



**25 January 2018**  
**Consultee ID: 941843/942144**  
**Site H442**  
**Matter 37**

## **Kirklees Local Plan Examination**

### **Matter 37 – Batley and Spen Housing Allocations: Green Belt Releases**

This statement is prepared by WYG Planning Limited (WYG) on behalf of our client, Strata Homes (Yorkshire) Limited ('Strata' or 'our client').

WYG submitted representations on behalf of Strata in relation to the Publication Draft Kirklees Local Plan in December 2016 which focused on the decision of Kirklees Council to include the housing allocation site known as land between Richmond Park Avenue and Sunnyside Avenue, Roberttown (**Local Plan Reference: H442**).

This response seeks to address the key issues to be discussed at the forthcoming examination hearing concerning Matter 37. Our response is structured such that it follows the questions posed in the Matters and Issues Agenda and should be read in conjunction with the representations we have previously submitted on behalf of our client.

#### **Issue – Are the proposed Green Belt release housing allocations in the Batley and Spen Sub Area justified, effective, developable/deliverable and consistent with National Policy.**

##### **a. Is the site suitable for the proposed use? Does the Plan provide clear guidance on requirements and constraints, and seek appropriate mitigation measures?**

As you will be aware from previous representations we have made during the Local Plan process we have already undertaken detailed masterplanning work, including technical and environmental reports (see SS8 for details). These have provided an understanding of the site constraints and opportunities and the potential mitigation measures required to inform development capacity of the site. Based on the proportionate amount of work undertaken and aligning this with the Council's own evidence base work to support the Local Plan process there is a strong case to confirm there are no 'showstopper' issues and it supports the suitability and deliverability of Site H442 coming forward in the short term to contribute towards the required level of growth for the district.

The specific technical reports that have been prepared to date include the following:

- Development Framework Report prepared by Signet Planning October 2014;
- Flood Risk Assessment dated July 2014 by Haigh Huddleston & Associates;
- Surface and Foul Water Strategy Letter dated 7<sup>th</sup> October 2014 and updated 24<sup>th</sup> January 2018 from Haigh Huddleston & Associates;
- Transport and Assessment Appraisal dated 24<sup>th</sup> July 2014 by Fore Consulting;
- Update Transport and Assessment Appraisal dated 13<sup>th</sup> December 2017 by Fore Consulting;
- Preliminary Ecological Appraisal and Ecological Impact Assessment prepared by Smeeden Foreman dated July 2014;
- Landscape and Visual Impact Assessment dated 2<sup>nd</sup> October 2014 prepared by Smeeden Foreman;



- Green Belt Analysis dated January 2016 prepared by Smeeden Foreman;
- Built Heritage Assessment dated January 2018 prepared by WYG;
- Phase 1 Desktop Geo Environmental Report dated January 2018 prepared by Haigh Huddleston & Associates.

Should any technical aspect need to be considered in more detail these can be reviewed at the hearing session. The technical documents initially undertaken in 2014 culminated in the preparation of an overarching document entitled 'Development Framework Report' which was prepared and formally submitted to Kirklees Council in October 2014 and within this document there are a number of tests set out at Paragraph 1.11 which provide a good framework to demonstrate the soundness of the project to allow the opportunity for the formal adoption of the allocation within the Local Plan.

As part of the ongoing iterative work and gauging the sensitivity of various issues, our clients have more recently commissioned further technical work in relation to assessing the heritage assets affecting the site as well as undertaking a Phase 1 Geo-Technical Assessment. In addition, there has been a refreshing and updating of the earlier evidence in relation to evidence and transportation and the drainage strategy for dealing with surface water and foul water.

Based on the level of work undertaken to date, we are confident that there are no fundamental issues to prevent the development coming forward and the constraints identified can be mitigated. 'Fixed' constraints such as utility easements, overhead power lines and pylons have been identified and where constraints have been identified appropriate mitigation schemes have been outlined to ensure that the impact of the development can be absorbed into the existing community and surrounding environment.

At a broad level, we consider that the proposed housing allocation site H442 is consistent with the overall aims and objectives of spatial development strategy for the Local Plan and in deciding to allocate the site, the Council have carefully and systematically considered the site against their sustainability criteria in order to achieve the most sustainable pattern of development for the district. We consider that this assessment work is soundly based and the decision to release the site complies with Policy PLP3 which seeks to focus development in and around existing settlements that reflect their size and function.

The site is both well served and related to a wide range of local services and facilities in terms of school and health provision as well as retail facilities (see BP2- - Accessibility Assessment). Many of these local services are in convenient walking distance but the site is also well served by a range of bus services operating on roads adjoining the site with regular connections to large towns and cities including Leeds, Bradford and Huddersfield. Dewsbury, Ravensthorpe and Mirfield Railway Stations are all within a reasonable catchment area for cyclists. These key accessible considerations are in accordance with Criteria 2g set out within Policy PLP3.

In terms of securing appropriate vehicular access our transportation consultant has identified a suitable access point Roberttown Lane and there is the opportunity for some flexibility of the location along this road if other factors such as heritage aspect need to be addressed. It should be noted that the whole development capacity identified by the Council (ie up to 270 dwellings) could be serviced from this point. Nevertheless, there are two other potential secondary access points from Stanley Road to the south and Richmond Park Avenue to the east which could be explored further. In any event, there are currently public footpath connection points and links in to the site from these three roads and a key development principle of the site would be to strengthen these connection points providing both pedestrian and cycle facilities through a green and blue infrastructure network within the site and this would maximise permeability to strengthen linkages into the surrounding neighbouring areas. This approach to the site would satisfy Criteria 2e of Policy PLP3.

The capacity in the local highway network to accommodate the amount of additional traffic generated has been assessed. Whilst further consideration will be required as part of a full Transport Assessment, the initial and updated work prepared by Fore Consulting has revealed that with appropriate mitigation including the preparation of a suitable Travel Plan, it is considered that the additional development traffic could be adequately accommodated on the local road network without adversely impacting on the safe and efficient flow of traffic.

Our drainage consultant Haigh Huddleston has undertaken an initial review of the site and they have confirmed that the site lies within Flood Zone 1, the lowest probability of flooding. Ground conditions are unlikely to be suitable for soakaways and therefore surface water drainage is proposed to be stored in oversize pipes and a dry detention basin on site in the lower north eastern area. Negotiations with Yorkshire Coal are ongoing to deal with surface and foul water.

The nearest offsite watercourse known as Tan House Beck is located approximately 500m to the north on the site which eventually outfalls to the River Spen to the east. It is anticipated that the existing network (or an upgrade to it), can be facilitated to enable drainage from the development to be accommodated at the required runoff rate without over burdening the existing systems. In terms of foul water, we consider there is sufficient capacity at the waste water treatment works known at Mitchell Laithes to accommodate the scale of this kind of development. In terms of connecting to the sewer network we believe that the combined sewer running along Robettown Lane can accommodate the foul water.

An extended Phase 1 Habitat Survey has revealed that other than protecting a number of mature trees and hedgerows, the site has a limited value in terms of its supporting wildlife. Where possible we will protect hedgerows and look at measures to enhance the local biodiversity of the site within the proposed greenspace corridors through incorporating native planting and other wildlife initiatives.

Taking into account the technical evidence work, the constraints and opportunities of the site have become sufficiently clear and a Parameters Plan summarising this information can be found at SS8. As part of the initial masterplan work we have undertaken the technical work has been reviewed against an urban design analysis including a character and townscape appraisal to ensure that place shaping is an integral part of the assessment work.

Furthermore, our thematic framework plans which include green/blue infrastructure, movement, character and landscape (see SS8) have created a useful tool to respond to the technical analysis to test and integrate the various components of the masterplan. This has allowed a Concept Framework Plan to be prepared and developed (see SS8) which brings together the technical work up to October 2014 in terms of positively addressing the potential constraints, identifying infrastructure requirements as well as creating a placemaking area with its own unique identity.

The Local Plan policies relating to guidance on the requirements and constraints of this site are currently at a high level but given the work we have already undertaken we would have no objection to working with the Council to introduce more detailed guidelines and development principles that could be set out within the wording of the policy. These could relate to:

- Recognising that the main entrance into the development should be via Roberttown Lane.
- Retaining where necessary the field hedgerow boundaries and trees and incorporating these into a network of Green Corridors;
- Providing strong green corridors and linkages to the surrounding neighbourhood by incorporating the existing PROWS;
- Providing a landscaped buffer to retain a stand off distance with Low Hall Farm house (Grade II\* Listed);
- Providing lower density, traditional designed two storey housing along the Roberttown Lane frontage to respect the character of Low Hall Farmhouse (Grade II\* Listed);
- Providing SUDs drainage using the lower levels of the site in the north eastern corner.

As a fall back position any housing allocation policy would also be viewed in the context of the General Development Management Policies within the Strategy and Policies Local Plan which address such matters as design (Policy PLP24), sustainable travel (Policy PLP20), providing infrastructure (Policy PLP4) and more importantly, the requirements for masterplanning sites (Policy PLP5) which provides an extensive list of the expectations required by the Local Authority which is proportionate to the scale of development being assessed.

On balance, we consider that both the detail and general policy framework provides the sufficient level of control although for clarification purposes it may be worth cross referencing the key housing policies found within the Strategy and Policies Document with the Site Allocation Schedule found within the allocations and designations document.

**b. Is the indicative site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?**

The indicative capacity outlined within the allocations and designations Local Plan document identifies 250 dwellings for this site although whilst the gross site area does not increase, the capacity within the Housing Supply Topic Paper (December 2017) (EX30.2) confirms a capacity of 272 dwellings which is essentially a crude application of 35 dwellings per annum based on the gross site area.

As part of the preliminary masterplan work we have undertaken, we have considered the constraints and opportunities and have come to a judgement that the net developable area of the site will amount to in the region of 6.6Ha equating to 85% net development coverage. Based on a net density average of around 35 Dwellings per Hectare this assumption not only reflects the surrounding areas, but also our clients have built to this density in similar locations in West Yorkshire. Therefore we consider a more realistic capacity figure for the site is approximately 230 dwellings.

This net developable area takes into account the pylon lines crossing the site, the ability to provide SUD's drainage as well as accommodating structured landscape, mitigation of heritage considerations, the retention of hedgerows and providing open greenspace that addresses the relevant policies.

**c. Is the site available, deliverable in the timescales set out in the Council's housing trajectory?**

We note from the updated Housing Supply Topic Paper (December 2017) (EX30.2) the Council envisages this site commencing in 2020/21. Our clients are keen to progress the development as soon as possible and as illustrated in our response to Question (a) above, we have already undertaken a significant amount of technical background evidence and masterplanning work. One of the main constraint associated with this site is its current designation as Green Belt and the delivery of this site is primarily reliant upon the timescales of the Local Plan adoption process. Nevertheless, as demonstrated by our client's actions, they are willing to start to prepare and coordinate the work to support a planning application that can run in tandem with the Local Plan process. On this basis, our clients are willing to continue this work into the pre-application process by entering into a Planning Performance Agreement prior to the adoption of the Local Plan and so provided the Local Plan remains on track for adoption during 2018, the delivery of this site could start to occur mid to late 2019.

The table in the Housing Topic Paper assumes two housebuilders concurrently developing out the site and the indicative build out rate is 50 dwellings per annum. Strata Homes intend to build the site out themselves with an anticipated build out period of around 7-8 years, and so well within the early part of the plan period.

**d. What effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Are there exceptional circumstances that justify altering the Green Belt? If so, what are they?**

In terms of the effect of the proposed allocation on Green Belt and the purposes of including land within it, it should be noted that in addition to the evidence base work provided by the Council our clients commissioned Smeeden Foreman to prepare a Green Belt analysis of Site H442 dated January 2016 (see SS8) and the following conclusions were reached having regard to the five purposes of Green Belt identified in the NPPF at Paragraph 80:

1. To check the unrestricted sprawl of large built up areas:

The character of the site is influenced by a high degree of containment from adjacent urban features such as housing, roads, pylons etc. Compared to the existing Green Belt boundary, we agree with the Council that Roberttown Lane would provide a strong and more defensible boundary to the Green Belt to check urban sprawl. The new boundary would follow an urban edge that is distinctly different from the adjacent land parcel to the north. The link between site H442 and Green Belt to the north has already been severed by the road and housing. In terms of perceived extension the development may have in the locality, views of the site are limited by existing development and topography.

2. To prevent neighbouring towns merging into one another:

An analysis of key viewpoints demonstrates that Roberttown and Liversedge have already physically merged as a consequence of existing ribbon development along Roberttown Lane and the A62. In a more strategic context, the land to the rear of the existing properties fronting onto Roberttown Road makes a strong contribution to the Green Belt that separates Roberttown from Hightown located further to the north west of the site. As such the existing houses along Roberttown Lane already separates our parcel of land from the adjacent and more sensitive Green Belt parcel to the north west.

3. To assist in safeguarding the countryside from encroachment:

As there are significant urban influences within the site, in particular the prominence of existing housing surrounding it on three sides to the north, east and south, the site has a diminished visual relationship to the wider countryside and rural setting which lies beyond the existing properties fronting Roberttown Road to the north west of the site.

4. To preserve the setting and special character of historic towns:

As there are no historic towns within Kirklees, this purpose of Green Belt is not, therefore, relevant although careful consideration has been given to the significance of the Grade II\* Listed Building known as Old Hall Farmhouse situated to the north west of the site. The conclusion reached is that the identified impact could be mitigated through site planning and landscape design treatment along the boundary of the site with Roberttown Lane.

5. To assist in Urban Regeneration:

The release of Green Belt land needs to be seen in the general context of the overall policy objectives of delivering sustainable growth and urban regeneration as part of the underlying objectives of the Local Plan. There is insufficient capacity available from urban regeneration sites so exceptional circumstances exist.

In terms of the proposed boundary change, we would agree with the Council that Roberttown Lane provides a clear physical and recognisable feature that is a permanent fixture which will provide a stronger defensible boundary to Green Belt compared to the current Green Belt edge. However, we have also suggested that the rear boundaries to the existing ribbon development situated on the north

side of Roberttown Lane would also be an acceptable boundary to differentiate between the urban boundary and the wider countryside that performs well against the purposes of Green Belt.

We consider there has been careful scrutiny of the existing and future supply of housing within the urban areas for Batley and Spen Sub Area. As such, the settlement capacities have been robustly assessed and it has been concluded that the development needs of the district cannot be met within the existing settlement boundaries. This conclusion relates in part to the physical capacity and availability of deliverable land. It also relates to the lack of sites that have the ability to deliver a diverse and wide range of housing sites to attract a range of housebuilders.

We consider that the need to accommodate future housing beyond the extent of the defined urban areas have been established and is sound. The district's future development needs can only be met through allocating land both within the existing areas and through release of Green Belt. The exceptional circumstances for the release of Green Belt land include:

- The need to meet the objectively assessed housing need arising during the Plan Period in line with the distribution of growth set out within the Local Plan;
- There is insufficient capacity within the urban areas and outside of Green Belt to accommodate the objectively assessed housing need;
- Promoting sustainable patterns of development across the district through the release of Green Belt.

The Green Belt encompasses the urban areas with tightly drawn boundaries and it is noted that no other housing requirement is proposed to be accommodated by neighbouring authorities. The Council's evidence base has assessed all non-Green Belt alternatives and have therefore undertaken an assessment of Green Belt sites against the effect on Green Belt and achieving a sustainable pattern of development. The site H442 makes no material contribution to the purposes of Green Belt and within the Additional Evidence relating to the Distribution of Growth Between Settlements (December 2017) it is noted that Roberttown achieves a good accessibility score and is well related to Heckmondwike which despite its high level of accessibility and service facilities the land supply within the settlement is low and opportunities to expand are limited. Therefore, Site H442 has been identified to deliver the required level of growth taking into account the need to promote sustainable patterns of development in accordance with Paragraph 84 of the Framework.

Our evidence found within the Smeeden Foreman Green Belt Analysis (SS8) also provides a comparison assessment with other sites located within the Batley and Spen Sub Area. Based on a comparative assessment having regard to Green Belt purposes, the conclusion reached is that Site H442 should be considered for housing allocation in preference to the other Green Belt sites assessed.

#### **H442 – Land between Richmond Park and Sunnyside Avenue, Roberttown**

**i. Has the impact of the proposal on heritage assets being adequately assessed and addressed? Should protection and mitigation measures link to the Heritage Impact Assessment (LE72) be specified? Are there implications for site capacity?**

In recognition of the site's potential impact on the historic environment, the Council commissioned Farrell and Clark Architects to provide an independent assessment and where possible to advise on the mitigation which may be required. We consider that this high level assessment work is proportionate to the stage reached in the planning process and is a sensible approach to adopt to provide more certainty and clarity to seek to justify the acceptability of the proposal and provide guidance on how any identified harm to the heritage assets may be mitigated.

In recognition of the content of the Heritage Impact Assessment (LE72) it should be noted that our client has also undertaken a Built Heritage Assessment in order to assess the impacts of the historic built environment arising from the proposed allocation and this report provides further specialist details to inform the decision making process. This report can be made available to the inspector if required.

Both reports follow the Historic England Guidance set out in Good Practice Advice Note 3 (GPA3): The Setting of Heritage Assets. The process outlined in this document requires an analysis of the setting of heritage assets, and a degree to which setting contributes to the significance of the heritage assets. It also requires an assessment of how such contribution may be altered through proposed development. An important aspect of this process is assessing the options for enhancement and mitigation so that any decisions made regarding the setting of a particular historic asset can be assessed to agree the scope and form of the development. It should be appreciated that given the stage in the process reached, the options identified provide the necessary steer and confidence to demonstrate that appropriate solutions can be achieved to address the sensitive aspects identified but further detailed discussions during the preparation of a planning application would still be required.

In the case of Site H442, there are no listed buildings within the site nor is it located within a conservation area. There are, however, a small number of listed building located within the surrounding area but all of these lack intervisibility with the site except for Old Hall Farm house (Grade II\* Listed). It is the impact of the development proposals on the setting and significance of Old Hall Farmhouse which requires attention and is the focus for both heritage impact assessments that have been undertaken for the site.

The significance of the Old Hall Farmhouse is considered to derive from its evidential, historical and aesthetical values as a good quality example of a large 17th Century Farmhouse associated with the farming related activities of the site. Historically, its wider setting included site H442. The façade of the farm house is visible from the site albeit these views are partially filtered by existing landscape within the front garden.

The farmhouse ceased to function as a farmhouse some time ago and is now a single dwelling. Furthermore, the setting of the building has altered overtime. The historic mapping shows that in the mid 19<sup>th</sup> Century it had a rural setting but during the second half of the 19<sup>th</sup> Century and the 20<sup>th</sup> Century 'ribbon' development and 'infill' along the key routes of Roberttown Lane, Lumb Lane and Huddersfield Road has urbanised its setting. It is nevertheless appreciated that a proposed development of the site would result in a further alteration to the setting of the listed building through further loss of its farmland setting and therefore the proposed development will have a degree of impact upon the contribution that the site makes to its heritage significance.

In terms of assessing the impact, the HIA commissioned by the Council (LE72) confirms that the exact form of the development is not yet known so the report is a general assessment of the effect of developing a Site H442. In contrast the Heritage Assessment conducted by our client has had regard to the original Concept Masterplan which evolved in the context of our initial Development Framework Report and technical evidence base prepared in October 2014. Indeed, the initial Landscape and Visual Assessment had regard to the potential sensitivity of Old Hall Farmhouse as a designated Heritage Asset.

With reference to the options for mitigation/enhancement identified in Section 6 of the HIA (LE72) the Development Framework Report has already identified the following design principles which align closely with the mitigation mentioned in LE72 in order to retain the views of the heritage asset from Roberttown Lane and from the public footpath as well as retaining the overall setting:

- It is envisaged that in the northern part of the site the scale, height and massing will be predominantly two storey dwellings;
- The urban design analysis recognises that some areas of the development would be laid out in a courtyard style that reflects the alignment of the adjoining historic building.
- There is an opportunity to create both an east/west and north/south green corridors by aligning them with the existing hedgerows and public rights of way links.
- Recommending the protection of the existing drystone wall and suggesting that this can be extended so that it carries on along the primary route into the development alongside the existing hedgerows.

The HIA commissioned by our clients also confirms that the identified harm could be mitigated through appropriate site planning and landscape design along the boundary of the site with Roberttown Lane. To retain the open setting this HIA study proposes that the housing within the north western most portion of the site be set back by approximately 5-10m in depth to create an area of openspace. It is interesting to note that through the initial landscape and visual assessment work undertaken by Smeeden Foreman a specific mitigation measure identified was to provide a strip of landscape along the Roberttown Lane frontage of the site and so the measures requested by the more up to date HIA work has, in part, already been factored into the layout.

Given the work that has been undertaken as a result of the preparation of the two HIA's there is a sufficient evidence to allow the policy to specifically identify design principles that the development should seek to achieve. Provided these are not over prescriptive it would allow for further discussion during the detailed planning application stage.

As demonstrated through the evidence to support the Development Framework Report (SS5) there are many factors influencing the site capacity. We consider that the majority of the design principles proposed as part of the proposed mitigation to address the identified harm to the heritage assets have already been incorporated into our initial assessment of capacity identified as 240 dwellings. The openspace/landscaping buffer along Roberttown Lane may increase in size as recommended by the more up to date HIA Assessment and if this is the case then this may lead to a modest reduction of site capacity of around 10 dwellings which would create an overall capacity of around 230 dwellings.

**ii. Does the site have value as an openspace which provides structural and landscape benefits and opportunities for informal recreation?**

Our assessment work to demonstrate the suitability of Site H442 involved the commissioning of Landscape and Visual Impact Assessment by Smeeden Foreman and this revealed at a national level the wider setting lies within National Character Area 37 described as Yorkshire Southern Pennine Fringe. This states: *'the striking aspects of the landscape is the mingling of predominantly 'gritstone' industrial towns and villages with the stronger value, forms and pastoral agriculture of the Pennine foothills.'*

At a local landscape level our landscape consultants have identified the site as an urban fringe location which is considered to be of medium sensitivity because although it is a green area that provides an open space within an urban setting, it is surrounded by housing and the secondary road. The field boundary planting does not provide a strong contribution to landscape pattern and the electricity pylons running through the site further add to an urban infringement.

We have also reviewed the Kirklees District Landscape Character Assessment (July 2015) (LE49) and note that the site falls on the periphery of landscape character area E8: Batley – Dewsbury Rural Fringes. Within the key characteristics this document recognises that the area is a fragmented landscape forming urban fringe pockets within and around the Dewsbury, Batley, Mirfield, Liversedge and Cleckheaton conurbation. It notes that some areas still retain a relative sense of tranquillity and rural character, however it also acknowledges increasing urbanisation creating a landscape of transition which is the case in relation to Site 442.

The land is low intensity agricultural pasture which could easily be susceptible to neglect. Given the undulating topography, parts of the site (notably the northern area) does, however, provide visual links with the surrounding settlements and countryside.

Whilst there would be an impact on the landscape fabric due to the presence of housing development on an area of grassland that is currently grazed and undeveloped, we have demonstrated through our assessment work that proposals can retain the key existing features and landscape structures, for example the dry stone wall along the southern boundary and the public right of ways running through the site. Furthermore, the majority of the key physical features such as trees and hedgerows will not



only be retained but these could be enhanced with the installation of green corridors, recreational spaces, ecological areas including dry detention basins linked to the provision of surface water drainage through SUDs.

In conclusion we consider that the site has limited landscape and openspace value but in recognition that the development would change the landscape character and introduce built form there are a series of mitigation measures identified to assist in integrating the proposed development and reinforce the existing nature of landscape and views. The mitigation measures advocated by the landscape consultant have been incorporated into the concept masterplan and can be developed further in discussions with the Local Authority.

End

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