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Planning Case Report

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Former Railway Station and Goods Yard, Fold
Farm, Station Road, Netherton

February 2016

PLANNING CASE REPORT

- 1.0 Introduction
- 2.0 Location and Site Characteristics
- 3.0 Planning Policy Context
- 4.0 The Planning Case
- 5.0 Concluding Statement

Appendices

- Appendix 1- Location Plan
- Appendix 2 – UDP Proposals Map extract

1.0 INTRODUCTION

- 1.1 This Planning Case Report has been produced in support of an outline planning application for the residential development of 23 dwellings at Former Railway Station and Goods Yard, Fold Farm, Station Road, Netherton, Huddersfield (See Location Plan at Appendix 1.)
- 1.2 The application site covers an area of approximately 1.5 hectares. The whole of the application site, with the exception of the old stone barn which has a frontage onto Netherton Fold, formed a railway station and goods yard with associated railway lines and infrastructure. This was constructed and operated by the Lancashire and Yorkshire Railway Company. The series of old OS maps reproduced at appendix- 2 identify the changes made to the site in the form of the construction of the site plateau for the goods yard, station and their associated infrastructure (see the 1892 OS map extract which clearly illustrates the extent of the cut and fill, the station and goods buildings and associated infrastructure). This branch line from Huddersfield to Meltham opened in 1869. The land is situated in the Green Belt within the Kirklees Unitary Development Plan (UDP 1999). An extract from the UDP Proposals Map is reproduced at Appendix 3 which illustrates the extent of the local tract of land falling within the Green Belt and how this site relates to the settlement edge.
- 1.3 This Planning Case Report should be read in conjunction with the following reports which form part of this outline planning application submission:-
- Design and Access Statement (Heppenstalls)
 - Phase 1 Ground Investigation Report (Met Engineers Ltd)
 - Ecological Survey (Bagshaw Ecology)
 - Arboricultural Survey (Bagshaw Ecology)
 - Topographical Survey (Met Engineers Ltd)
 - Transport Statement (Met Engineers Ltd)
 - Flood Risk and Drainage (Contained within the Design and Access Statement)
 - Meltham Greenway Extension Section 106 Heads of Terms and associated Plan
- 1.4 This Planning Case Report identifies the characteristics of the site and its location, the nature and extent of the development proposals, the planning policy context and in particular the policies relating to development in the Green Belt. The report concludes by drawing together all the policy and local factors which collectively support the proposed residential redevelopment scheme.
- 1.5 Our clients Alcuin Homes have had pre-application discussions with local councillors and planning officers which have formed a very helpful and positive basis for arriving at the submission version of these residential development proposals.

2.0 LOCATION AND SITE CHARACTERISTICS

- 2.1 This site is located on the south western edge of the settlement of Netherton, in the northern part of the Holme Valley and South West of Huddersfield. Netherton although it retains some of the characteristics of a village settlement is now considered to be part of the main urban area of Huddersfield the main town in Kirklees District. The centre of the site lies approximately 200m from the junction of Netherton Fold and Moor Lane. The majority of a good range of shops and services are located along either side of Moor Lane within easy walking distance of the site. The site is approximately 5km southwest of Huddersfield town centre which is a centre of sub –regional significance with a very wide range of shops, services and employment opportunities. The application site has a total site area of approximately 1.5 hectares. The site is also within the standard 400m walking distance to bus stops linking Netherton with Huddersfield town centre, Meltham and South Crosland.
- 2.2 The site is accessed from Station Road off Netherton Fold and comprises existing groups of development on an upper and lower plateau, which slopes from north east to south west.
- 2.3 Station road is a wide cobbled highway over its front upper section. It has a junction with Netherton Fold which provides access to a number of dwellings of which the majority are in a terraced format.
- 2.4 The physical, topographical and visual characteristics of the site are very strongly influenced by the steeply incised and narrow valleys of the Hall Dike and the Mag Brook (a tributary of the River Holme) to the east of the site. The railway company in constructing the line and its station and goods yard created a significant engineered plateau on the northern side of the narrow valley. This results in a site which has very strong visual enclosure. The trees on the north western and south eastern sides of the valley and in particular on the upper steep slopes add to the physical and visual enclosure. The site is visually and physically separated from the land to the south and to the west. The views into the site are limited to short distance views from Station Road and middle distance views are considerably restricted by topography and woodland.
- 2.5 The site is bounded on the south western side by trees on the former embankment of the railway. Trees line the southern part of the south eastern boundary and an open field lies to the immediate east between the site and Lea Lane.
- 2.6 There are two existing building groups within the site. On the upper part of the plateau area and fronting onto Netherton Fold and the south side of Station Road is a discordant building group comprising a stone barn on the Netherton Fold frontage and behind it connected buildings clad in a wide range of unsightly materials (wood, breeze block, steel cladding and stone). These buildings are collectively in a very poor condition and can accurately be described as an eyesore. We understand that they have not been used for agricultural purposes for several years. In 2009 planning permission was granted for the conversion/redevelopment of this range of buildings into five dwellings (app ref No. 2009/62/93172/W2).
- 2.7 The lower building group comprises a range of three connected buildings clad in ochre coloured sheet steel which are visually prominent in the available short distance views. These were constructed in stages between the early 1970's and 1990 and were used for a

number of years to house cattle over the winter period in association with a nearby farm holding to the south west of the site. These buildings and their limited curtilage occupy approximately 25% of the total application site area.

- 2.8 The station platform, siding, hardstandings and crane bases remain together with the engineered tunnel, the entrance of which has been sealed off. The cobbled and metalled surface of Station Road, the access built by the railway company, covers a significant area in the northern/north eastern part of the site.

3.0 PLANNING POLICY CONTEXT

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 remains in force and states:

“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.”

3.2 The development plan for this residential scheme comprises the following documents:-

- Kirklees Unitary Development Plan (adopted March 1999) – this report refers to those policies within the UDP saved under the direction of the Secretary of State of September 2007.

3.3 The Kirklees Unitary Development Plan was adopted in March 1999 having undergone an Examination in Public. On the basis that the Plan covered the period 1st April 1993 to 1st April 2006 it is now time expired. As a result of a Direction issued by the Secretary of State for Communities and Local Government on 28th September 2007 only some of the policies within the UDP continue to have effect. This Planning Case Report will refer to those policies within the UDP which have been saved. The fact that the plan is time expired and certain of the saved policies are not consistent with the National Planning Policy Framework (‘the Framework’) significantly reduces the weight which can be given to them.

3.4 The newly emerging Local Plan has reached the stage of the pre-publication consultation draft (Nov 2015). Given the stage reached and the level of representations received on policies and allocation proposals little weight can be afforded to the emerging policies and proposals. Where, as in this case, there is a local policy vacuum the presumption in favour of sustainable development in paragraph 14 of the Framework is the main basis for decision-taking.

National Planning Policy Framework (March 2012)

3.5 The Government’s National Planning Policy Framework (the Framework) now forms the relevant policy guidance at National level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date (underlining our emphasis).

3.6 The Framework is based round the core principles of creating sustainable development. Following a lengthy consultation process and further consideration of the definition of sustainable development to be used in the planning process a fuller definition is now provided in the final document. The Framework states at paragraph 6 that all the policies in paragraphs 18-219 of the Framework, “taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.” There are three dimensions to sustainable development comprising economic, social and environmental roles. These are to be considered as mutually dependent and should not be considered in isolation (paragraph 8). At the heart of the planning system is a new presumption in favour of sustainable development. Paragraph 14 of the Framework identifies how this presumption is to be applied in making decisions on individual applications. This means:-

- *“approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent silent or relevant policies are out of date, granting permission unless:*
 - *Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in this Framework indicate development should be restricted.”*

3.7 The presumption follows the content of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (see paragraph 2 of the Framework) and states that *“planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.”*

3.8 A set of 12 core land use principles are to underpin plan making and decision taking; these are stated at paragraph 17 of the Framework. Such principles include, but are not limited to the following examples:-

- *“Be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and cooperation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a degree of predictability and efficiency;*
- *Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.*
- *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.*
- *Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the re-use of existing resources, including conversion of existing buildings, and encourage the use of renewable sources (for example, by the development of renewable energy);*
- *Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”.*
- *Encourage the effective use of land by re-using land that has been previously developed (brownfield land) provided it is not of high environmental value.*

3.9 There are 13 topic areas which form the Framework document and those topic areas considered of relevance to this planning application are set out below.

Section 6: Delivering a wide choice of high quality homes

- 3.10 Paragraphs 47 to 55 provide the policy guidance for plan making and decision taking under the overall aim of significantly boosting the housing supply.
- 3.11 The requirement for a five year deliverable supply of sites is restated but with an “additional buffer of 5% to ensure choice and competition in the market for land”. Where there has been a persistent under-delivery then this buffer should be increased to 20%.
- 3.12 Local planning authorities can now if they wish introduce a windfall allowance into the five year supply but they need to have “compelling evidence that such sites have consistently become available” and “will continue to provide a reliable source of supply”. Any allowance is to be realistic and have regard to the SHLAA, historic windfall delivery rates and expected future trends (paragraph 48).
- 3.13 Paragraph 49 states that housing applications are to be considered in the context of the presumption in favour of sustainable development and relevant policies regarding housing supply should not be considered up to date if a five year supply of deliverable sites cannot be demonstrated (underlining our emphasis).
- 3.14 A wide choice of high quality homes is to be delivered and opportunities for home ownership are to be widened by planning for a good mix of housing based on the needs of different groups and local demands.

Section 7: Requiring good design

- 3.15 This section of the Framework initially identifies, at paragraph 56, that the Government attaches great importance to the design of the built environment and that it also considers that design is a key aspect of sustainable development. In addition it also recognises that design is indivisible from good planning and should positively contribute to making places better for people.
- 3.16 Paragraph 57 states that *“it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes”*.
- 3.17 At paragraph 60, this document refers to the position that decisions *“should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”*.
- 3.18 Paragraph 61 explains that *“although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment”*.

- 3.19 With regards to involving the community it is stated at paragraph 66 that applicants will be expected to work closely with those people who are directly affected by their development proposals to evolve designs that take into account the views of those people living within the community. It also states that those proposals that are able to demonstrate this in the developing of the new development should be looked on more favourably.

Section 8: Promoting healthy communities

- 3.20 Paragraph 69 of the promoting healthy communities section of this Framework document states that the planning system can play an important role in the facilitation of not only social interaction but also creating both healthy and inclusive communities. It also states that Local Planning Authorities should create a shared vision with communities of the residential environment and facilities that they wish to see. In order to support this, this document states that local authorities should aim to involve all sections of the community in both the development of Local Plans and in planning decisions as well as facilitating neighbourhood planning. Planning decisions in turn therefore should aim to achieve places which promote:

- *“opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;*
- *Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and,*
- *Safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas”.*

Section 9: Protecting green belt land

- 3.21 Paragraph 79 states that the Government attaches great importance to Green Belts and that the “fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.” Paragraph 80 of this section outlines the five purposes of Green Belt.
- 3.22 Paragraph 87 states “as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” Paragraph 88 goes on to state that when considering any application “local planning authorities should ensure that substantial weight is given to any harm to the Green Belt Paragraph 89 of the Framework creates some key policy changes in terms of what constitutes inappropriate development requiring very special circumstances to be demonstrated if the grant of planning permission is to be positively considered. One of the new exceptions is central to this case for residential redevelopment. The final bullet point of paragraph 89 states:-

“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

Section 10: Meeting the challenge of climate change, flooding and coastal change

- 3.23 Inappropriate development in areas at risk of flooding should be avoided by directing development away from the areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessments and develop policies to manage flood risk from all sources taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as Lead Local Flood Authorities and Internal Drainage Boards. Local Plans should apply a sequential, risk based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:-
- *applying the Sequential Test;*
 - *if necessary, applying the Exception Test;*
 - *safeguarding land from development that is required for current and future flood management;*
 - *using opportunities offered by new development to reduce the causes and impacts of flooding; and,*
 - *where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing to more sustainable locations.*

Section 11: Conserving and enhancing the natural environment

- 3.24 Paragraph 109 refers to the contribution and enhancement of the natural and local environment including minimising impacts on biodiversity. At the point of determining an application paragraph 118 of the Framework identifies that local authorities should aim to conserve and enhance biodiversity by applying such principles as “*development proposals where the primary objective is to conserve or enhance biodiversity should be permitted; and opportunities to incorporate biodiversity in and around developments should be encouraged*”.

Using a Proportionate Evidence Base

- 3.25 Each Local Planning Authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local Planning Authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.
- 3.26 Under the housing sub heading, reference is made to the requirements for a SHMA and SHLAA. The SHLAA is to establish realistic assumptions about the availability, suitability and likely economic viability of land to meet the identified housing need over the plan period.
- 3.27 The recent Draft Local Plan consultation included a number of updated evidence base documents. The following are of general relevance when considering an application for residential development:-

- Kirklees Strategic Housing Land Availability Assessment (SHLAA) (2014)
- Kirklees Strategic Housing Market Assessment (2015)
- Annual Monitoring Report 2012/13 (December 2013)
- Annual Monitoring Report 2013/14 (February 2015)

Decision Taking

- 3.28 In relation to the decision taking section of the Framework, paragraph 187 notes that local planning authorities should *“look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.”* This includes working proactively with applicants to *“secure developments that improve the economic, social and environmental conditions of the area.”*
- 3.29 In determining applications, paragraph 196 requires that *“applications for planning permissions must be determined in accordance with the development plan, unless material considerations indicate otherwise”* in line with the established plan-led planning system. Paragraph 197 confirms that in assessing and determining development proposals, *“local planning authorities should apply the presumption in favour of sustainable development”*.

Annex 1: Implementation

- 3.30 Annex 1 outlines how the policies in the Framework come into operation and how they relate to existing and emerging Local Plans. For a period of 12 months from the date of publication of the Framework “decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework” (paragraph 214). Subsequent to this 12 month period due weight is to be given to relevant plans according to their degree of consistency with this framework. From the date of publication of the NPPF weight can also be given to relevant policies in emerging plans subject to the degree of consistency with the Framework, the stage reached and the extent to which there are unresolved objections (paragraph 216).
- 3.31 The Kirklees UDP was adopted in March 1999, well before the Planning and Compulsory Purchase Act 2004, and therefore paragraph 215 of the Framework applies. However the UDP is so out of date that very little weight can be given to the policies within it. In relation to paragraph 216 of the Framework, policies in the emerging plan are far from adoption and therefore can be given limited weight.

Kirklees Unitary Development Plan (March 1999)

- 3.32 The saved UDP policies that are considered relevant to this planning application are outlined below.

Policy BE1

“All development should be of good quality design such that it contributes to a built environment which:

- i) Creates or retains a sense of local identity;*
- ii) Is visually attractive;*

- iii) *Promotes safety, including crime prevention and reduction of hazards to highway users;*
- iv) *Promotes a healthy environment, including space and landscaping about buildings and avoidance of exposure to excessive noise or pollution;*
- v) *Is energy efficient in terms of building design and orientation and conducive to energy efficient modes of travel, in particular walking, cycling and use of public transport."*

Policy BE2

New development should be designed so that:

- i) It is in keeping with any surrounding development in respect of design, materials, scale, density, layout, building height or mass;*
- ii) The topography of the site (particularly changes in level) is taken into account;*
- iii) Satisfactory access to existing highways can be achieved; and*
- iv) Existing and proposed landscape features (including trees) are incorporated as an integral part of the proposal.*

Policy BE11

This policy addresses the use of natural stone or stone of a similar colour and texture to that prevailing in the area where the proposal is located, these being areas where stone is the predominant material, conservation areas and within the town and local centres. Outside these areas, the proposed materials should reflect those used adjacent to and surrounding the site as long as they are not detrimental to visual amenity.

Policies BE1, BE2 and BE11 have regard to design requirements in new developments. The Design and Assess statement which supports this application provided various design information regarding this residential scheme including the materials to be used within the construction of the new dwellings and proposed scale and density of this development.

Policy BE12

Policy BE12 deals with space about dwellings, identifying that new dwellings should be designed to provide privacy and open space for occupants along with physical separation from adjacent properties and land.

Policy EP11

This policy addresses the need to incorporate integral landscaping within planning permissions which protects or enhances the ecology of the site. Landscape proposals for this development are addressed in the Design and Access Statement and in a specific set of planting proposals.

Policy T10

“New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, if it cannot be served adequately by the existing highway network and by public transport. Proposals will be expected to incorporate appropriate highway infrastructure designed to meet relevant safety standards and to complement the appearance of the development.”

A Transport Statement forms part of the application submission.

Policy T16

“New development should make provision for safe, convenient and pleasant pedestrian routes, consistent with crime prevention measures outlined in policy be23 and with the aim of providing attractive links between homes, places of employment, community facilities and public transport. The line of existing public rights of way will be safeguarded either by integration into the overall scheme or by diversion where an alternative route which maintains the character and function of the right of way is available.”

Policy T17

This policy states that new development schemes should have regard to the needs of cyclists.

Policy T19

This policy identifies the need to provide off street parking within new developments.

Policy H1

This policy addresses housing provision and of relevance to this application is that of the housing needs of the District being met by *“the provision of houses affordable to those least able to compete in the housing market.”*

Policy H10

The provision of affordable housing will be a material consideration when planning applications are considered. The council will negotiate with developers for the inclusion of an element of affordable housing where the lack of affordable housing has been demonstrated. The extent and nature of affordable housing provision will have regard to:

- i) evidence of local need;
- ii) the size of the site and its suitability in terms of access to local services and facilities and the availability of public transport;
- iii) the viability of the overall development; and
- iv) the degree to which a mix of dwelling sizes and types is provided.

Policy H18

Proposals for housing development on sites of more than 0.4 hectares will normally be required to include measures within the site for the provision of public open space at a minimum rate of 30 sqm per dwelling. The precise location, nature and extent of this provision will be determined by reference to:

- i) the size of the site and number and type of dwellings proposed:*
- ii) the physical characteristics of the site and the requirements for access and drainage.*

Off-site provision to the same minimum standard or improvements to established public open space will be acceptable as an alternative where there is land with potential as public open space or established public open space readily accessible to the site.”

Emerging Kirklees Local Plan

- 3.33 Following the withdrawal of the LDF Core Strategy in 2013 the Council have been preparing a joint Local Plan covering strategic policies and land allocations. The Draft Local Plan was subject to consultation in November 2015 until 1st February 2016. The site is not considered for an allocation and the Council propose that the land should remain within the Green Belt.
- 3.34 The housing requirement in the Draft Local Plan, taken from the SHMA (2015) sets a housing requirement of 29,340 between 2013 and 2031 (an annual requirement of 1,630 dwellings).
- 3.35 Netherton falls within the Huddersfield Sub Area where the majority of future development is to be focussed.

Annual Monitoring Report 2012/13

- 3.36 The Council's latest 5 year land supply position is stated in the AMR 2012/13. Paragraphs 7.15 – 7.19 reveal that the Council has a 2.45 year supply, based on the RSS 1,700 dwellings per annum housing requirement and a 20% buffer due to under provision in recent years. Having spoken with the Council, this remains the position at the time of writing this report.

Supplementary Planning Document 2 – Affordable Housing (adopted November 2008)

- 3.37 This Supplementary Planning Document has been produced to as guidance on the Council's requirement for affordable housing. The guidance states that the Council will seek to secure 25% of a brownfield's site capacity as affordable housing on developments of 5 or more dwellings unless material considerations indicate otherwise.

Strategic Housing Land Availability Assessment (2014)

- 3.38 The Strategic Housing Land Availability Assessment forms part of the evidence base for the production of the Local Plan and is of relevance to this application. The Council's SHLAA (2014) incorporates the application site (Site No. 980), identifying the site as a Brownfield; Greenfield site within the Greenbelt within Flood Zone 1. The SHLAA categorises the site as

amber in terms of Suitability stating “some flooding and contamination constraints. Removal of buildings required.” The site scores Green rating for Availability; and a Red score for Achievability stating “costs may impact on viability.”

4.0 THE PLANNING CASE

4.1 This Planning Case Report has been produced in support of an outline planning application for 23 dwellings on land off Station Road, Netherton. The strong case in support of the development is based firstly on the conclusion that the application site is predominantly brownfield land and that the appropriate policy approach to take is that contained in paragraph 89 of the Framework. The related arguments demonstrate how the openness and visual amenities of the Green Belt will be enhanced together with other planning benefits arising from the redevelopment proposals. Collectively these material planning factors constitute a compelling case in support of the proposals. The end result is that there is no residual harm to the Green Belt in this locality. As we demonstrate there are actual benefits to the openness and purposes of the Green Belt in this locality. The main components of our argument can be summarised as follows:-

- This type of redevelopment on a brownfield site is no longer inappropriate in the Green Belt if it can be demonstrated that the development proposed has no greater impact on the openness of the Green Belt and the purposes of including land within it than the development which now exists. As we demonstrate in this report the openness and visual amenity of the Green Belt will be enhanced and none of its functions will be harmed.
- The Council are unable to demonstrate a five year deliverable housing land supply.
- The delivery of off-street parking for existing residents on Netherton Fold – alleviating existing parking problems on Netherton Fold close to the junction with Station Road.
- Environmental improvements to the site including landscaping and removal of any on site contamination.
- Other policy considerations do not weigh against the strong case established by the first three bullet points above and the overall planning balance results in a convincing case in support of the proposals.

The Green Belt Case

4.2 The major change brought about by the Framework policy on brownfield redevelopment schemes in the Green Belt is at the heart of the case in support of these proposals. The new paragraph 89 test replaces that of proving very special circumstances where prior to March 2012 such a development proposal would have been classed as inappropriate. The test is now to establish that the openness of the Green Belt will not be reduced as a result of the development proposed and that the purpose of the Green Belt will similarly not be subject to adverse impact.

4.3 Openness of the Green Belt has become defined as the relative presence or absence of all urbanising development which includes fixed development (buildings and above ground infrastructure) and the level of activity associated with the site including in particular the traffic generated. Assessment of openness is separate to the consideration of the visual amenities

of the Green Belt and an impact on openness is not the same thing as an impact on the visual amenities of an area of Green Belt enjoyed by residents and visitors to the countryside.

- 4.4 The comparison of the impact on the openness of the particular tract of Green Belt in which the existing development and the proposed development are sited is achieved largely via a quantitative assessment of the amount of development which exists now and will exist on the site if the application proposals are approved and implemented in full. This can be measured by calculating the gross external footprint and the gross cubic capacity of the buildings which exist and are proposed. The architect for the redevelopment scheme has calculated these as follows:-

	Existing	Proposed	% Change
Footprint	3438 sqm	2056 sqm	40% reduction
Volume	14082 cu.m	12368 cu.m	12% reduction

- 4.5 These represent very substantial reductions in built development and will result in a very significant enhancement of the openness of this tract of Green Belt. Added to this will be the removal of hardstandings.
- 4.6 The Transport Statement demonstrates the traffic generated by the proposed development will not have a material impact on the operation / performance of either Netherton Fold or Netherton Fold / Moor Lane junction. The site is situated within a convenient walking distance of public transport services located on Moor Land and Meltham Road and the services offered within the village centre.
- 4.7 The main purpose of the Green Belt is to prevent urban sprawl. The limited extent in layout, footprint and volume terms and the containment of the residential development within the development framework created by the engineered railway envelope and by existing tree belts ensures that the development does not constitute urban sprawl and results in a much reduced urbanising impact.
- 4.8 The proposed development similarly does not have any adverse impact on the remaining four purposes or functions of the Green Belt in this area. There is no incremental development beyond that existing which would lead to the merging of towns or smaller settlements. The countryside is safeguarded from encroachment as the development does not go beyond the existing built envelope into open fields or woodland. This small redevelopment scheme, which has its own economic benefits will not be prejudicial in any way to the ongoing and planned urban regeneration schemes in Huddersfield and the other large settlements in the Heavy Woollen sub area of the District. The development has the added advantage of enhancing access to the open countryside by the extension of the Meltham Greenway and the local footpath accesses which will be available as connections.
- 4.9 Finally in relation to Green Belt considerations the proposals will lead to an enhancement of the visual amenity of this part of the Kirklees Green Belt via a reduction in the amount and scale of development and the introduction of new open areas and landscaping forming a more successful blend with the wider countryside beyond.

The Five Year Land Supply Position

4.10 As previously noted the Framework sets out a requirement for local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a rolling 5-year supply of land for housing. This should include, in this case, the application of the additional 20% buffer to ensure choice and competition in the market for land and provision for past undersupply. In addition authorities should identify a supply of developable sites or broad locations for housing growth for years 6-10 and, where possible, for years 11-15 (paragraph 47). The Framework makes clear, in paragraph 49 that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”

4.11 The now revoked RSS set out an annual requirement for net housing provision of 1,060 dwellings for the period 2004-2008 with an increase to 1,700 for the period 2008-2026. The Kirklees Annual Monitoring Report (AMR) confirms net housing completions since 2004 as follows.

Year	Net Completions
2004/5	1,349
2005/6	1,074
2006/7	2,261
2007/8	2,281
2008/9	1,098
2009/10	692
2010/11	974
2011/12	873
2012/13	753
2013/14	1,036

4.12 Between 2004 and 2008 housing delivery marginally exceeded the supply requirement for Kirklees set out in RSS. Completions have fallen well below targets since 2008. The 2013/2014 AMR demonstrates that there were 1,036 net completions in 2013/14, well below the target for a sixth consecutive year. Given that the completions have continuously fallen below target over the last six years it is appropriate to adopt a 20% buffer and 6 year supply requirement.

4.13 Johnson Brook Planning were part of a consortium of planning consultants and house builders who produced a full assessment of the five year land requirement and supply position in Kirklees with an interim report being published in September 2013. This report and associated evidence was considered at a section 78 appeal in the Cleckheaton part of the District. The Inspector’s decision letter was received in December 2013 and in his decision he concludes that the current deliverable supply is somewhere between 2 and 3 years. This is significantly below the requirement and therefore adds weight in support of these development proposals. Paragraph 7.19 of the 2012/13 AMR states there is just a 2.45 years supply of housing land, significantly below the required 5 years supply. This position has not

been updated. The contribution to supply and under-provision of housing completions is a material consideration which weighs in favour of these proposals.

- 4.14 There are other arguments supporting housing development, which while they are of secondary importance to this case nonetheless add weight in favour of the proposals. Housing provision is seen by the Government as part of the essential infrastructure which is key to supporting economic development. The Government have in addition introduced a number of financial incentives to encourage house building including the New Homes Bonus which local planning authorities receive on completions.

Other Policy Considerations

- 4.15 A series of topic reports have been produced which demonstrate that there are no materially adverse environmental impacts arising from these development proposals in relation to landscape and visual amenity, biodiversity, drainage and flood risk, transport and ground conditions. Indeed we conclude that the residential development proposals due to their limited scale, good quality design and the contained framework for the development will on balance significantly improve the qualities of the local environment.

Requiring Good Design

- 4.16 The Framework indicates that good design should be seen as a key aspect of sustainable development and should contribute positively to making places better for people (paragraph 56). Paragraph 58 indicates that developments should, amongst other things:
- Establish a strong sense of place
 - Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks.
 - Respond to local character and history, and reflect the identity of local surroundings and materials
 - Create safe and accessible environments
 - Be visually attractive as a result of good architecture and appropriate landscaping.
- 4.17 The Design and Access Statement forming part of the application demonstrates how the development responds to the existing context of the site and assesses the opportunities and constraints relevant to the development. Amongst the opportunities identified the development proposals seek to provide a high quality residential environment with a clear character which reflects the site's location and is inspired by its setting and attributes.
- 4.18 Additional benefits of the scheme include i) the provision of 6 off highway parking spaces for existing local residents who currently have to park on Netherton Fold or the upper section of Station Road causing manoeuvring problems for other vehicles and ii) the new residents will provide additional expenditure support for local shops and services.

5.0 CONCLUDING STATEMENT

- 5.1 The proposed development is wholly consistent with the presumption in favour of sustainable development set out within the Framework. This position arises because of the key change to Green Belt policy which allows for the redevelopment of existing developed sites subject to the test of not compromising the openness and other purposes of the Green Belt. Having first determined that the development is not inappropriate it is not necessary to demonstrate very special circumstances to justify the development.
- 5.2 The site in its existing condition is predominantly brownfield and therefore the paragraph 89 approach to this residential redevelopment proposal is the appropriate one to take. The proposals will result in a very significant enhancement of the openness and visual amenities of the Green Belt. There is also a range of other material planning benefits which need to be weighed in the planning balance. No adverse residual impact on the characteristics and purposes of this tract of Green Belt land will result from these proposals. Indeed there will be material enhancements to the character and visual amenities of the Green Belt and to access to the open countryside for existing and future residents of the Netherton community.
- 5.3 The site is in a highly sustainable location in terms of access to local facilities and supports the use of sustainable modes of transport. Pre –application discussions with the Council have shown the positive and pro-active approach to sustainable development advocated in the Framework. The proposals therefore constitute sustainable development and the presumption in favour of granting permission arises.

APPENDIX ONE

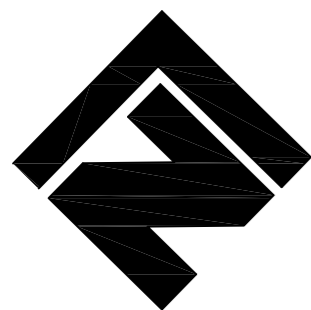
KEY

- - - - Boundary of Application Site
- - - - Land in same ownership



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Revision



Location Plan 1:1250

1:1250 50m 100m

Client
Alcuin Homes

Project
Netherton Fold, Station Road

Drawing
Location Plan

Number	Checked	Date
4235-02-11	Scale @ A3 1:1250	02/2016

HEPPENSTALLS

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Outline Planning

APPENDIX TWO

Kirklees Unitary Development Plan (1999)

Proposals Map extract

