-site POS or Local Area for Play is proposed.

KC School Organisation and Planning – Proposed development would require a Section 106 education contribution of £40,008.

KC Strategic Housing – Application welcomed. Within Huddersfield North there is a need for 3-bedroom (and larger) houses, as well as a lesser but still substantial need for 1- and 2-bedroom homes. It is a popular location, with 16% of households planning to move home within Kirklees within the next 5 years citing it as their first choice destination. Kirklees's interim affordable housing policy seeks 20% affordable housing provision on sites where 11 units or more are proposed. On-site provision is preferred, however a financial contribution in lieu of on-site provision can be acceptable where appropriate. Affordable housing allocation for this development would be seven units. These should be 3-bedroom (or larger) units, to suit the affordable housing needs of the area. Borough-wide, a split of 54% Affordable Rent / 46% Intermediate is appropriate within affordable housing provisions, therefore for this development four Affordable Rent and three Intermediate dwellings would be required.

KC Trees – No objection in principle. Proposed access can be achieved without adverse impact on protected trees. There is, however, insufficient information at this outline stage to enable an assessment of the impact of the proposed layout in detail. Plots 33, and possibly 32 and 36, may be in conflict with the crown spread of the adjacent protected trees, however there appears to be sufficient space on site to accommodate an amended design which allows more space between trees and the new dwellings. Applicant should be advised that layout at Reserved Matters stage will need to take account of the adjacent trees and their shade. Arboricultural Impact Assessment and Method Statement (in accordance with BS 5837) required at Reserved Matters stage.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity and quality
- Highway issues
- Flood risk and drainage issues
- Ecological considerations
- Trees
- Air quality
- Representations
- Planning obligations and financial viability
- Other planning matters

10.0 APPRAISAL

Principle of development

- 10.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 10.2 The NPPF is a material consideration in planning decisions. The current situation regarding housing land supply in Kirklees (discussed below) is a material consideration relevant to applications for residential development. Weight can also be attached to the draft policies of the emerging Local Plan.
- 10.3 Outline planning permission for nine residential units (in part of the site) was granted in 2017 under application ref: 2016/91688. That permission remains extant, is therefore a fallback position in the form of an extant permission that can be implemented, and is a material consideration relevant to the consideration of the current application.
- 10.4 The starting point in assessing this planning application is to ascertain whether or not the proposal accords with the relevant provision of the development plan, which in this case comprises the saved policies of the Kirklees UDP (1999). If a proposal does not accord with the development plan, regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.
- 10.5 The NPPF is a Government-issued statement of national planning policy, and is therefore considered an important material consideration, particularly in cases where there are UDP policies that are out-of-date or inconsistent with the NPPF. Paragraph 213 emphasises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 10.6 The NPPF seeks to boost significantly the supply of housing, and sets out how local planning authorities should meet the full objectively-assessed needs for market and affordable housing. This requires a range of measures including identifying a deliverable five-year supply of land for housing. Housing applications should be considered in the context of the presumption in favour of sustainable development, and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 10.7 As noted in recent appeal decisions, Kirklees is not currently meeting (by a substantial margin) the requirement to identify a five-year supply of housing land. This is important in the context of paragraph 11 of the NPPF which states that, in relation to decision-taking, the presumption in favour of sustainable development means approving development proposals that accord with the development plan without delay, and where there are no relevant development plan policies (or where the policies which are most important for determining the application are out-of-date), granting permission unless i) the application of NPPF policies that protect areas or assets of particular importance provides a clear reason for refusing the development, or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.
- 10.8 As the council is unable to demonstrate a five-year housing land supply as required by paragraph 73 of the NPPF, relevant UDP policies relating to housing are considered to be out-of-date. Given the situation regarding housing land supply, with regard to this application and the presumption in favour of sustainable development, the NPPF states that planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.

- 10.9 The borough's housing supply record of recent years is also a relevant consideration. This is set out in the council's Housing Supply Topic Paper (2017), where Kirklees's persistent under-delivery is detailed.
- 10.10 The site was designated as Provisional Open Land (POL) in the UDP in 1999, and this designation was retained (saved) by the Secretary of State for Communities and Local Government in 2007. Policy D5 of the UDP 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 longer term.*
- 10.11 With regard to the designation of the site as POL, UDP policy D5 is not considered to be a policy for the supply of housing (with reference to NPPF paragraph 73), and is considered to be up-to-date. The proposed development does not comply with UDP policy D5 as it does not comprise development required in connection with established uses, or the alternative open land uses or temporary uses referred to in the policy. The proposed development constitutes a departure from the development plan.
- 10.12 As noted above, the emerging Local Plan is a material consideration. It sets out a housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.13 In the emerging Local Plan, most of the site was to be allocated as safeguarded land (ref: SL2161), however in the August 2018 modifications to the Local Plan the council proposed to delete this safeguarded land allocation, and show the land as unallocated. Once adopted, therefore, the Local Plan would include no allocation that would act as a barrier to the acceptance of the principle of residential development at this site. Furthermore, although the Local Plan would enable the council to demonstrate a five-year housing supply, and although the council would not be reliant on this particular site to meet its housing targets, it is accepted that windfall sites will also make an important contribution towards housing delivery.
- 10.14 Adoption of the Local Plan is anticipated in early 2019, and at this stage significant weight can be attached to its policies.
- 10.15 In conclusion regarding land use and the principle of development, given the pressing need for housing, the current situation regarding housing land supply in Kirklees, the relevant paragraphs of the NPPF detailed above, the lack of allocation of the site in the emerging Local Plan, the weight that can be attached to the Local Plan, and the previous approval of outline planning permission at part of this site, there clearly are material considerations that together carry significant weight, and that justify acceptance of the principle of residential development at this site. With reference to NPPF paragraph 11, the adverse impacts and benefits of the proposed development are assessed throughout this report, and further conclusions on the balance of planning considerations are drawn in its closing paragraphs.

- 10.16 The above conclusion is supported by the fact that the application site is a suitable location for residential development in relation to sustainability, being located at the edge of an existing settlement, relatively close to sustainable transport options and other facilities. The site is not isolated and inaccessible.
- 10.17 Officers' recommendation to accept the principle of residential development at this largely greenfield site, however, is not given lightly. If this site is to be released for development, public benefit must be clearly demonstrated, the development's impacts would need to be mitigated, and high quality development will be expected. These matters are addressed later in this report, and would require further consideration at Reserved Matters stage.

Urban design issues

- 10.18 Relevant design policies include chapter 12 of the NPPF, UDP policies G4 and BE2, and emerging Local Plan policies PLP2, PLP24 and PLP35.
- 10.19 The application site is located at the edge of an existing, well-established settlement. Residential development exists to the west of the site, and this together with the adjacent railway lines and more scattered development to the north would help the proposed development sit comfortably within its context without appearing as a sprawling, inappropriate enlargement to Bradley. Although the proposed development would be visible from some public vantagepoints, its visual impact would not be significant or adverse in the context of the surrounding development already built, and the nine-unit development previously approved on part of the site. Green belt land to the north of the site would continue to provide green framing around the enlarged settlement.
- 10.20 The proposed site layout shown in drawing 3718 03 rev H must be regarded as indicative, given that the applicant does not seek approval of appearance, landscaping, layout and scale. As this drawing is currently before the council, however, it is appropriate to comment on it, to inform future design work.
- 10.21 The proposed layout is suburban in character. The short terraces proposed by the applicant are an appropriate response to arrangement of existing dwellings nearby. The proposed layout appears to take into account the minimum distances required under UDP policy BE12. Improvements to the proposed layout, however, would be required at Reserved Matters stage, as the current proposal appears too regimented and perpendicular, and more space would need to be provided adjacent to protected trees outside the application site. To address the requirements of UDP policy H18, on-site POS would also need to be shown, unless it is considered that a financial contribution towards off-site provision would be more appropriate.
- 10.22 With 36 units proposed in 1.28 hectares, a density of 28 units per hectare would be achieved. This is less than the 35 units per hectare density specified (and applicable "where appropriate") in Local Plan policy PLP7, and it is noted that the proposed development would involve the demolition of an existing dwelling at 32 Bradley Road. While it is accepted that the site's developable area is reduced by pylons and cables at the north end of the site, and by the narrow southern part of the site (which can accommodate an adequate two-way estate road, but not dwellings along it), and while there may be other influences (such as topography and underground infrastructure) that may affect the developable

area, thorough justification in support of the proposed quantum and density would be needed at Reserved Matters stage, to enable the council to ensure that the site would not be underdeveloped.

- 10.23 Although no proposed elevations have been submitted, with only three unit types proposed across the 36 units, there is a risk that visual variety and interest would be limited, however elevational and roof variations, and additional unit types if necessary, could be secured at Reserved Matters stage, to ensure the development would not appear monotonous and repetitive.
- 10.24 It is not anticipated that the proposed development would adversely affect the significance of nearby heritage assets, however this matter would need to be considered in detail at Reserved Matters stage.
- 10.25 Levelling and regrading of parts of the site may be necessary. Full details of these works, and of any necessary retaining walls and structures, would need to be provided at Reserved Matters stage. Details of boundary treatments and landscaping would also be required at Reserved Matters stage.
- 10.26 Crime prevention measures would need to be incorporated at Reserved Matters stage. The West Yorkshire Police Architectural Liaison Officer has raised concerns regarding the visitor parking spaces proposed close to the Bradley Road entrance, stating that these would be vulnerable to casual, opportunistic crime from passers-by as they would not be adequately overlooked and would be remote from the proposed dwellings. While it is noted that these parking spaces are intended to replace those that would be lost from the laybys on Bradley Road (and aren't intended to be used by visitors to the proposed development), these concerns would need to be addressed at Reserved Matters stage, and any new and replacement parking spaces would need to be located where they are well overlooked and likely to be used.
- 10.27 Any developer of this site would need to make good the side elevation of 30 Bradley Road, once 32 Bradley Road is demolished. To ensure this is achieved satisfactorily, it would be appropriate to re-use stone from the demolished dwelling.

Residential amenity and quality

- 10.28 The principle of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties.
- 10.29 The proposed site layout shown in drawing 3718 03 rev H indicates that the applicant has had regard to the minimum distances required by UDP policy BE12. A full assessment of these distances would be carried out at Reserved Matters stage.
- 10.30 The proposed development would result in additional overlooking of neighbouring residential gardens, however the relationships between the proposed habitable room windows and existing private outdoor amenity spaces would not be unusual, and it is not recommended that planning permission be withheld for this reason.

- 10.31 Impacts upon the outlook currently enjoyed by neighbouring residents are considered acceptable. The positioning and likely heights of the proposed dwellings (in relation to the site's boundaries and to the habitable room windows and outdoor amenity spaces of neighbouring properties) would certainly affect existing outlook, but not to an unacceptable degree.
- 10.32 The proposed dwellings would be positioned far enough away from neighbouring properties to not adversely affect the natural light currently enjoyed by existing residents.
- 10.33 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the quantum of development proposed, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.
- 10.34 Had approval of outline planning permission been recommended, a condition requiring the submission and approval of a Construction Management Plan would have been applied. The necessary conditions-stage submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time.
- 10.35 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.36 Sizes of some of the proposed residential units are of concern. Although the Government's Nationally Described Space Standards (March 2015) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. For 3-bedroom, 4-person, 2-storey units, the Government recommends a minimum unit size of 84sqm, however during the life of the application the applicant reduced the sizes of the proposed type A dwellings from 100sqm to 80sqm. While this is an unfortunate shortcoming of the proposed development (which would need to be addressed at Reserved Matters stage), given that the applicant does not seek approval of details of appearance, layout and scale at this outline stage, it is not recommended that this matter be included in the recommended reasons for refusal.
- 10.37 All units would benefit from dual aspect, and are capable of being provided with adequate outlook and natural light. Although the overlooking of gardens identified earlier in this report would in some case be reciprocal, for the same reasons as set out above, this is not considered to be a reason for refusal of planning permission or further amendment.
- 10.38 At Reserved Matters stage, the applicant would be encouraged to provide bathrooms (and possibly bedrooms or adaptable rooms) at ground floor level in the larger units, providing flexible accommodation and ensuring that a household member with certain disabilities could live in this dwelling. Dwellings should have WCs at ground level, providing convenience for visitors with certain disabilities.

- 10.39 Drawing 3718 03 rev H suggests that dwellings would be provided with adequate outdoor private amenity space.

Highway issues

- 10.40 The applicant proposes to provide access for pedestrians, cyclists and vehicles from Bradley Road. To widen the existing site access, the applicant proposes to demolish the existing end-of-terrace property at 32 Bradley Road, and provide an access between 30 and 34 Bradley Road, lined with 2m wide pavements either side of the new carriageway. No other access to the site is proposed. A pedestrian refuge (or island) is proposed outside the site, in Bradley Road.
- 10.41 These proposed access arrangements were not proposed or required in connection with the previous nine-unit development approved in 2017 (ref: 2016/91688).
- 10.42 A larger development, with 36 units indicatively proposed, is now before the council. This would create a higher number of vehicle movements than the nine-unit scheme would have generated – according to the applicant’s TRICS-based analysis, the proposed development would generate nine arrivals and 21 departures in the morning peak hour and 20 arrivals and 13 departures in the evening peak hour.
- 10.43 Existing highways conditions at the application site must be noted. Directly outside the site’s existing vehicular access is a right-turn pocket and “keep clear” road markings which aid movements into the site for traffic approaching from the east. Although a single eastbound lane exists directly outside the site, this becomes two lanes to the east of the site’s entrance, and three lanes further east on the approach to the Bradley Road / Leeds Road junction. There is a single westbound lane directly outside the site. The above-mentioned right-turn pocket sits within hatched areas upon which vehicles should not be driven. Either side of the site’s vehicular entrance, wide pavements with parking laybys exist. Parking laybys also exist along the southern pavement. Cycle lanes have been marked out outside the site’s entrance, and these continue westwards along Bradley Road.
- 10.44 The applicant’s queue survey showed that in any time period, of the three eastbound approach lanes (between the site’s entrance and the Bradley Road / Leeds Road junction), only one experienced queues which extended as far as 28 and 30 Bradley Road, while the queue lengths in the other two lanes were considerably shorter, extending as far as 20 and 22 Bradley Road. However, officers carried out a survey on 07/02/2018 (16:30 to 17:20) and observed vehicles queuing past the site’s entrance on nine occasions (at 17:00, 17:03, 17:05, 17:08, 17:10, 17:12, 17:13 and 17:20). Vehicles queued in two lanes past the site’s entrance, with vehicles frequently encroaching onto the right turn pocket. While this unofficial, two-lane queuing (where two lanes are not formally marked out) is not condoned, it is noted that it helps the flow of traffic along Bradley Road, and helps relieve pressure at the nearby Bradley Road / Leeds Road junction.

- 10.45 In this context, the proposed development has triggered an objection from Highways Development Management officers, on highways safety grounds. The main concern is that, when the right-hand eastbound queue is stationary (as it often is), the left-hand lane can still be live (i.e., moving), and drivers approaching from the east and turning right into the application site would not be able to clearly see approaching traffic in the live lane, as their view would be blocked by the stationary queue. This poses an unacceptable highways safety risk, and it is noted that vehicles turning through queuing traffic into a live lane is one of the major causes of injury accidents in Kirklees due to a lack of intervisibility.
- 10.46 During the life of the application, officers have met with the applicant team and have considered their various representations, however none of the measures proposed by the applicant are considered adequate or workable. Traffic lights would be inappropriate for a development of this size and at a location so close to the Bradley Road / Leeds Road junction, and yellow box road markings are considered unlikely to change driver behaviour sufficiently to mitigate the highways safety risk.
- 10.47 It is noted that nine residential units have previously been approved at part of the application site, and that compared with the existing situation, the approved development would increase traffic at the site entrance. Highways Development Management officers have advised that the approved additional nine units are likely to be the most that can be considered acceptable here before the above-mentioned highways safety concerns arise.
- 10.48 The applicant proposes a pedestrian island and build-outs at the site entrance's junction with Bradley Road which, it is acknowledged, would improve pedestrian crossing facilities and would provide some protection for vehicles turning right into the development. Officers were previously concerned that these works would have resulted in vehicles queueing in a single lane which could have increased the queues to the Bradley Road / Leeds Road junction. However, given that the pedestrian island would leave a carriageway width of 5.1m, officers are now content that vehicles could potentially continue to queue in two lanes, and that this should not have a detrimental effect on queues along this section of Bradley Road. However, although this 5.1m width can allow two lanes of queueing, 5.5m width is not stopping vehicles from running over the kerb line at another location further along Bradley Road (at the Upper Quarry Road junction, where a pedestrian island exists). With 5.1m width proposed beside the new island, vehicles can be expected to over-run the footways, which would be hazardous to pedestrians.
- 10.49 Sightlines from the site's existing access road onto Bradley Road are adequate in both directions, given the widths of existing footways.
- 10.50 For the proposed estate road, demolition of 32 Bradley Road would provide sufficient space for a 5.5m wide carriageway and two 2m wide footways.

- 10.51 There is adequate space within the application site for policy-compliant provision of on-site parking and cycle parking for the indicative 36 units, however details of this provision would be considered at Reserved Matters stage. Details of off-site parking spaces, to replace those proposed to be lost from the existing laybys on Bradley Road, would also be considered at Reserved Matters stage.
- 10.52 There are no Public Rights of Way crossing or running adjacent to the application site.

Flood risk and drainage issues

- 10.53 The site is within Flood Zone 1, and is larger than 1 hectare in size, therefore a site-specific Drainage Assessment was submitted by the applicant. This suggested that infiltration at the application site is unlikely to be possible, and the applicant therefore proposed the discharge of surface water to the combined sewer beneath Bradley Road at a rate of 8.7 litres per second. Oversized pipes and crate storage were proposed on site to attenuate up to the 1 in 100 year (plus climate change) rainfall event. Foul water would also be proposed to be discharged to the existing combined sewer. The applicant suggested that the impermeable area within the site would be approximately 0.62 hectares (48% of the total site area).
- 10.54 The Lead Local Flood Authority (LLFA) initially objected to the proposed development, stating that surface water must discharge from the site at greenfield run-off rates, and that, if greenfield run-off proves to be unfeasible, on-site attenuation is required and surface water must discharge at a 70% reduction of the brownfield run-off rate. The LLFA also advised that discharge rates should only be calculated for the proposed impermeable areas.
- 10.55 In response to the LLFA's comments, the applicant submitted a revised Drainage Assessment on 08/05/2018. This proposes the discharge of surface water to the combined sewer beneath Bradley Road at a rate of 5.9 litres per second, which would be achieved through the use of a hydro brake. Again, oversized pipes and crate storage tanks are proposed to attenuate the 1 in 100 year (plus climate change) rainfall event.
- 10.56 In further comments, the LLFA raised no objection to the proposed 5.9 litres per second discharge figure, and noted that the applicant had submitted the required information. Had the application been recommended for approval, the conditions proposed by the LLFA and Yorkshire Water would have been applied, and further consultation with Yorkshire Water may have been necessary, as the applicant appears not to have considered utilising the dedicated surface water sewer that, according to Yorkshire Water, exists 35m from the site.

Ecological considerations

- 10.57 Land to the east of the application site is within a proposed Wildlife Habitat Network.

- 10.58 The applicant has submitted a Preliminary Ecological Appraisal (PEA) which states that the proposed development is not predicted to result in any significant effects on protected species. The PEA also recommends tree retention where possible, compensatory treeplanting, preparation and implementation of an Invasive Weeds Management Plan (as Himalayan balsam is present at the site), and carrying out of works outside the main bird nesting period of March to August (inclusive). The PEA found negligible potential for bats at the site, and recommends no further surveys or mitigation in relation to bat roosts, but notes that bat activity surveys may be necessary between May and August/September if trees at the site margins are to be removed or affected by artificial lighting. The PEA found that Great Crested Newts are not likely to be present at the site, that the site has low potential for reptiles, and that no evidence of badgers was observed at the site.
- 10.59 The council's Biodiversity Officer has raised no objection to the proposed development, stating that, at this outline stage, the applicant's PEA is sufficient to demonstrate that it is possible to develop the site for residential use while providing a biodiversity net gain, in accordance with relevant local and national policy (including policy PLP30 of the emerging Local Plan and chapter 15 of the NPPF). It is noted, however, that further consideration of these matters, and an Ecological Impact Assessment, will be required at Reserved Matters stage.

Trees

- 10.60 The site is not within a conservation area, and no trees within the site are protected by Tree Preservation Orders (TPOs). TPOs 10/00/t1, 10/00/t2, 10/00/t4, 10/00/t7 and 10/00/g2 protect trees to the west of the site, close to the application site boundary.
- 10.61 The council's Arboricultural Officer has raised no objection in principle to residential development at this site, and is satisfied that the proposed access into the site can be achieved without causing unacceptable harm to protected trees. There is, however, insufficient information at this outline stage to inform and enable a detailed assessment of the impact of the proposed layout. Plots 33, and possibly 32 and 36, may be in conflict with the crown spread of the adjacent protected trees, however there appears to be sufficient space on site to accommodate an amended design which would allow more space between trees and the new dwellings. Any proposed layout brought forward at Reserved Matters stage would need to take account of the adjacent trees and their shade, and an Arboricultural Impact Assessment and Method Statement (written in accordance with BS 5837) would be required at that stage in support of detailed proposals, to demonstrate compliance with UDP policy NE9 and policy PLP33 of the emerging Local Plan.

Air quality

- 10.62 Air Quality Management Area 1 (Bradley Road / Leeds Road junction) has been designated to the south of the application site, and covers a small part of the site at 32 Bradley Road. The designation relates to elevated levels of Nitrogen Dioxide.

- 10.63 Environmental Health officers were consulted on the proposed development, but did not raise concerns regarding the principle of residential development at this site, nor regarding impacts the additional traffic generated by the proposed development would have upon the adjacent Air Quality Management Area. A condition requiring the provision of electric/hybrid vehicle charging points would also have been recommended, had the proposed development been recommended for approval.

Representations

- 10.64 One representation was received in response to the council's consultation. The points raised relate to access to the rear of two existing properties on Upper Quarry Road. Although these are private matters to be resolved between those neighbouring occupants and the developer, it is noted that the proposed layout shown on drawing 3718 03 rev H appears capable of accommodating the requirements of those neighbouring occupants.

Planning obligations and financial viability

- 10.65 To accord with policy H10 of the UDP, emerging Local Plan policy PLP11 and the Kirklees Interim Affordable Housing Policy, seven of the 36 units proposed would need to be provided as affordable housing (four for Affordable Rent and three Intermediate). Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be pepper-potted around the proposed development.
- 10.66 The council's Education department were consulted and commented that a contribution of £40,008 would be required, based on the applicant's current indicative layout which illustrates 36 residential units. Following further design work, however, the unit number proposed at Reserved Matters stage may trigger the need for a larger or smaller contribution.
- 10.67 No POS has been illustrated or annotated on the applicant's indicative site layout plan. With no on-site POS or Local Area for Play, the proposed development would require a Section 106 POS contribution of £139,321.
- 10.68 Following the submission of the planning application, the applicant submitted financial viability information and commentary which states that with or without Section 106 obligations relating to affordable housing, education and POS, a negative net site value is arrived at, and that the proposed development is not viable. The applicant has cited depressed and stagnant house prices in the area as a major reason for the proposed development being unviable.
- 10.69 The council's independent viability consultants, RLB, have reviewed the applicant's viability information, and have undertaken a further assessment using the applicant's and RLB's own figures and allowances. RLB have also concluded that the proposed development is not viable, would not deliver an acceptable level of profit to a potential developer, and that the redevelopment of the site cannot meet any affordable housing requirements nor any other planning obligations and be viable.

10.70 Given that the proposed development would be unviable even without Section 106 obligations (the applicant accepts that it is unlikely that the proposed development would proceed in the near future without house prices in the area rising, or construction costs reducing), it is appropriate to question why a planning application for an apparently undeliverable scheme was submitted, and whether such a scheme (the impacts of which would not be mitigated) should be granted planning permission. As noted above, officers' recommendation to accept the principle of residential development at this largely greenfield site is not given lightly, and if this site is to be released for development, public benefit must be clearly demonstrated, the development's impacts would need to be mitigated, and high quality development will be expected. The proposed development currently before the council is apparently unlikely to be delivered, does not include on-site POS or affordable housing or financial contributions towards education or off-site POS or affordable housing, would not contribute towards meeting known housing need, would not provide adequate, usable outdoor space for its residents, would not make adequate provision for education, and would not sufficiently mitigate its impacts. Emerging Local Plan policies would not be complied with, and a second reason for refusal is recommended.

Other planning matters

10.71 With regard to ground contamination, amended information was provided by the applicant on 12/12/2017 in response to Environmental Health officers' initial comments. Officers had queried why the applicant had proposed a gas monitoring programme involving six site visits over three months, when relevant guidance recommends 24 visits over 12 months. The applicant clarified that six visits over three months is proposed as a minimum monitoring regime that may need to be extended depending on the initial results. Environmental Health officers were satisfied with this clarification. Had the proposed development been recommended for approval, appropriate conditions would have been recommended by officers to ensure compliance with UDP policy G6 policy and PLP53 in the emerging Local Plan.

11.0 CONCLUSION

11.1 The application site is allocated as Provisional Open Land in the UDP (saved policies), but is without allocation in the emerging Local Plan. Residential development of the site would be contrary to UDP policy D5, however having regard to a range of considerations (including the pressing need for housing, the current situation regarding housing land supply in Kirklees, the lack of allocation in the emerging Local Plan, and the previous approval of residential development at part of this site), it is considered that the principle of residential development at this site can be accepted.

11.2 The proposed development, however, raises significant concerns in relation to highways safety. The evidence and mitigative measures proposed by the applicant do not allay these concerns. Due to its detrimental impact on highway safety, the proposed development would be contrary to Kirklees Unitary Development Plan policy T10 and Kirklees Publication Draft Local Plan policy PLP21, and cannot be supported.

11.3 The proposed development would also fail to sufficiently mitigate its impacts due to its lack of on-site affordable housing and POS, and the lack of financial contributions related to affordable housing, POS and education.

12.0 Reasons for refusal:

- 1) The proposed development would intensify right-turn movement off Bradley Road through queuing traffic across a live lane at a location with poor intervisibility, and would increase the risk of vehicles running over the footway. The proposed development would therefore have a detrimental impact on highway safety. This would be contrary to Kirklees Unitary Development Plan policy T10 and Kirklees Publication Draft Local Plan policy PLP21.
- 2) The proposed development, due to its lack of on-site affordable housing and Public Open Space, related financial contributions to address these requirements off-site and a financial contribution towards education provision, would not sufficiently meet known housing need, would not provide adequate, usable outdoor space for its residents, would not make adequate provision for education, and would not sufficiently mitigate its impacts. This would be contrary to Kirklees Unitary Development Plan policy H18, Kirklees Publication Draft Local Plan policies PLP4, PLP11, PLP49 and PLP63, and chapters 5, 8 and 12 of the National Planning Policy Framework.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93847>

Certificate of Ownership – Certificate B signed