
Report of the Head of Development and Master Planning**STRATEGIC PLANNING COMMITTEE****Date: 26-Sep-2019****Subject: Planning Application 2018/93965 Erection of 105 dwellings with associated highways works and landscaping Land at, Tithe House Way, Bradley, Huddersfield****APPLICANT**Naz Parker, Kirklees
Council**DATE VALID**

30-Nov-2018

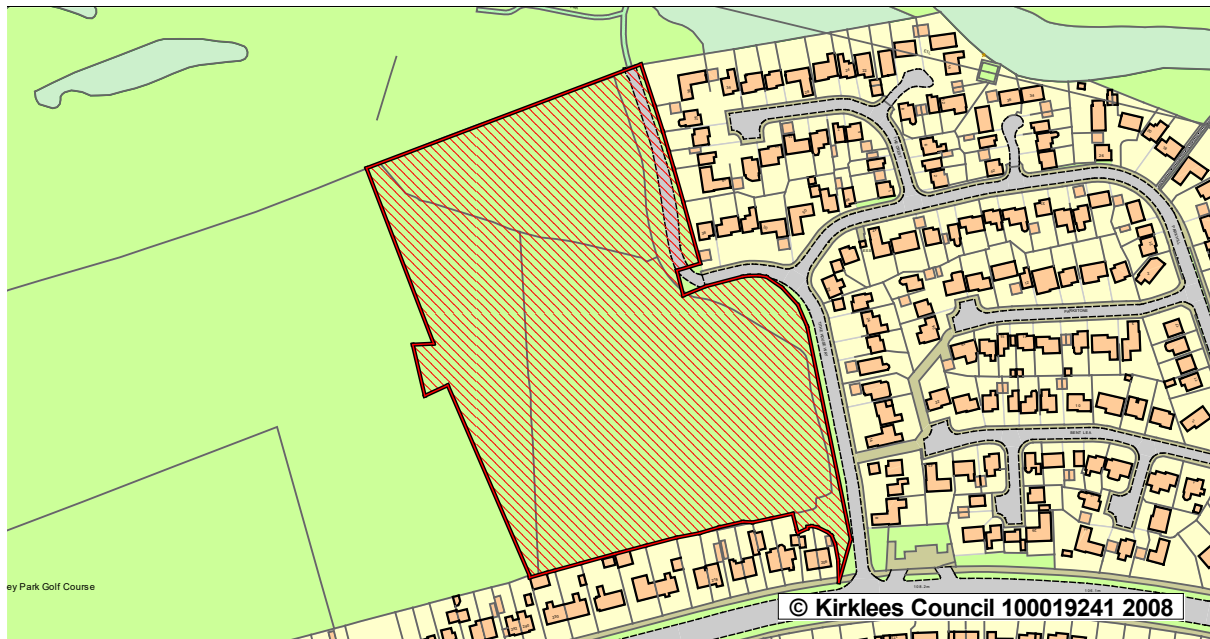
TARGET DATE

01-Mar-2019

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 Ward Affected: **Ashbrow**

☐ Yes

Ward Members consulted

RECOMMENDATION:

DELEGATE resolution of drainage matters and approval of the application and the issuing of the decision notice to the Head of Development and Masterplanning in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission, for a residential development of 105 dwellings.
- 1.2 The application is presented to the Strategic Planning Committee as it relates to a residential development of more than 60 units.
- 1.3 The applicant is the council.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 3.87 hectares in size, is in agricultural use, and is located to the west of Tithe House Way. The site's southern boundary meets the rear gardens of residential properties on Bradley Road. The site's eastern boundary meets the curtilages of residential properties on Tithe House Way and The Crest. To the west are fields in agricultural use, and to the north are woodlands, roughs and fairways within the grounds of Bradley Park Golf Course.
- 2.2 The application site's red line boundary includes the undeveloped land that wraps around the rear and side of 206 Bradley Road, and meets the footway of Bradley Road.
- 2.3 The application site generally slopes downhill from north (approximately 130m AOD) to south (approximately 110m AOD at the Tithe House Way / Bradley Road junction).
- 2.4 The site is previously undeveloped (greenfield) land and is grassed, and there are trees and hedgerows along the edges of the site and along field boundaries. No trees within or near to the site are protected by Tree Preservation Orders.
- 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 The site is allocated for residential development in the Local Plan (site allocation HS11). A Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands) covers much of the site. The southern part of the site is within the Development High Risk Area as defined by the Coal Authority (the majority of the site is within the Low Risk Area), and the 250m buffer of a landfill site to the northeast extends over much of the site. The Core Walking and Cycling Network passes close to the site along Bradley Road.

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of 105 dwellings.
- 3.2 Two clusters of residential development, each with two garden courts, are proposed either side of a new east-west spine road.
- 3.3 The proposed spine road would be capable of accommodating bus and cycle traffic, and would connect Tithe House Way to the site's western boundary. An extension of Tithe House Way to the site's northeast corner is proposed, and the existing carriageway of Tithe House Way would be widened. East-west roads would also be provided along the site's northern edge and close to its southern edge. The garden courts would be entered via these secondary east-west roads, and pedestrian connections are additionally proposed between the spine roads and garden courts 1, 3 and 4.
- 3.4 An area of open space is proposed next to the site's eastern boundary, opposite existing residential properties on Tithe House Way. Green spaces are proposed at the centre of each of the four garden courts.
- 3.5 25 of the 105 residential units would be provided as affordable housing. This represents a 23.8% provision.
- 3.6 The new residential accommodation would include a short terrace (units 36 to 39), three blocks of flats (units 20 to 27, 55 to 65 and 76 to 81) and detached and semi-detached dwellings. Buildings would be two or three storeys in height, in some cases with additional roof-level accommodation above. Eight house types are proposed, and there would be variations within these types, as well as different designs for the three blocks of flats. Pitched roofs are proposed. Houses would have outdoor parking spaces, although car ports are proposed for some houses, and two of the blocks of flats would have undercroft parking.
- 3.7 Brick is proposed for the elevations of the dwellings, along with standing seam roofs and aluminium composite window and door frames.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 None relevant.

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

- 5.1 Written pre-application advice was provided on 19/04/2018, albeit regarding a different proposal.

- 5.2 Pre-application discussions with the current applicant team began in August 2018.
- 5.3 As set out in the applicant's Statement of Community Involvement, the applicant team held a pre-application public consultation event on 24/10/2018. This event had been advertised by flyers delivered locally.
- 5.4 During the life of the application, the applicant provided a revised Flood Risk Assessment and additional drainage information. A standalone Coal Mining Risk Assessment was submitted to address the initial comments of the Coal Authority. Amended plans, intended to address the comments of Highway Development Management officers, were submitted – these introduced vehicular connections between each of the garden courts, and included swept path analysis done. The application site red line boundary was changed to accommodate a temporary turning space at the west end of the proposed spine road – this increased the site area from 3.85 hectares to 3.87 hectares.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

- 6.2 The site forms part of site allocation HS11 (formerly HS1747, to which proposed site allocation H351 (Bradley Villa Farm site) was added at the request of the Local Plan Inspector, creating a larger (68.34 hectare) allocation). The site allocation sets out an indicative housing capacity of 1,460 dwellings, with potential for a further 498 dwellings beyond the plan period. Site allocation HS11 identifies the following constraints relevant to the site:
- Multiple access points required.
 - Additional mitigation on the wider highway network may be required.
 - Public right of way crosses the site.
 - Ordinary watercourses cross the site.
 - Odour source near site – landfill site to the northeast.
 - Noise sources near site – noise from road traffic on Bradford Road, Bradley Road and M62.
 - Air quality issues.
 - Potentially contaminated land.
 - Part of this site is within the Wildlife Habitat Network.
 - Part of this site contains a Habitat of Principal Importance.
 - Site is close to listed buildings.
 - Part/all of site within High Risk Coal Referral area.
 - Power lines cross the site.
 - Site is in an area that affects the setting of Castle Hill.
 - Western part of this site includes an archaeological site.

- 6.3 Site allocation HS11 also identifies several other site specific considerations in relation to local education, early years and childcare provision, landscape impact, ecology, community gardens and allotments, cycling, access points, the Bradley Relief Road, mitigation of highway network impacts, the provision of a new Local Centre (subject to sequential testing and impact assessment), design and conservation, and golf and other sports provision. The site allocation confirms that a masterplan is required for the site.
- 6.4 Of note, not all of the above-listed constraints and considerations apply to the part of the allocated site to which the current planning application relates.
- 6.5 Relevant Local Plan policies are:
- LP1 – Presumption in favour of sustainable development
 - LP2 – Place shaping
 - LP3 – Location of new development
 - LP4 – Providing infrastructure
 - LP5 – Masterplanning sites
 - LP7 – Efficient and effective use of land and buildings
 - LP9 – Supporting skilled and flexible communities and workforce
 - LP11 – Housing mix and affordable housing
 - LP20 – Sustainable travel
 - LP21 – Highways and access
 - LP22 – Parking
 - LP23 – Core walking and cycling network
 - LP24 – Design
 - LP26 – Renewable and low carbon energy
 - LP27 – Flood risk
 - LP28 – Drainage
 - LP30 – Biodiversity and geodiversity
 - LP32 – Landscape
 - LP33 – Trees
 - LP34 – Conserving and enhancing the water environment
 - LP35 – Historic environment
 - LP47 – Healthy, active and safe lifestyles
 - LP48 – Community facilities and services
 - LP49 – Educational and health care needs
 - LP50 – Sport and physical activity
 - LP51 – Protection and improvement of local air quality
 - LP52 – Protection and improvement of environmental quality
 - LP53 – Contaminated and unstable land
 - LP63 – New open space
 - LP65 – Housing allocations

Supplementary Planning Guidance / Documents:

- 6.6 Relevant guidance and documents are:
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
 - Kirklees Strategic Housing Market Assessment (2016)
 - Negotiating Financial Contributions for Transport Improvements (2007)

National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (2019) 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 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised as a major development.

7.2 The application has been advertised via three site notices posted on 28/12/2018, an advertisement in the local press dated 21/12/2018, and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 22/01/2019.

7.3 14 representations were received from occupants of neighbouring properties. The following is a summary of the points raised:

- Highways objections. Roads are unable to cope with additional traffic. Bradley Road and Cooper Bridge are already congested at rush hours. Gaining access to Bradley Road from Tithe House Way and Park Hill is already a problem at peak times. Cars and vans parked on Tithe House Way and Park Hill add to existing problems. Park Hill is currently quiet but will become a rat run. A residents only traffic restriction is needed on Park Hill, at least, before works commence. Cooper Bridge improvements will add to problems. Taking Cooper Bridge link road through a proposed housing development is illogical. Additional houses in Fixby will increase problems on Bradley Road. Additional 200+ vehicles would exacerbate existing problems. New roads should be completed before residential development is approved.
- Safety of Bradley Road would be affected.
- Objection to loss of track between Tithe House Way and 16th tee of Bradley Park Golf Course – this track is used to access rear of properties on The Crest, and by dog walkers.
- Objection to lack of garages.
- Inadequate parking proposed.

- Objection to Tithe House Way not being increased in width to three lanes to provide separate left- and right-turn lanes onto Bradley Road to alleviate queueing.
- Objection to road proposed opposite path between Bent Lea and Tithe House Way (which only has two bollards and is often used by motorcyclists and quad bikers) – this should be moved to where the current field gate is.
- Resident had understood development was 15 to 20 years away due to infrastructure problems, and queries how these have been resolved so early.
- Existing roads have potholes and are vulnerable to flooding.
- Land to rear of The Crest is higher, and drainage problems may be created for existing properties.
- Other potential sites (e.g., land east of Wilton Avenue, land adjacent to Deighton Sports Arena, land west of Lower Quarry Road, and other sites around Huddersfield) should be developed instead. Huddersfield is full of brownfield sites waiting for investment. Development should take place in big cities where people could find jobs, not in Huddersfield.
- Are would become crowded.
- Objection to loss of municipal sports facility.
- Loss of green belt.
- Loss of green open area.
- Track between Tithe House Way and 16th tee of Bradley Park Golf Course is an important wildlife corridor. Objection to loss of and disturbance to wildlife.
- Tall dwellings would overdominate adjacent bungalow.
- Unacceptable roof designs.
- Ugly materials, regimented layout and industrial-styled buildings. Design resembles a 1970s office park or detention camp. Proposed dwellings would not match or complement existing nearby properties. Objection to modern design adjacent to traditional houses. Objection to single-sloped rooflines which have no local precedent.
- Objection to high-rise development and three-storey houses which are out of keeping with surrounding houses.
- Houses with underground parking and roof-level windows would become five-storey.
- Overdevelopment of the site.
- Proposed open space should be planted with trees to prevent it being used for ball games, congregating and loitering.
- Queried who would maintain open space.
- Bradley has experienced traumatic anti-social behaviour and drug dealing (including along path between Bent Lea and Tithe House Way) and proposed development may stir up the underlying issues that remain. Artwork space should be removed from the plans as it may create area where gangs can congregate and loiter.
- Loss of privacy to properties on Bradley Road and The Crest. Height of dwellings proposed to rear of Bradley Road would mean windows in elevated position would overlook neighbouring properties. Increased overlooking from many vantage points. Roof-level windows should face away from existing dwellings, or rooflights close to ridges could be used to limit impacts on neighbouring residents.
- Queried why roof-level windows are shown where there is no loft living space.
- Reduced natural light and quality of light to properties on Bradley Road and The Crest.

- Loss of open views from properties on The Crest.
- Increased pollution.
- Dirt, mud, dust, noise and pollution during construction. Development should be moved away from The Crest to avoid construction impacts on neighbours.
- Welfare and health of existing residents should be considered.
- St Thomas's School is already oversubscribed, and proposed development would make problem worse.
- GP appointments take three weeks to obtain, and proposed development would make problem worse.
- Income from council's sale of land to a developer is a major consideration.
- Adverse effect on house prices.
- Development is a waste of money.
- Development will make life difficult for existing residents and would not benefit new residents.
- Proposals have got worse since consultation last year.
- Queried different end dates for consultation period.
- Comments will be ignored.

7.4 As the proposed development was amended after the initial consultation was carried out, reconsultation letters were issued with the end date for publicity set as 17/09/2019. Six further objections to the proposed development have been received, with the following points made:

- Objection to creating direct link between Tithe House Way and junction 25 of the M62, which would create a rat run.
- Proposed open, hard surfaced area opposite existing properties on Tithe House Way, and proposed reopening of a garage at the corner of Bradley Road and Tithe House Way, would result in return of anti-social behaviour (including open drug dealing, graffiti, broken windows, damage to fences and loitering) previously experienced in Bradley. Hard surfaced area would be used by gangs of youths to congregate.
- Collection points for bins would become bin storage spaces, as residents will not move bins to and from their houses. Collection points will become an eyesore full of bins and overflowing rubbish.
- Objection to unnecessary high-level windows of house type 1.
- Increased accident risk, and risk to child safety. Applicant has acknowledged increased risk of traffic collisions involving vehicles braking suddenly on Bradley Road when other vehicles turn left into Tithe House Way.
- Priority at Park Hill / Tithe House Way junction should be clarified.
- Queried what measures are proposed to improve Tithe House Way to allow vehicles to pass parked vehicles.
- Road Safety Audit inadequate. Site should have been visited at peak times.
- Objection to additional dwelling on corner adjacent to Tithe House Way. Query if this would make the development's open space smaller.
- Previous concerns have been ignored. Previous concerns regarding traffic, rat running along Park Hill, privacy, loss of light, loss of green space, wildlife, pollution, construction-phase impacts, property values and adequacy of local infrastructure reiterated.

7.5 Although fewer representations have been received in response to the council's second consultation, it is not assumed that those residents who previously objected no longer have concerns.

7.6 Responses to the above comments are set out later in this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Coal Authority – Site is within the defined Development High Risk Area. Records indicate there may be historic unrecorded underground coal mining at shallow depth beneath southern part of application site, creating instability risk. Applicant's Coal Mining Risk Assessment notes potential risk from unrecorded shallow workings, considers coal mining legacy to pose a moderate to high risk to the proposed development, and recommends intrusive site investigations (to ascertain the presence and condition of coal and any shallow coal mine workings beneath the site) and monitoring of ground gas associated with mine works. Coal Authority concurs with these conclusions and recommendations. The exact form and extent of intrusive site investigations needs to be agreed with the Coal Authority. Condition recommended. Objection withdrawn.

Yorkshire Water – Conditions recommended, requiring separate systems of drainage for foul and surface water, no piped discharge of surface water prior to completion of surface water drainage works, and no discharge greater than 3.5 litres per second to the public sewer. Applicant's Flood Risk Assessment is acceptable.

KC Highways – Proposed development is deemed acceptable from a highways perspective, and conditions are recommended.

Applicant's junction modelling concluded that Tithe House Way would continue to operate well within capacity at the junction with Bradley Park even when the additional traffic generated by the development is taken into account. In terms of cumulative impacts and allocated sites, the Local Plan sets out a sustainable strategy for planned growth up to 2031, including proposals for planned mitigation to the local road network. This is underpinned by an extensive district-wide strategic modelling exercise of the transport network which takes into account current local road network and public transport use and forecasts planned growth. The modelling also takes into account local, cross-boundary road network issues connecting into neighbouring authority areas. Within the context of the local highway network and the application site, planned improvement works within the area at Cooper Bridge and Bradley Road, and associated corridor works, are being designed, with funding to deliver the schemes being secured via the West Yorkshire Transport Fund and developer contributions. The applicant's assessment also includes projected traffic generation.

Proposed development involves the introduction of two pedestrian refuge islands in Bradley Road, and re-alignment of the junction radii. Should development of a new petrol station and convenience store be implemented first, one of the islands and some of the junction improvements would need to be provided in connection with that development.

In terms of internal arrangements, swept path analysis of access and egress throughout the site and at junctions (for a 11.85m long refuse vehicle and a bus) demonstrates acceptable space. The proposals also take account of the requirement of the spine road to extend into the wider site and to allow large vehicles to pass on any bends. The applicant has agreed to widen Tithe House Way to 6.75m when the next phase of development at the wider site comes forward. Acceptable off-street parking is proposed.

£52,552.50 will need to be provided to the West Yorkshire Combined Authority to encourage the use of sustainable transport.

KC Lead Local Flood Authority – Proposed flood routing appears to be largely workable, although more detail is required. Finished floor levels around unit 8 are questioned, as they appear to be lower than for adjacent units. Details of back-of-kerb levels required. Details of levels around unit 1 required.

The uncovered culvert at the site's southeast corner should be designed around, rather than diverted to suit a promoted design (which would result in risk that could be avoided if the "design around" concept is followed). Culvert should be surveyed downstream as well as upstream. Culvert could form an outfall for land drainage, and if it is in good condition it could carry a greater discharged rate than 3.5 litres per second. Location of pipe's route is critical, and this information is needed at application stage.

Cover levels at the northern and southern ends of the tanks are required to enable maintenance requirements to be fully understood.

Concern that, for phases 1 and 2, it has been assumed that Yorkshire Water would accept a doubling of the discharge rate to 7 litres per second. Any such acceptance should be obtained in writing from Yorkshire Water now, otherwise both phases would need to adhere to 3.5 litres per second which would necessitate increased attenuation capacity (requiring more space) in phase 1. It is, however, noted that 40% climate change assumptions have been used in the attenuation design (whereas only 30% is required for the 1 in 100 critical storm analysis), which should help reduce the attenuation requirement.

Objection to proposed use of a pumping station for surface water. Invert level of the proposed outfall is needed. Pumping would introduce risk that is not currently present on site and which cannot be adequately mitigated.

Applicant has mentioned providing a ditch around phase 1 to allow for any overland flows from outside the site. A full temporary drainage plan is required.

A Section 106 agreement for drainage maintenance will be required.

8.2 **Non-statutory:**

KC Biodiversity Officer – Satisfied with the principle of securing ecological compensation on adjacent land, and for the nature and extent of this compensation to be informed by applying the relevant DEFRA metric. As timescales affect the metric calculation, compensation should be implemented as early as possible.

KC Conservation and Design – No objection in urban design terms.

KC Education – £227,927 primary school education contribution required. No secondary school contribution required.

KC Environmental Health – With regard to the West Yorkshire Low Emission Strategy, the proposals are regarded as medium development. The applicant's air quality impact assessment meets medium development requirements and makes satisfactory conclusions. Condition recommended, requiring electric vehicle charging points. Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, needed.

Findings of the applicant's contaminated land report are accepted. Conditions recommended regarding site contamination investigation and remediation.

Concern regarding potential impact of noise from adjacent proposed golf course / driving range and 3G pitches. Measures are needed to ensure future residents are not adversely affected by this noise – these might include changing the proposed layout and using improved glazing and ventilation. Condition and informative recommended regarding noise.

Concern regarding potential light impact from adjacent proposed driving range and 3G pitches. Measures are needed to ensure late-night lighting does not adversely affect future residents – these might include changing room layouts of dwellings most likely to be affected.

KC Public Health – No objection in respect of public health. Proposed development would provide residents with a good amount of open and green space (including in the garden courts) and a good design which would be conducive to physical activity, walking and cycling, promoting social interaction and wellbeing. Design includes natural surveillance of public and private amenity spaces.

KC Trees – No objection. Condition recommended, requiring development to be carried out in accordance with the submitted Tree Protection Plan.

West Yorkshire Fire and Rescue Authority – No adverse comment.

West Yorkshire Police Crime Prevention Design Advisor – No objection in principle, however proposals cannot be supported in their present form. There is potential to improve the proposed layout in order to reduce crime and the fear of crime. Concern regarding pedestrian connections, making garden courts “leaky cul-de-sacs” with escape routes for offenders. No street lighting is proposed over these connections, and parking spaces are proposed adjacent to them, creating easy access for offenders to potential vehicle crime targets. Trees proposed between properties in north and south garden courts would obstruct natural surveillance of properties opposite – low-growing vegetation (no taller than 1m in height) would be preferable here. Proposed low walls can be used as seating by youths and can encourage anti-social behaviour – 1.8m high hoop-top gated metal fencing recommended instead, to allow for good natural surveillance and to create defensible space. Proposed recessed doorways create possible hiding places for offenders – flush doorways with porch canopies are encouraged instead. Unit 49 would have a 2.7m canopy which would be accessed from the boundary wall and used for climbing to the first floor window. In several places gable ends are proposed without any defensible space – such walls can be used by children to play football against, creating a possible nuisance. No defensible measures are proposed for vehicles parked in the undercrofts. Security details are required for the bin stores for house type 4.

9.0 MAIN ISSUES

- Land use, sustainability and principle of development
- Masterplanning and urban design
- Infrastructure requirements and delivery
- Residential amenity and quality
- Affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Trees, landscaping and ecological considerations
- Environmental and public health
- Ground conditions
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL

Land use, sustainability and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.

- 10.3 The site forms part of a wider site allocation (ref: HS11), to which full weight can be given. Of note, although the majority of site allocation HS11 was previously green belt land (until the adoption of the Local Plan on 27/02/2019), the 3.87 hectares of the application site were previously allocated for development (housing and a new school) under site allocation H8.39 in the now-superseded Unitary Development Plan. The application site, therefore, been allocated for development for many years, and it is not the case that green belt land would be lost as part of the proposed development. The site is not designed as Urban Green Space or Local Green Space in the Local Plan.
- 10.4 The site is, however, greenfield land, currently in agricultural grazing use. Allocation of this and other greenfield sites by the council was based on a rigorous borough-wide assessment of housing and other need, as well as analysis available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some development on greenfield land was also demonstrated to be necessary in order to meet development needs.
- 10.5 In her report of 30/01/2019 the Local Plan Inspector provided extensive commentary regarding site allocation H1747 (as it was then proposed), but did not identify unresolvable constraints that would prevent development coming forward. The Inspector concluded that, subject to the proposed site allocations H1747 and H351 being combined into a single allocation (as it has, in the form of current site allocation HS11) and subject to other modifications (also accepted and implemented by the council), the site allocation was soundly based.
- 10.6 The 105 dwellings proposed would make a significant and welcomed contribution towards meeting housing delivery targets of the Local Plan.
- 10.7 The application site is a sustainable location for residential development, as it is relatively accessible and is on the edge of an existing, established settlement that is served by public transport and other facilities. Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Masterplanning and urban design

- 10.8 As noted above, site allocation HS11 confirms that a masterplan is required. The size of the wider site, the scale of development envisaged for it, and the requirements of Local Plan policy LP5 further necessitate a masterplanning approach to the wider site and smaller parcels of land (that may be brought for development) within it. Careful masterplanning can ensure efficient use of land, high quality placemaking and properly co-ordinated development, appropriate location of facilities and infrastructure, prevention of development sterilising adjacent land, appropriate phasing to limit amenity and highway impacts, and fair apportionment of obligations among the respective developers.

- 10.9 In 2016 a masterplan was prepared by consultants for the council (as landowner) for the purpose of informing discussions at the Local Plan Examination in Public. This masterplan had merit, however before site-wide development proposals are brought forward it will be necessary to restart the masterplanning process, making use of up-to-date information and multi-disciplinary input, looking again at the site's constraints and opportunities, working with the owner and/or developer of the Bradley Villa Farm site (the part of site HS11 not in the council's ownership), and devising a new masterplan through an iterative design process. This masterplan would then inform what layout, uses, character, road locations, pedestrian connections, infrastructure, drainage, open space and other aspects of development would need to be proposed for each parcel of land or phase within the wider site.
- 10.10 There is, however, scope for bringing forward development proposals for *a part* of the wider site without first having carried out this further masterplanning work. At Tithe House Way, the 2016 masterplan proposed housing either side of an east-west spine road that would run through the wider site, and any revised masterplan is likely to propose the same use (Tithe House Way is unlikely to be a suitable location for the school, Local Centre or sports facilities required by site allocation HS11) and a similar road layout. Land at Tithe House way is unlikely to be required for significant infrastructure (including drainage attenuation) needed to serve the wider site, or for a large, consolidated area of open space. It is therefore considered that designs for a residential development at the application site (which has been identified as "phase 1" of the development of the wider site) can be formulated without further masterplanning work having been carried out, and without prejudicing that forthcoming work (which will need to be carried out before proposals for later phases are formulated) or future development. If carefully designed, phase 1 development would not sterilise or constrain adjacent land (i.e., HS11 land to the immediate north and west of the application site).
- 10.11 It is also noted that the land at Tithe House Way is relatively unconstrained (when compared to other parts of site HS11), and has previously been allocated for development under the Unitary Development Plan. Furthermore, this early submission of a planning application for development at this site responds to queries raised by the Local Plan Inspector as to whether early delivery of housing in some of the Local Plan's allocated sites could be demonstrated. These considerations further suggest that the current application can be properly assessed and determined *before* a new and up-to-date masterplan for the wider site has been prepared.
- 10.12 The proposed 105 residential units would be laid out in two clusters either side of the east-west spine road that would connect Tithe House Way to the western edge of the site (and which, in subsequent phases, continue westwards). 65 units are proposed in the southern cluster, and 40 are proposed in the northern cluster. Within each cluster, two garden courts are proposed – these would have small green spaces at their centres, and would be surrounded on all sides by the new residential units. Most of the new residential units would be laid out in an appropriate "perimeter block" arrangement, where back gardens would back onto other (or existing) back gardens, streets and courts would be given clear definition and enclosure, ambiguous outdoor spaces would not be created, and good natural surveillance would be provided to all areas of public realm. Perimeter blocks would be partly completed by units 1 to 13 (which would back onto 206 to 230 Bradley Road) and 66 to 72 (which would back

onto existing properties on Tithe House Way and The Crest), which is welcomed in urban design terms. Incomplete perimeter blocks would be created by units 14 to 27 and units 87 to 93, and these would need to be completed by the next phase of development to the west.

- 10.13 An area of open space is proposed along most of the site's eastern edge where it meets the existing carriageway of Tithe House Way. This is considered an appropriate location for publicly-accessible open space, as it would help integrate the proposed development with its surroundings (this space would be accessible to existing residents to the east, as well as to new residents), and would help limit the visual impact of the development as experienced by existing residents of Tithe House Way who are accustomed to the good level of amenity provided by the existing gently-sloped green fields. Open space in this location would also help give the wider site a suitable entrance, which is considered important given that Tithe House Way would be one of the key approaches to the new neighbourhood to be created at site HS11.
- 10.14 Much of the proposed residential accommodation would be arranged around garden courts, and this approach to layout is considered acceptable. Garden courts include central, green spaces of some amenity value, provide good enclosure to these spaces, and can help foster a sense of community, belonging and ownership among the residents of dwellings surrounding these courts.
- 10.15 The proposed layout reflects an intention to create a connected, walkable, permeable neighbourhood in compliance with Local Plan policies LP20, LP24dii and LP47e. Pedestrian connections are proposed throughout the site, including between the spine road (where bus services are to be made available in connection with further development of site HS11) and three of the proposed garden courts. All residents of the proposed development would be able to walk (without significant detours) from their homes to existing public transport and other facilities available on Bradley Road.
- 10.16 Car parking has been carefully designed into the proposals. Parking spaces have been proposed in between dwellings where possible, which helps to reducing their visual and streetscape impact. The parking proposed around flats 76 to 81 will need to be redesigned to lessen its visual and streetscape impact, and a small reduction in parking numbers may be appropriate here – this matter can be addressed at conditions stage.
- 10.17 The proposed layout has also been informed by crime and anti-social behaviour considerations. The proposed perimeter block layout would reduce potential access to the rear gardens of several existing properties, and would minimise leftover spaces (that would otherwise be vulnerable to fly-tipping or used for loitering) within the proposed clusters. All areas of proposed public realm would be overlooked by new dwellings. An unnecessary pedestrian connection between garden court 2 and the spine road (which would have exposed the sides of several units to public access without greatly improving permeability and residents' convenience) has been deleted from the proposals. The above-mentioned redesign of the parking proposed around flats 76 to 81 would also need to include an amendment to the pedestrian connection between garden court 4 and the spine road, to remove potential for crime and anti-social behaviour opportunities. A condition relating to boundary treatments is recommended – details submitted pursuant to this condition would also be assessed with regard to crime prevention, including in relation to the undercroft

parking proposed for two of the blocks of flats. A resident has referred to the anti-social behaviour and drug dealing (including along path between Bent Lea and Tithe House Way) previously experienced in Bradley, however there is no evidence to suggest that such activity would resume or increase as a result of proposed development going ahead. Indeed, increased legitimate use of the path between Bent Lea and Tithe House Way may in fact result in this area being less vulnerable to misuse.

- 10.18 With regard to climate change, paragraph 5.20 of the applicant's Health Impact Assessment states that the proposed development has been designed to create microclimates which increase solar capture and protect [dwellings] from cold northerly and north-easterly winds. It adds that the proposed houses will be built to a high quality which would reduce local energy and water consumption.
- 10.19 Flood risk (and flood routing) has informed the proposed layout. The proposed spine road allows for surface water to run from west to east, and the garden courts (and pedestrian connections between them) have been designed to prevent surface water running into or pooling within residential curtilages.
- 10.20 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.
- 10.21 With 105 units proposed in a site of 3.87 hectares, a density of approximately 27 units per hectare would be achieved. This density figure, however, is based on the gross (red line boundary) site area figure, which includes all of the proposed development's roads (including the spine road which has been designed to carry more traffic than the proposed development would generate), the temporary turning head at the west end of the spine road, the widening of Tithe House Way, land around the rear and side of 206 Bradley Road, and the proposed open space. Excluding these areas (but including the southernmost east-west road, the extension to Tithe House Way between units 66 to 81, and the garden courts), the two proposed residential clusters would have an area of approximately 2.93 hectares, and would therefore achieve a density of approximately 36 units per hectare. This is close to the 35 units per hectare density specified (and applicable "where appropriate") in Local Plan policy LP7. The proposed quantum and density of development would ensure that the site is efficiently used, and the proposed development serves as a good example (brought forward relatively early in the life of the Local Plan) of what a development with an appropriate density (compliant with Local Plan policy LP7) could look like.
- 10.22 For such a large site, and for the wider site HS11, there is scope for contemporary design that would help give the emerging neighbourhood a distinctive character of its own. Although some reference to surrounding vernacular will be necessary (and has been proposed in the form of pitched roofs, chimneys and other details), the age and varied materials of the nearest existing dwellings, the site's lack of lengthy frontages to main roads, the absence of adjacent conservation areas, and the proposal to provide open space along Tithe House Way, provide a degree of contextual freedom which

means new dwellings at this site do not necessarily need to conform to specific patterns of development set by existing, adjacent buildings.

- 10.23 The proposed mix of house types is considered acceptable. A short terrace and three blocks of flats are proposed, however most of the new residential units would be detached and semi-detached dwellings, reflective of much of the existing housing in the surrounding streets. The proposed range of house types is fairly typical of Bradley, and is considered acceptable in design terms. The locations of the proposed blocks of flats along the spine road (at either side of a key entrance to the wider site) are considered appropriate. The orientations of the proposed buildings are considered acceptable – dwellings would generally face the most important street or area of public realm that they abut, and adequate natural surveillance and activation of the public realm would be achieved.
- 10.24 The applicant proposes a palette of brick (used in a variety of bonds and textures), diamond hanging tiles, standing seam zinc roofing, and aluminium composite and powder coated aluminium windows and doorframes. Again noting the degree of contextual freedom that the site has, these materials are considered acceptable, subject to samples being submitted at conditions stage.
- 10.25 The site does not include any listed buildings or other heritage assets of interest, and is not within or adjacent to a conservation area. The proposed development would not cause unacceptable harm to heritage assets.
- 10.26 In light of the above assessment, it is considered that the relevant requirements of chapter 12 of the NPPF, and Local Plan policies LP2, LP3, LP5, LP7, LP24 and LP35, would be complied with.

Infrastructure requirements and delivery

- 10.27 Work is currently being carried out by the council to ascertain the infrastructure needs of the wider HS11 site. These needs are likely to be significant, and will include highways, drainage, utilities, energy, green infrastructure, school and other social infrastructure, open space, play, and other infrastructure needed to support large-scale development at this site (and mitigate its impacts). This work is ongoing, but need not delay the determination of the current application, as the infrastructure needs of 105 units, within phase 1 of the wider development, are less significant, and can be addressed on-site or via appropriate Section 106 obligations.
- 10.28 The child yield of 105 units does not trigger the need for the new school required by site allocation HS11.
- 10.29 In relation to highways and transport, junction improvement works will be required at the Tithe House Way / Bradley Road junction. The proposed development's spine road has been designed to accommodate buses and bus stops, and provision has been made for the future widening of Tithe House Way when later phases of development come forward. The east-west traffic (in terms of volume, and allowing sufficient space for pedestrians and cyclists) of the wider site has been, or can be, accommodated within the current proposals.
- 10.30 On-site open space, including a Locally Equipped Area for Play, is required for the proposed development.

- 10.31 Drainage attenuation has been designed for the proposed phase 1 development, and provision has also been made for the next potential phase of development on land to the west, as that land is uphill from the current application site. Other phases of development are likely to drain northwards or westwards, and need not be accounted for in the current attenuation proposals.
- 10.32 The proposed development has sufficient space (along footways, where pipework would be laid) for future connection to a decentralised energy network. Appropriate Section 106 provisions would also be required.
- 10.33 In terms of social and other infrastructure, Section 106 Heads of Terms would need to ensure the proposed development contributes to what will be required for the wider HS11 development.
- 10.34 These infrastructure matters are considered in more detail later in this report.

Residential amenity and quality

- 10.35 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.36 Acceptable separation distances are proposed between the new dwellings and existing neighbouring properties on Bradley Road, Tithe House Way and The Crest. The applicant has had regard to the 21m elevation-to-elevation separation distance previously required by the now-superseded Unitary Development Plan, and has proposed greater distances where there are differences in levels or more than two storeys are proposed. For example, the three-storey unit 1 would maintain a distance of 31m from the rear of 206 Bradley Road, while the two-storey unit 3 would stand 27m away from 210 Bradley Road. At both these new units, finished floor levels would be approximately 3m higher than those of the neighbouring properties to the south. Existing dwellings on Tithe House Way would be separated from new buildings by the intervening road and new area of open space. 19m would be maintained between the rear conservatory extension at 25 The Crest and unit 71, however the dense intervening vegetation means this distance would be acceptable. 22m would be maintained between 19 The Crest and unit 68. 14m would be maintained between the side elevation of 36 Tithe House Way and unit 66, however this neighbouring elevation appears to only have secondary windows, and there is intervening vegetation. These proposed distances would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook.
- 10.37 Of note, while outlook is a material consideration relevant to this application, private views currently enjoyed by existing residents of Bradley Road, Tithe House Way and The Crest across the green fields of the application site cannot be protected by the council in its determination of planning applications.
- 10.38 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the relatively short stretch of Tithe House Way along which new residents would pass, 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.

- 10.39 A condition requiring the submission and approval of a Construction Management Plan (CMP) is recommended. 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. Details of temporary drainage arrangements would need to be included in the CMP.
- 10.40 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.41 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. The proposed dwellings would meet the minimum unit size figures set out in this guidance.
- 10.42 All of the proposed houses, and the majority of the proposed flats, would benefit from dual aspect, and would be provided with adequate outlook, privacy and natural light. Adequate distances would be provided within the proposed development between new dwellings.
- 10.43 All houses would have WCs at ground level, providing convenience for visitors with certain disabilities. The proposed blocks of flats would have bedrooms at ground floor level (and at upper floors, albeit served by only one lift), making them potentially suitable for occupation by people with certain disabilities, if internally configured and fitted out to an appropriate standard. Cul-de-sacs have not been proposed, and the proposed garden courts would have pedestrian connections, partly to ensure a more dementia-friendly layout is provided for residents.
- 10.44 All of the proposed houses would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents. Residents of ground floor flats would have access to small outdoor areas, and upper floor flats would have small balconies.
- 10.45 An area of open space is proposed next to the site's eastern boundary, opposite existing residential properties on Tithe House Way. This would be 2,308sqm in size, and would include a required Locally Equipped Area for Play (LEAP) which needs to be 400sqm size, would be within 400m walking distance of all the homes it serves, and would be positioned to provide a 20m buffer zone between it and the habitable room façade of adjacent dwellings. Further details of the LEAP would be required by recommended condition.
- 10.46 In addition, green spaces are proposed at the centre of each of the four garden courts. These would be 400sqm, 279sqm, 197sqm and 293sqm in size. The use of these spaces is limited due to their size and passing vehicles, and with no clear purpose or maintenance arrangements they may be at risk of becoming neglected spaces, however with careful design and landscaping they offer opportunities for communal doorstep amenity (to supplement private gardens) and local food growing (in accordance with policy LP47d and as encouraged at paragraphs 13.33, 13.23 and 19.55 of the Local Plan). Although some details of landscaping proposals (including seating and natural play provision) have been shown for these areas on the applicant's drawings, a condition is recommended, requiring further details of the development's outdoor spaces and their purpose, landscaping and management.

Affordable housing

- 10.47 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 54% social or affordable rent / 46% intermediate tenure split would be required, although this can be flexible. 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 appropriately designed and pepper-potted around the proposed development.
- 10.48 25 of the proposed 105 units would be affordable. In terms of unit numbers, this represents a 23.8% provision, which exceeds the requirements of Local Plan policy LP11, and is welcomed.
- 10.49 Units 28, 29, 37 to 39, 44, 55 to 65, 69, 70, 86 to 89, 103 and 104 would be affordable.
- 10.50 The proposed affordable housing would be provided as:
- 3x 1-bed flats
 - 8x 2-bed flats
 - 10x 3-bed houses
 - 4x 4-bed houses
- 10.51 This proposed unit size mix would assist in meeting known need as set out in the 2016 Strategic Housing Market Assessment.
- 10.52 The applicant has not confirmed the tenure the affordable housing units. The council's preferred tenure mix is 54% social or affordable rent / 46% intermediate.
- 10.53 The proposed locations of the affordable housing units are considered acceptable, as they would be well distributed around the application site. The affordable units would not be visually distinguishable from the development's market units.

Highway and transportation issues

- 10.54 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport, and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.55 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

- 10.56 The only highway that the application site meets is Tithe House Way, which is a relatively short 30mph residential street open to two-way traffic, with a footway on its east side, and white line markings only at its junction with Bradley Road. It has a kerb (but no footway) on its west side. No dropped kerbs provide vehicular access into the site, however there is evidence of agricultural vehicles being moved over the kerb opposite 8 Tithe House Way, and access to some vehicles may be possible at the terminus of Tithe House Way. No parking restrictions apply on Tithe House Way.
- 10.57 Tithe House Way and Park Hill form a crescent off Bradley Road that serves 145 dwellings including those on The Crest, Parkstone and Bent Lead. Most of the traffic currently generated by these streets is served by Park Hill rather than Tithe House Way, and this is demonstrated in the existing traffic flow information provided by the applicant.
- 10.58 Bradley Road (the A6107) is a 40mph highway with cycle lane markings and a right-turn lane for vehicles entering Tithe House Way from the east. Part of the Core Walking and Cycling Network runs along Bradley Road.
- 10.59 Pedestrian infrastructure surrounding the application site is reasonably good, with most streets having footways on both sides, and formal crossings provided across Bradley Road. Tithe House Way lacks a footway on its west side as there are no dwellings on this side of the street.
- 10.60 In terms of access to public transport, the 328 and 349 buses provide limited services from Bradley Road and Alandale Road, however more services are available from Leeds Road to the east of the application site. The nearest railway stations are Deighton (approximately 1.6km (as the crow flies) to the south) and Brighouse (approximately 2.5km to the northwest).
- 10.61 The application site is relatively well placed in terms of access to the road and motorway network. From Tithe House Way, residents of the proposed development would be able to access the M62 via Bradley Road and the Cooper Bridge roundabout.
- 10.62 Future highway conditions must also be noted. To address congestion and to facilitate the release of land for housing and employment developments in this part of the borough, the council has developed proposals for major highways improvements. On 03/12/2018 the council commenced consultation on the A62/A644 link road scheme. This scheme is intended to address slow journey times and poor air quality in the Cooper Bridge area. Three options were put to public consultation, all of which included a link road between the A644 (Wakefield Road) and the A6107 (Bradley Road) / A62 (Leeds Road) junction, with a roundabout close to the Bradley Park landfill site that would connect to a new road extending westwards to the allocated site HS11.
- 10.63 Three east-west roads are proposed, along with junction improvements (two pedestrian refuge islands and re-alignment of the junction radii) at the Tithe House Way / Bradley Road junction, and the extension of Tithe House Way to the application site's northeast corner. The future widening of Tithe House Way, is also allowed for in the applicant's drawings.

- 10.64 The proposed roads would meet the edges of application site, would be adoptable (subject to details), and the proposed spine road has been designed for capacity greater than the traffic generated by 105 units. The proposed roads therefore allow for (and, in fact, would facilitate) future, adjacent development, ensuring that other land within the HS11 site allocation is not sterilised, and to accord with the relevant requirements of Local Plan policies LP5 and LP7.
- 10.65 The applicant's junction modelling concluded that Tithe House Way would continue to operate well within capacity at the junction with Bradley Park, even when the additional traffic generated by the development is taken into account.
- 10.66 Concerns have been raised by residents that the proposed development would result in Park Hill becoming a rat run. It is noted, however, that residents leaving the proposed development in their cars are unlikely to benefit from trying to access Bradley Road via Park Hill, as this is a longer, circuitous route which would deposit drivers into queuing traffic only 200m further along Bradley Road.
- 10.67 In terms of cumulative impacts and allocated sites, the Local Plan sets out a sustainable strategy for planned growth up to 2031, including proposals for planned mitigation to the local road network. This is underpinned by an extensive district-wide strategic modelling exercise of the transport network which takes into account current local road network and public transport use and forecasts planned growth. The modelling also takes into account local, cross-boundary road network issues connecting into neighbouring authority areas. Within the context of the local highway network and the application site, planned improvement works within the area at Cooper Bridge and Bradley Road, and associated corridor works, are being designed, with funding to deliver the schemes being secured via the West Yorkshire Transport Fund and developer contributions. The applicant's assessment also includes projected traffic generation. As noted in the committee report for application ref: 2018/91432, as and when planning applications are submitted and considered for other sites in Bradley, consideration would need to be given to committed developments so that cumulative highways impacts are properly assessed. Accordingly, consideration must be given to the development approved and recently implemented at Broad Lea House (ref: 2017/94377) and the development yet to be completed at the Aflex Hose site (ref: 2018/91432). Noting again the modelling that informed the Local Plan, and the improvement works planned by the council, it is considered that the cumulative impacts of these developments would be acceptable, including in relation to the 2023 and 2028 scenarios (which involved increased staff numbers and vehicle movements) set out by the applicants for the Aflex Hose development.
- 10.68 The proposed junction improvement works are considered appropriate to support the proposed development. Should the proposed development of a new petrol station and convenience store adjacent to the Tithe House Way / Bradley Road junction (Pennine Service Station – extant permission ref: 2016/92850 and current planning application ref: 2019/92233) be implemented first, one of the islands and some of the junction improvements would need to be provided in connection with that development.

- 10.69 A resident has suggested that priority at the Park Hill / Tithe House Way junction should be clarified. This is a valid point, and as Tithe House Way would become the more important road as and when the proposed development is completed, white road markings would need to be added, confirming that vehicles entering Tithe House Way from Park Hill would need to give way.
- 10.70 The applicant has agreed to widen the carriageway of Tithe House Way to 6.75m when the next phase of development at the wider site comes forward.
- 10.71 The applicant has submitted a Road Safety Audit and accompanying Designer's Response. Having regard to these documents, it is considered that the proposed development is acceptable in highway safety terms.
- 10.72 Regarding the proposed development's internal arrangements, the applicant's swept path analysis of access and egress throughout the site and at junctions (for a 11.85m long refuse vehicle and a bus) is accepted. The proposed development also takes account of the requirement of the spine road to extend into the wider site and to allow large vehicles to pass on bends.
- 10.73 Acceptable off-street parking is proposed for the proposed residential units in accordance with council's draft Highways Design Guide. Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition.
- 10.74 Adequate provision for cycle movements through the application site (and onwards, through later phases of development along the proposed spine road) has been made. Such provision is particularly necessary at this site, given its location at a key entrance to the wider HS11 site, and given that the Core Walking and Cycling Network passes close to the application site along Bradley Road.
- 10.75 Storage space for three bins is proposed for dwellings, and refuse collection points are proposed throughout the proposed development. The amendments to the proposed layout (in particular, the vehicular connections between each pair of garden courts) would enable efficient waste collection using 11.85m long refuse vehicles. Further details of waste collection, including details of management to ensure waste collection points are not used for fly-tipping or permanent bin storage, are required by recommended condition.
- 10.76 To encourage the use of sustainable modes of transport, a contribution of £52,552.50 to the West Yorkshire Combined Authority would be required. It is recommended this be secured via a Section 106 agreement.

Flood risk and drainage issues

- 10.77 The site is within Flood Zone 1, and southern parts of the application site are at risk of surface water flooding.

- 10.78 As the application site is larger than 1 hectare in size, and is within Flood Zone 1, a site-specific Flood Risk Assessment (FRA) was submitted by the applicant. The applicant's amended FRA (rev E) notes that the site has no existing watercourses running through it, and that soakaways are not currently considered appropriate. The FRA notes that the proposed development would increase the site's impermeable areas, causing an increase in surface water run-off from the site which would require attenuation before leaving the site. In addition, the FRA acknowledges that adjacent land uphill to the west (referred to as phase 2) would also drain through the application site, and estimates that impermeable areas within this land would be 2.02 hectares in size. The FRA notes that Yorkshire Water have stipulated a maximum surface water run-off rate (to the sewer beneath Tithe House Way) of 3.5 litres per second. The FRA assumes that, for both phases 1 and 2, a rate of 7 litres per second would be allowable. Based on these assertions, and taking into account the 1 in 100 year (plus 40% climate change) storm event, the FRA suggest that on-site attenuation storage of approximately 2,100 cubic metres would be required for phase 1 (this is proposed in the form of a 2m deep 1,050sqm tank beneath the proposed open space), and an additional tank of 2,050 cubic metres would be required for phase 2 (this would be provided off-site on other land owned by the applicant).
- 10.79 Dwellings are proposed in the southern parts of the application site that are at risk of surface water flooding. To alleviate this risk, the applicants have proposed to raise the ground and finished floor levels of these dwellings.
- 10.80 The applicant's FRA states that, based on existing site levels and the estimated invert levels of the public sewer within Tithe House Way, part of the proposed development's drainage system is likely to require pumping. The FRA recommends that a pumping station should be allowed for, to serve the southern half of the proposed drainage network. This proposal has triggered a strong objection from the Lead Local Flood Authority (LLFA), and although pumping has been accepted in exceptional cases at other sites, for flood risk and maintenance reasons it is not recommended that a pumped solution be accepted at the current application site. To obviate the need for pumping, the applicant would need to propose an alternative solution, such as lowering the invert level of the attenuation tank (the potential for this is currently being explored by the applicant), or raising the ground and finished floor levels of units 1 to 5 (the applicant is currently calculating how much levels would need to be raised by). It is recommended that the Strategic Planning Committee delegate authority to officers to agree an appropriate solution with the applicant, on the proviso that if significant changes to levels prove to be necessary (to the extent that neighbouring residents would need to be reconsulted, and/or significant changes to layout or the development's mix of house types would be necessary), and if significant objections or new planning considerations come to light, this application would be brought back to a future meeting of the Strategic Planning Committee for further consideration.
- 10.81 As noted earlier in this report, flood routing has informed the proposed layout, with levels and ramps designed to guide surface water along the proposed roads and away from residential curtilages. Subject to further details to be secured by a recommended condition, it is considered that adequate consideration has been given to flood routing in the layout and design of the proposed development.

- 10.82 The LLFA have also advised that the existing culvert close to the site's southeastern corner should not be diverted, and should be the subject of further investigation (including beyond the boundaries of the application site). These comments, however, are taken as advisory, and the requested investigation need not delay the determination of this application.
- 10.83 In response to the LLFA's advice that Yorkshire Water's agreement (to a discharge rate to the sewer beneath Tithe House Way of 7 litres per second for phases 1 and 2) be obtained in writing, Yorkshire Water have been reconsulted on the proposed development (their comments will be reported in the committee update or verbally, if received before the meeting of the Strategic Planning Committee), and the applicant is additionally pursuing this matter directly with Yorkshire Water.
- 10.84 Details of temporary surface water drainage arrangements would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.
- 10.85 Foul water from the proposed development would discharge to the sewer beneath Tithe House Way. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.

Trees, landscaping and ecological considerations

- 10.86 The application site is previously undeveloped (greenfield) land and is grassed, and there are trees and hedgerows along the edges of the site and along field boundaries. No trees within or near to the site are protected by Tree Preservation Orders. A Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands) covers much of the site, however as the site is grassed and used for agricultural grazing, its biodiversity interest is likely to be limited in some respects. Bats may, however, use the site for foraging.
- 10.87 The applicant has submitted an Ecological Impact Assessment (EclA) in support of the proposed development. This states that the proposed development would not have a significant effect on adjacent woodland, bats and breeding birds. Of note, the site's existing trees and hedgerows would be lost to make way for the proposed development.
- 10.88 The council's Biodiversity Officer has commented that the submitted EclA, and the applicant's bat survey, were inadequate, and that a net biodiversity gain had not been demonstrated, contrary to Local Plan policy LP30 and chapter 15 of the NPPF. Discussions between the applicant team and officers then proceeded, and in February the applicant submitted biodiversity metric calculations which put the existing (pre-intervention) biodiversity value of the site at 8.72 units, and its post-intervention value at 5.53 units. Given this biodiversity deficit of the proposed development, the applicant explored the possibility of redesigning the proposed landscaping to increase the post-intervention value, however it was found that a significant improvement (to achieve a net gain) was not possible. The applicant has therefore proposed to provide compensatory habitat off-site, and that this be secured via a Section 106 agreement. The applicant has suggested that this off-site provision is likely to offer higher quality habitats for birds, bats and invertebrates than the site's existing green spaces. In response, the council's Biodiversity Officer confirmed he is satisfied with the principle of securing ecological compensation on adjacent land, and for the nature and extent of this compensation to be

informed by applying the relevant DEFRA metric. As timescales affect the metric calculation, the council's Biodiversity Officer has advised that compensation should be implemented as early as possible.

- 10.89 As noted earlier in this report, although some details of landscaping proposals have been shown on the applicant's drawings, a condition is recommended, requiring further details of the development's outdoor spaces and their purpose, landscaping and management.

Environmental and public health

- 10.90 With regard to the West Yorkshire Low Emission Strategy, Environmental Health officers have advised that the applicant's air quality impact assessment makes satisfactory conclusions. A condition is recommended, requiring the provision of electric vehicle charging points. In addition, a Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, should be secured via Section 106 obligations.
- 10.91 Environmental Health officers have expressed concern regarding the potential impact of noise from the golf course / driving range and 3G pitches that may be created close to the proposed residential units in a later phase of the wider development. Although the precise location and other details of these facilities will not be established until further masterplanning work has been carried out, a condition requiring details of measures to prevent noise disturbance to residents is recommended. Such measures are likely to relate to glazing and ventilation (to complement noise breakout reduction measures to be designed into later phases of the wider development) rather than changes to the proposed layout.
- 10.92 A condition relating to external lighting is recommended, to address the concerns of Environmental Health officers regarding potential light pollution from the golf course / driving range and 3G pitches that may be created close to the proposed residential units in a later phase of the wider development.
- 10.93 The health impacts of the proposed development are a material consideration relevant to planning, and a Health Impact Assessment has been submitted in compliance with Local Plan policy LP47. This document considers a wide range of matters relevant to health (including housing, air quality, access to open space and nature, active travel, access to healthy food, crime, access to work and training, social cohesion, lifetime neighbourhoods and climate change) and concludes that the proposed development would not have negative impacts on human health, and would have a net beneficial impact on health and wellbeing. Officers concur with these conclusions.
- 10.94 Regarding the social infrastructure currently provided and available in Bradley (which is relevant to the public health impacts and the sustainability of the proposed development), it is noted that local GP provision has been raised as a concern in representations made by local residents. There is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and

health centres based on an increase in registrations. Bradley currently has a small number of pubs, churches, eating establishments and other facilities, such that at least some of the daily, social and community needs of residents of the proposed development can be met within Bradley, which further indicates that residential development at this site can be regarded as sustainable. Local education needs are addressed later in this report in relation to planning obligations.

- 10.95 The provision of outdoor gym equipment in the proposed development's main open space is considered appropriate, and details of such provision can be secured via the recommended landscaping condition.

Ground conditions

- 10.96 Regarding potential site contamination, the findings of the applicant's contaminated land report are accepted. Conditions regarding site contamination investigation and remediation.
- 10.97 Following the applicant's submission of a standalone Coal Mining Risk Assessment, the Coal Authority withdrew their initial objection to the proposed development. In accordance with the advice of the Coal Authority, appropriate conditions relating to the site's coal mining legacy are recommended.
- 10.98 The application site is not designed as a Mineral Safeguarded Area in the Local Plan.

Representations

- 10.99 A total of 20 representations were received from occupants of neighbouring properties. The comments raised have been addressed in this report.

Planning obligations

- 10.100 As the council is the applicant, and as the council cannot enter into a Section 106 with itself, a Grampian-style condition (such as that recently drafted for another council-owned site at Soothill, application ref: 2018/94189) will need to be applied in accordance with Planning Practice Guidance paragraphs 21a-005-20190723 and 21a-010-20190723. This condition would prevent development commencing until all parties with an interest in the land have entered into a Section 106 agreement with the council (as Local Planning Authority) to provide:
- Affordable housing – As noted above, to accord with Local Plan policy LP11, the applicant proposes 25 affordable housing units. Arrangements shall cover the number, type, layout, disposition, timescale and mechanism for provision, and shall confirm the units are to be provided in perpetuity.
 - Open space – Off-site contribution to address shortfalls in specific open space typologies. Arrangements shall cover the layout, disposition, timescale and mechanism for provision, and shall confirm the open space is to be publicly-accessible in perpetuity.
 - Education – Officers have confirmed that a £227,927 contribution towards primary school provision is necessary to serve the needs of the proposed development. In addition, a further contribution may be required, as the proposed development is expected to contribute towards the provision of the two form entry primary school required under site allocation HS11.

- Highway works and improvements – Measures to mitigate the highway impacts of the proposed development.
- Sustainable transport – Measures to encourage the use of sustainable modes of transport, including Travel Plan monitoring arrangements and fees.
- Biodiversity – Off-site measures to ensure a biodiversity net gain is achieved.
- Drainage – Arrangements to secure long-term maintenance and management of the applicant's drainage proposals, and arrangements for any necessary off-site upgrading works.
- Management – Arrangements for the establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- Decentralised energy – Provisions for future connection of dwellings to a decentralised energy network, should such a network be provided for the wider site in accordance with Local Plan policy LP26.
- Any other reasonable obligations to ensure compliance with the planning policies of the Local Planning Authority. This may include obligations required for the wider site, towards which the proposed development would need to make a proportionate contribution.

10.101 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant threshold (housing developments which would deliver 60 dwellings or more), officers have asked the applicant to agree to provide a training or apprenticeship programme to improve skills and education. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. For this application, the applicant has confirmed that any developer partner would be expected to maximise opportunities for apprenticeships, the employment of long-term jobseekers, and training. Officers have suggested that an Employment and Skills Agreement be entered into.

10.102 The necessary Section 106 agreement is currently being drafted. Although this agreement would not be formally attached to the council's decision letter for the current planning application, it will be made available in draft form so the applicant can relay it to the prospective purchasers or developers of the site who would be required to enter into the agreement should they wish to implement the proposed development.

Other planning matters

10.103 Although the existing Bradley Park Golf Course and Driving Range is within the wider HS11 site, it would not be affected by the current application.

10.104 The impact of the proposed development upon property values is not a material planning consideration.

10.105 The receipt of revenue from any future sale (by the council as landowner) of the site is not a material planning consideration.

10.106 In response to the council's reconsultation, a resident has raised an objection to an additional dwelling on the corner adjacent to Tithe House Way, however no additional dwelling is proposed in that location.

10.107 A condition removing permitted development rights from the proposed dwellings is recommended.

11.0 CONCLUSION

11.1 The application site is allocated for residential development under site allocation HS11, and the principle of residential development at this site is considered acceptable.

11.2 The site has constraints in the form of adjacent residential development (and the amenities of these properties), topography, drainage, ecological considerations, the site's coal mining legacy, and other matters relevant to planning. These constraints have been addressed by the applicant, and the proposed development includes good quality housing (at an appropriate density, and including sufficient affordable housing) and adequate open space. Approval of full planning permission is recommended, subject to conditions including a Grampian-style condition that would eventually secure necessary obligations via a Section 106 agreement.

11.3 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Development and Masterplanning)

1. Three years to commence development
2. Approved plans and documents
3. Section 106 agreement (Grampian-style condition)
4. Construction Management Plan
5. Tree protection
6. Temporary surface water drainage
7. Flood risk and drainage
8. Site contamination
9. Coal mining legacy
10. Internal adoptable roads

11. Noise
12. Crime prevention
13. Redesign of parking around flats 76 to 81
14. External materials
15. Boundary treatments
16. External lighting
17. Landscaping
18. Ecological Design Strategy
19. Removal of permitted development rights
20. Cycle parking
21. Electric vehicle charging points
22. Waste storage and collection

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93965>

Certificate of Ownership – Certificate A signed