

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
SECTION 78**

LAND OFF A6024 WOODHEAD ROAD, BROCKHOLES, HONLEY

**GROUNDS OF APPEAL
SUBMITTED ON BEHALF OF MILLER HOMES LIMITED**

LOCAL AUTHORITY PLANNING APPLICATION REF. 2016/92181

AUGUST 2017

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1.0 INTRODUCTION & SCOPE OF APPEAL STATEMENT

Introduction

- 1.1 This Appeal is by Miller Homes Limited and is against the decision of Kirklees Metropolitan Council to refuse consent for the erection of a residential development comprising 116 dwellings and the formation of a new access to the A6024 Woodhead Road, in Brockholes near Honley.
- 1.2 The Appeal site is allocated as Protected Open Land in the Kirklees Unitary Development Plan, Saved Policies, 2007 and, more recently, is identified as a housing allocation, Site Ref H129 in the Publication Draft Kirklees Local Plan Site Allocations Document, 2016.
- 1.3 The planning application was submitted in outline with access to be determined, in July 2016 and was refused at a meeting of the planning authority's Strategic Planning Committee in December 2016. The wording of the refusal reasons was agreed at a subsequent committee meeting in February 2017 and the decision notice issued on 7 February 2017.

Refusal Reasons

- 1.4 There are two reasons for refusal. The first of these states:
"1. The proposed access arrangements for the development site would harm highway safety and efficiency and as such the development is contrary to Policies T10 and BE1 (iii) of the Kirklees Unitary Development Plan. The harm to highway safety is not outweighed by any other material considerations.
And the second states:
2. In the absence of a completed Section 106 agreement the development fails to provide for Educational requirements, affordable housing provision, public open space and travel planning requirements."

Scope of Statement

- 1.5 This Appeal Statement comprises the Appellants Grounds of Appeal in conjunction with a separate Statement prepared by SCP Transport, Highway Consultants and assesses the Appeal proposal in the context set by relevant

statutory development plan and NPPF guidance set out at Sections 4.0 and 5.0.

- 1.6 The Appellants' Highway Statement is referred to throughout these Grounds of Appeal.
- 1.7 A S106 Unilateral Undertaking will be submitted as part of the Appeal proposals within the required timescale.

2.0 SITE DESCRIPTION AND LOCATION

- 2.1 The application site is located within Brockholes, off the A6024 Woodhead Road, some 6km south of Huddersfield Town Centre.
- 2.2 The site extends to some 8.3ha of open land north of the dwellings on Smithy Place Lane and Haggroyd Lane, which link the A6024 Woodhead Road with the A616 New Mill Road to the east.
- 2.3 The site consists of pasture fields with trees generally located around the periphery of the site, with existing dwellings bordering to the south and east. The site includes some 2.6ha of land, also within the Provisional Open Land designation, with the benefit of outline consent for residential development, with all matters reserved, granted in April 2015.
- 2.4 A public footpath runs along Smithy Place Lane and continues along the field to the west of the site linking up with Woodhouse Road. There is no public access to the site itself.
- 2.5 A detailed description of the site and its relationship with the immediately surrounding area is set out in the Architects' submitted Design & Access Statement.
- 2.6 Brockholes is well located with a range of shops and facilities in the town centre and good access to public transport and local employment.
- 2.7 There are a number of local amenities within the preferred maximum walking distance including mini supermarkets, schools, shops, post office, recreational areas, church, village hall, a business park, public houses
- 2.8 Public transport accessibility is very good with a number of bus stops and services available within an easy walk of the site. From here direct access is possible to a number of major employment, shopping and leisure centres including Huddersfield centre within a 15 minute bus ride. Also a local rail station at Brockholes is also located within easy walking and cycle distance, which provides direct access to the local rail network and links to the national network.

- 2.10 The sustainability of the site's location is considered in detail in the Appellants Sustainable Accessibility Appraisal Report submitted to the LPA as part of the application documents.

3.0 PLANNING APPLICATION HISTORY

3.1 Outline planning consent, ref. 2013/60/93373/W, with all matters reserved for the subsequent approval of the planning authority, was granted in April 2015 for the northern most 2.3ha of the Appeal site, adjoining Hope Bank Works. An illustrative site layout submitted at the time, showed the possible development of the site for some 51 dwellings and included an indicative access arrangement to the A6024 Woodhead Road. That access proposed the removal of trees along the site frontage and a provision of right turn lane within Woodhead Road requiring the demolition of the existing stone boundary wall back, setting this wall back into the site to gain the additional road width required and to meet visibility splays. No technical drawings were submitted to demonstrate the deliverability of those access arrangements and the scheme remained indicative. To date no reserved matters have been submitted pursuant to that grant of outline consent.

3.2 The Decision Notice and illustrative layout plan and illustrative access proposals are included with these Grounds of Appeal.

3.3 The Appellants' proposals for the residential development of the Appeal site were initially submitted to the LPA in February 2016, as a formal pre-application enquiry. That was a detailed submission including a Masterplan and Draft Site Layout, Transport Assessment and Travel Plan and Drainage Strategy demonstrating development of the site for 150 dwellings, including affordable dwellings, extensive areas of open space and a new access to the A6024, Woodhead road in a priority 'T' junction arrangement.

3.4 The following officer level consultation responses were received at this pre-application stage:

School Organisation and Planning, 23 February 2016

Education contribution of £192,508 required

Highways Development Control, 23 February 2016

Concerns regarding location of proposed access as follows;

No pedestrian crossing facilities proposed

No right turn facilities are proposed

Proposed sight lines are not shown on the plans may not be achievable

No footways are shown on plans

The sight line to the north will need to be measured to the near side kerb line

Highways recommendation is that the access approved under the 2013/93373 application is used.

Landscape Officer, 25 February 2016

Clarification sought in Screening Opinion report

Detailed comments on location of amenity space and public open space

Tree Officer, 26 February 2016

Any application would need to be supported by an impact assessment, tree survey and method statement in accordance with BS5837.

Pollution and Noise Control, 2 March 2016

Phase 1 Contamination report required

Noise report required with planning application

Conditions suggested for vehicle charging points and low emission travel plan

Flood Management and Drainage, 21 March 2016

FRA required due to size of site

SUDS to be considered for surface water disposal

S106 Agreement required

LA Section 38 Department to be consulted

Submitted Drainage Strategy to be updated

3.5 A meeting was held with Planning Officers in March 2016 at which the Applicants were informed of the above pre-application responses received and discussed with officers, their public consultation proposals for the scheme.

3.6 Following receipt of Highways Development Control comments, The

Appellants' Highways Consultants prepared a Technical Note, dated 27 April 2016, attached to the Highway Statement submitted as part of these Appeal Grounds. That Note responded to each of the comments made by officers in their consultation response. In particular, the Note considered the illustrative access arrangements shown in the approved scheme for the northern part of the site, and explained the technical reasons why it was not possible to utilise the position and junction arrangement indicatively shown as part of the illustrative access of the extant consent. These relate to the change in gradient between the A6024 Woodhead Road and the Appeal site and the engineering works required to form an access to the required standard. This issue is considered in more detail in the Highway Statement to this Appeal.

- 3.7 That Technical Note was discussed further at a meeting with Planning and Highway Offices on 28 April 2016. Notes of the meeting confirm that Planning and Highways Officers accept that the illustrative scheme shown in the previous application "*did not work*" and that their key objective was to secure a "*comprehensive solution*" to the development of the application site.
- 3.8 In accordance with the LPA's consultation requirements, the Appellants distributed a public consultation leaflet summarising the main aspects of the development proposals to ward members, the clerk to the Parish Council, Brockholes Village Trust and by direct mailing to all households and businesses within the vicinity of the application site.
- 3.9 A public meeting was held in June 2016 at Hope Bank Works, adjoining the site, which was attended by 58 people. Details of comments received are set out in the Statement of Community Involvement, which was submitted with the planning application and forms part of the Appeal documents.
- 3.10 The planning application, which is the subject of this Appeal, was submitted to the LPA on 4 July 2016. The application was made in outline with access to be determined. This was a comprehensive submission comprising the following;
- Concept Masterplan
 - Detailed Layout Plan
 - Transportation Assessment

- Planning Application Report
- Sustainable Accessibility Appraisal Report
- Travel Plan
- Desktop Phase 1 Ground Investigate Report
- Flood Risk Assessment
- Ecology Report
- Tree Survey and Constraints Plan
- Drainage Strategy Report
- Noise Assessment
- EIA Screening Opinion Request
- Heads of Terms for S106
- Statement of Community Involvement

3.11 Following submission of the planning application, Planning Officers notified ward members of the proposals and a site meeting was then held attended by Planning and Highway Officers, the Appellants' Agent, a representative of the land owner, a representative of a local residents group and one ward member in August 2016.

3.12 The following consultation responses were received from statutory and non-statutory consultees on the application:

Statutory:

Kirklees Council Highways 7 September 2016 and 15 November 2016 (on potential alternative scheme)

Objection based on unacceptable junction arrangement and its detrimental impact on highway safety

Environment Agency, 26 July 2016

No objection subject to conditions

Non-statutory:

Kirklees Council Environmental Services, 9 August 2016

No objections subject to conditions

Kirklees Council Flood Management & Drainage, 3 August 2016

No objections subject to suggested conditions

Conservation & Design, 28 July 2016

No objection at this stage, but suggest that the principles outlined in the D&A are carried through at Reserved Matters

Trees Section

Further information required in order to fully assess the impact of the indicative proposed layout on protected trees.

Landscape Section

Ample space is available for on-site POS provision. This development comes within the zone for existing equipped play facilities in Brockholes and for a development of this large scale, it is expected that an off-site lump sum for broadening these existing facilities would be provided [sum can be calculated once the on-site POS areas are designed]. That being said, the site offers opportunities for a variety of natural play provision. Future consideration of reserved matters needs to take into account high quality landscape design.

Strategic Housing, undated

The current draft Local Plan advises that the Council seeks to secure at least 20% of total units on market housing sites, for affordable housing. In the application, the Developer has proposed that 23 of the 116 houses in the development be affordable homes. The Council welcomes this early consideration of affordable housing on site.

With a need for affordable housing in the area, this application is welcomed. The Council is open to discussion with the Developer regarding affordable housing.

School Organisation & Planning, 18 July 2016

Financial contribution of £180,741.00 is required towards school funding

PROW team, 7 September 2016

No objections. Detailed comments to be adopted at reserved matters stage.

WY Police Architectural Liaison Officer, 18 July 2016

No comments adverse to the approval of this outline planning application.

- 3.13 In November 2016 a possible alternative access arrangement involving a signal controlled junction as opposed to the submitted simple priority junction arrangement, was submitted by the Appellants' Highway Consultant for discussions with Highway Officers, in a further Technical Note. That Note is attached to the Highway Statement submitted with these Appeal Grounds. Highway Officers responded stating their objection also to that suggested, possible alternative arrangement.
- 3.14 The planning application was initially reported to the council's Strategic Planning Committee on 1 December 2016, with an officer recommendation for refusal on highway grounds and the lack of a completed S106 Agreement. The committee resolved to refuse the application as per the officer recommendation.
- 3.15 The report to Committee is appended to these Appeal Grounds. Key extracts confirming the principle of development read as follows;
- "10.0 Appraisal***
- 10.1 The Principle of Development***
- 10.10 The Council is currently unable to identify a 5-year supply of deliverable housing sites....*
- 10.11 Assessing the policies in the NPPF as a whole in accordance with the paragraph 14 test, the benefit of providing housing on this green field site is considered to outweigh the environmental harm arising from this development....*
- 10.17 In conclusion the principle of development on the POL is considered to*

be acceptable.

11.0 Conclusion

11.2 Matters of scale, layout, appearance and landscaping are reserved but officers are satisfied that on these issues an acceptable scheme could be brought forward that complies with relevant local and national planning policies.”

- 3.15 While the submitted priority junction and the potential alternative signal controlled junction were both presented in the Committee report, the refusal reason made specific reference only to the latter, which had been submitted for discussion purposes and was not for determination. Accordingly, the Appellants requested the application be reported to a subsequent Planning Committee for a decision to be made based solely on the priority junction.
- 3.16 On this basis, the application was reported back to the authority’s Strategic Planning Committee on 2 February 2017 for members’ approval of a revised refusal reason, which removed specific reference to the signal controlled junction. Members agreed that recommendation and the application was refused for the reason set out at paragraph 1.4 of these Appeal Grounds.

4.0 DEVELOPMENT PLAN POLICY

- 4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that all planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 In this instance, the development plan is formed by the post 2007 'Saved' policies and proposals of the Kirklees Unitary Development Plan, adopted March 1999, (UDP).
- 4.3 The Saved Policies of the UDP, remain the statutory development plan for the Kirklees District until replaced with the adoption of the forthcoming Local Plan, work on which is at an early stage, following the withdrawal of the LDF Core Strategy in October 2013.
- 4.4 As set out previously, the UDP Proposals Map identifies that the site comprises most of an area of land identified as POL, under Policy D5.
- 4.5 Accordingly, the following key Kirklees UDP policies are of assistance in the assessment of this application;
- BE1 New Development
 - BE2 Design
 - BE23 Crime Prevention
 - NE9 Trees
 - T10 Highway Safety
 - T16 Pedestrian Routes
 - H18 Public Open Space requirements
 - D5 Provisional Open Land
- 4.6 Furthermore, the site is identified as a possible housing allocation, with Site Ref H129 in the Kirklees Local Plan Publications Draft Site Allocations Document, which completed its consultation stage in December 2016.
- 4.7 Extracts from the UDP Proposals Map and Local Plan Site Allocations Map are reproduced overleaf.
- 4.8 The planning application proposals are assessed against each of these policies in Section 5.0 of this Statement.

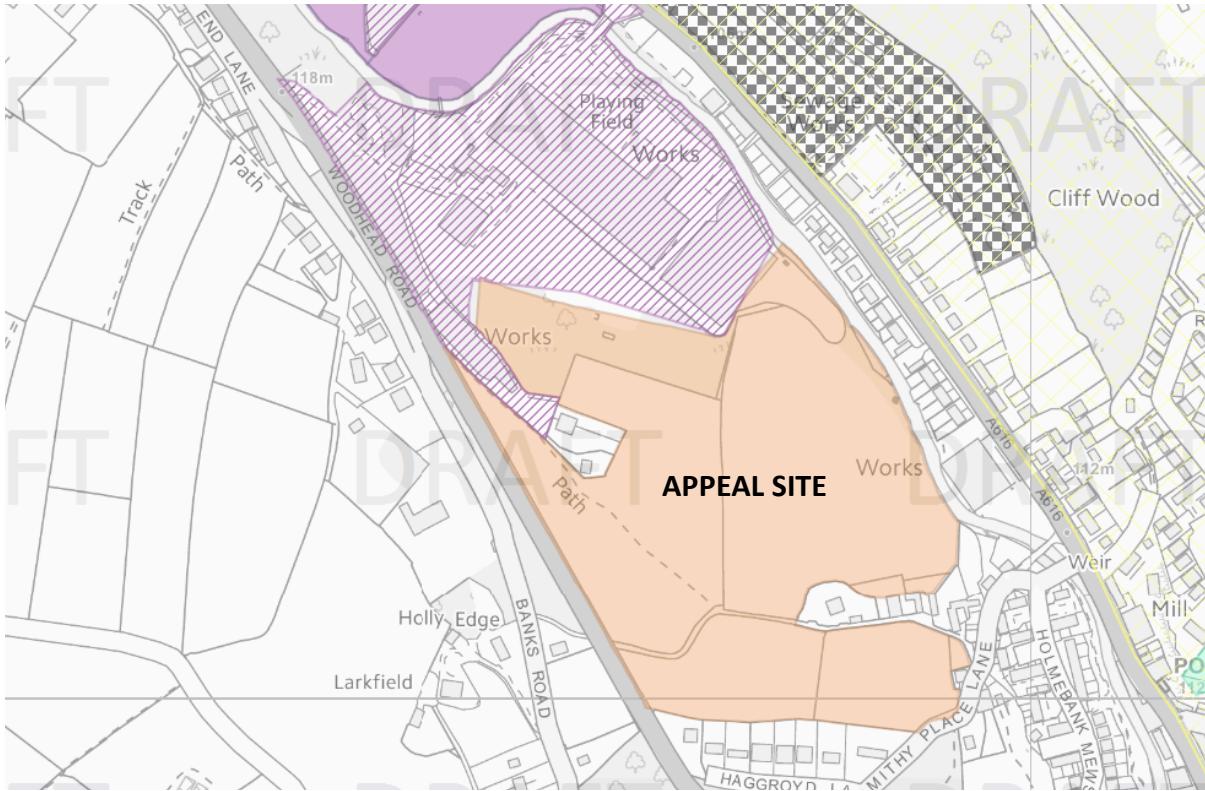


Figure 1. Kirklees Local Plan Publications Draft Site Allocations map extract, December 2016

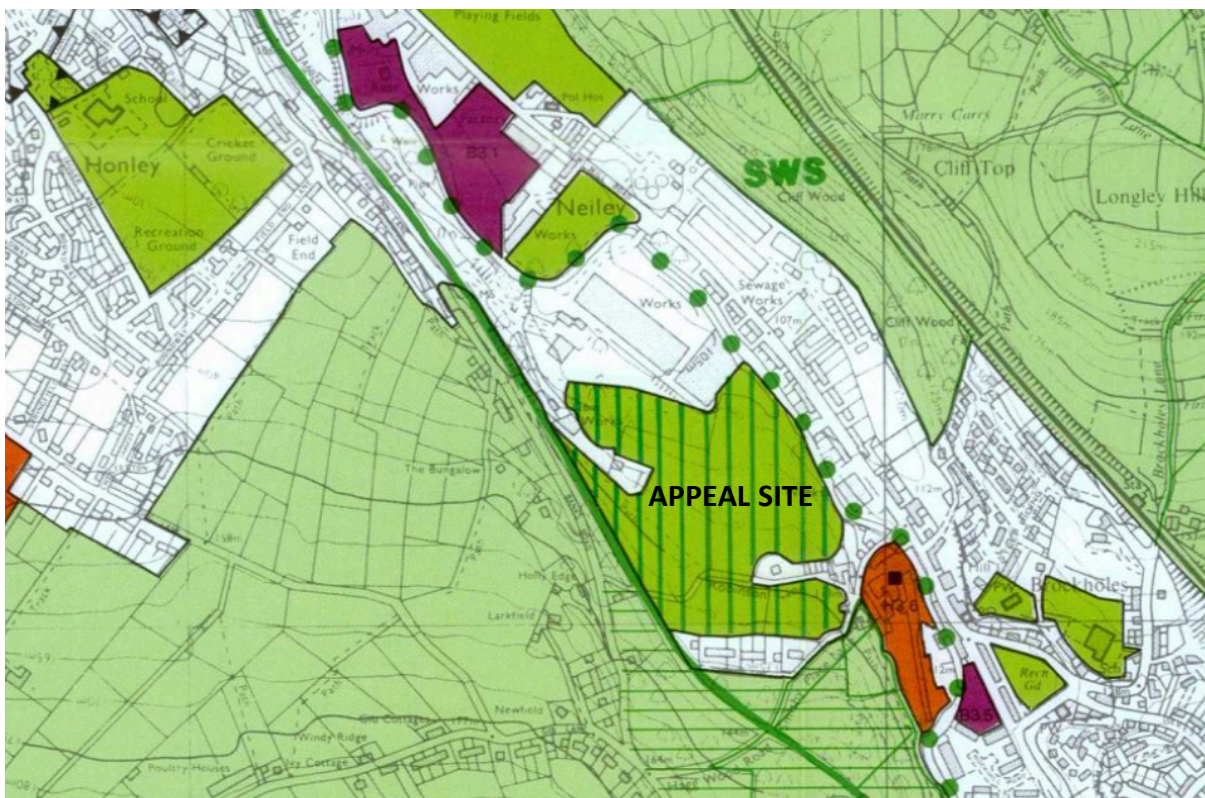


Figure 2. Kirklees UDP Proposals Map extract, 1999.

5.0 **NATIONAL PLANNING POLICY FRAMEWORK AND THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

5.1 The NPPF (Framework) was published in March 2012 replacing most pre-existing national planning policy guidance. The Framework must therefore be taken into account in preparing development plans and is a material consideration in the taking of planning decisions.

5.2 The following Framework guidance is relevant to the consideration of the application.

Achieving Sustainable Development

5.3 The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development.

5.4 Paragraph 7 identifies the three dimensions to sustainable development; these being economic, social and environmental, within which the planning system performs the following roles;

- *“An economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *A social role - supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and supports its health, social and cultural wellbeing; and*
- *An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this helping to improve biodiversity, use natural resources prudently, minimize waste and pollution and mitigate and adapt to climate change including moving to low carbon economy.”*

The Presumption in Favour of Sustainable Development

- 5.5 Paragraph 14 contains the following presumption in favour of development that achieves this;

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.”

- 5.6 This paragraph continues;

“For decision taking this means;

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

Core Planning Principles

- 5.7 Paragraph 17 of the Framework sets out 12 core land use planning principles that should underpin both plan-making and decision-taking. These are that planning should;

- *“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 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 high degree of predictability and efficiency;*

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- *Not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*
- *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. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*
- *Always seek to secure a 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 the different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and the 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 reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example by the development of renewable energy);*
- *Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*
- *Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value;*

- *Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);*
- *Conserve heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations;*
- *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; and,*
- *Take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.”*

Promoting Sustainable Transport

5.8 Paragraph 32 of the Framework states that plans and decisions should take account of whether;

- *“The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable access to the site can be achieved for all people; and*
- *Improvement can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

5.9 Furthermore, paragraph 34 advises that;

“developments that generate significant movement are to be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”

5.10 Paragraph 35 continues;

“Developments should be located and designed where practical to;

- *Give priority to pedestrian and cycle movements and have access to high quality public transport facilities;*
- *Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians...”*

Delivering a wide choice of high quality homes

5.11 Section 6 of the Framework sets out the Government’s policies to ensure delivery of a wide choice of high quality homes.

5.12 Paragraph 47 requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.

5.13 Specifically, paragraph 49 requires that;

“Housing applications should be considered in the context of the presumption in favour of sustainable development. 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.”

Requiring good design

5.14 At Section 7 the Framework makes achieving good design a key factor in determining planning applications;

“Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.”

5.15 Paragraph 58 that planning policies and decisions should aim to ensure that developments;

- *“Will function well and add to the overall quality of the area...”*
- *Establish a strong sense of place...*

- *Optimise the potential of the site to accommodate development...*
- *Respond to local character and history...*
- *Create safe and accessible environments...and;*
- *Are visually attractive as a result of good architecture and appropriate landscaping.”*

5.16 The application proposals are assessed within this national policy guidance in the following section of this report.

6.0 THE CASE IN SUPPORT OF THE PLANNING APPEAL

NATIONAL PLANNING POLICY FRAMEWORK ASSESSMENT

6.1 Central Government planning policy guidance set out in the new National Planning Policy Framework, (the Framework) published in March 2012, introduces a new presumption in favour of sustainable development.

The principle of development and the 5-year supply of land for housing

6.2 The Framework states that local planning authorities should seek to increase, significantly the supply of new housing.

6.3 In terms of making decisions on planning applications, paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and 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.

6.4 The Framework also requires that local planning authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land.

6.5 The question of housing land supply within Kirklees District, was considered at Public Inquiry in relation to a refused planning application for residential development at land at Ashbourne Drive and Ashbourne View, Cleckheaton, under Planning Appeal ref. APP/Z4718/A/13/2201353.

6.6 In the week immediately preceding the Public Inquiry the council resolved to withdraw their Local Development Framework Core Strategy and to prepare a new Local Plan based on the former Regional Spatial Strategy housing requirement of 1700 dwellings per year.

6.7 Insofar as matters of housing land supply and the status of UDP housing policies are concerned, the Inspector concluded;

“17. Notwithstanding the council’s initial stance, it is now accepted by all parties that there is a less than five year supply of housing land in Kirklees. The council has failed to carry out 5 year reviews of the UDP; the housing policies in the plan were due to last only until 2006. They are now clearly well out of date and it is unlikely that they will formally be reviewed for some time. The council has resolved to withdraw the emerging Core Strategy and it seems unlikely that there will be a replacement plan in place much before 2018. In the meantime there is an insufficient supply of housing land.”

42. The lack of a five year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a 5 year supply also means that policies in the UDP concerning housing are out of date. Policy D5 clearly relates to housing and so, it too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances the Framework’s presumption in favour of sustainable development is engaged.”

- 6.8 The Framework makes it clear that where there is an insufficient supply of land for housing there is a presumption in favour of sustainable development.
- 6.9 Furthermore paragraph 14 of the Framework states that where the development plan is absent, silent or relevant policies are out of date, then local planning authorities should grant planning permission unless either the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or where specific policies in the Framework indicate otherwise.
- 6.10 As set out in the extracts from the Planning Officer’s report to the council’s Strategic Planning Committee, the council is unable to demonstrate the required five plus years supply off deliverable sites for housing.
- 6.11 Furthermore, whilst the site is identified in the UDP as Provisional Open Land, the text that supports policy D5 informs that the UDP will be reviewed at least every 5 years and will involve an assessment of the POL sites to investigate a

case for their release for development. No such review has taken place since the UDP was adopted in 1999, some 18 years ago.

- 6.12 UDP Policy D5 is therefore significantly out of date. The Foreword to the UDP says that with regard to the supply of housing land, the plan covers the period 1st April 1993 to 1st April 2006, in itself an end date in excess of 10 years ago. On this basis UDP housing policies cannot now be relied upon.
- 6.13 Therefore, in the absence of a 5-year deliverable supply of land for housing, the principle of development on this Protected Open Land site is beyond reasonable question and the presumption in favour of sustainable development applies. This is consistent with the Planning Authority's recent approval of residential development proposals on other POL sites, detailed below and the approach adopted by Planning Officers in their report to committee in respect of the Appeal application.
- 6.14 Given there is now an overriding current need to provide housing sites in order to help meet the Framework requirement for the identification of at least a 5 year supply of land for housing it is considered that the proposal represents a sustainable development as a matter of principle that complies with the and the guidance contained within the Framework.
- 6.15 Accordingly, the Appellants share the LPAs view that no reasonable objection may be raised to the principle of the residential development at this site at this time.

Achieving Sustainable Development

- 6.16 Paragraphs 6 to 17 of the Framework sets out the Government's policy on the need for new development to be sustainable.
- 6.17 Paragraph 7 details the three key roles of sustainable development: an economic role; a social role; and an environmental role. Paragraph 8 makes it clear that these roles should be considered holistically as each role can affect the delivery of the remaining two. Sustainable development seeks to promote all three roles.

- 6.18 Paragraphs 11 to 16 detail the Government's policy on the presumption in favour of sustainable development. While this presumption is now in place, paragraph 12 makes it clear that the Development Plan is still the starting point for decision-making. The presumption is described as a 'golden thread' running through policy in the Framework and is clearly a material consideration in this planning decision in particular in view of the lack of an identified 5 year supply of land for housing.
- 6.19 The application site is demonstrably located as shown by the Applicants' submitted Sustainable Accessibility Appraisal, which concludes the site meets the objectives of national locational planning policy and transportation guidance.
- 6.20 This Assessment of the sustainability of the site's location concludes that the site is sustainably located as follows;
- Pedestrian accessibility is considered to be very good with the proposed development site able to link in directly with existing footways on Woodhead Road and New Mill Road.
 - There are a significant number of local amenities within the preferred maximum walking distance of 2km. These include mini supermarkets, schools, shops, post office, recreational areas, church, village hall, a business park, public houses and public transport facilities.
 - For commuting, the site is well located for access via walking to Brockholes and Honley railway stations.
 - Cycle accessibility is very good with generally flat terrain and roads surrounding the Site on two sides. The local residential roads carry low volumes of traffic and will provide a safe cycling environment. Within recognised acceptable cycling distances there are a number of local and regional amenities and facilities including schools, health centres, supermarkets, shopping centres, Huddersfield Centre and Rail Stations.
 - Public transport accessibility is very good with a number of bus

stops and services available within an easy walk of the Site. Five bus stops are located within a seven-minute walk of the development. Direct access is possible to a number of major employment, shopping and leisure centres including Huddersfield centre within a 15 minute bus ride.

- A local rail station at Brockholes is also located within easy walking and cycle distance at less than 1.2km away, which provides direct access to the local rail network and links to the national network.

Economic Benefits

- 6.21 Paragraph 19 of the Framework states the Government's commitment to economic growth and that significant weight should be placed on the need to support economic growth through the planning system.
- 6.22 In terms of the potential impact on economic and physical regeneration. The application is in accordance with the Government's overarching objectives for sustainable economic growth and development as set out in Framework.
- 6.23 Based upon a development of 116 new dwellings, construction on this site will help to sustain or create 174 Full Time Equivalent direct jobs during the anticipated construction phase. This is based upon the HBF direct multiplier of 1.5 FTE jobs per new dwelling built.¹
- 6.24 Furthermore, it is estimated that substantial economic benefits will arise including a New Homes Bonus of approximately £900,000 over 6 years², a construction spend in the order of £17,400,000 and an economic spend of approximately £27,000,000.³
- 6.25 A commuted sum payment to the LPA of approximately £180,000 is also required.
- 6.26 Thus, the proposals will bring clear economic benefits to the area. This will include significant investment and employment during the construction phase

¹ The Labour Needs of Extra Housing, Professor Michael Ball, HBF and CITB, 2006

² Calculated on HCA New Homes Bonus Calculator

³ HCA toolkit

and a financial benefit for the council under the New Homes Bonus Scheme, in addition to commuted sum payments and increased Council Tax revenue.

- 6.27 The proposals will fulfil an economic role by providing housing in an area where there is an acknowledged shortfall and will contribute to the continued improvement of the economic performance of this part of the district and build a more prosperous community, deliver more sustainable patterns of development, by reducing the need to travel by car and respond to climate change, and help meet the housing needs of the community.

Social Benefits

- 6.28 Key social benefits of the proposed development include provision of market and affordable housing, to provide increased housing choice within Kirklees District wherein there is an acknowledged lack of deliverable homes. A further key social benefit includes supporting the local community with a housing development that is in close proximity to a range of facilities and services that are easily accessible by foot, cycle and public transport.
- 6.29 The site's development would increase the housing stock within Brockholes by approximately 116 dwellings, which is estimated to create around an additional 266 residents. These new dwellings would provide greater choice for younger people wishing to remain or live in the area and help deal with issues of housing affordability that acts as a barrier to attracting young economically active residents.
- 6.30 An increase in the number of economically active residents would help to encourage economic growth and boost local spending, which will help safeguard local services and facilities. The NPPF highlights the central role planning policy plays in supporting efforts to retain and develop local services and facilities. A sufficient population spending money in shops and using services and facilities is key to delivering economic and social sustainability.
- 6.31 The proposed development would therefore assist in sustaining these existing facilities, by increasing the working age population, increasing expenditure in the local economy, and the patronage of local services.

Environmental Benefits

- 6.32 The Applicants' submitted Ecological Assessment confirms the site is not of ecological importance or that any habitats or protected will be harmed through development as proposed. The proposals represent an important opportunity for habitat enhancement, and also as it will make a significant contribution to meeting the under-supply of housing locally it will enable the protection of more environmentally sensitive parts of the district from development.
- 6.33 The proposed development clearly satisfies these key national policy objectives and should be considered as meeting sustainable policy aims set out in the Framework.

DEVELOPMENT PLAN POLICY ASSESSMENT

- 6.34 As previously set out the UDP housing supply policies are agreed to be out of date and therefore the following, remaining UDP policies are relevant to the consideration of the application.

Policy BE1 Design Quality

- 6.35 Policy BE1 requires that all development should be of good quality design such that it contributes to the built environment. The proposals achieve a high quality of layout, design and landscaping, appropriate to the site, and its relationship to its wider surroundings.

Policy BE2 Design of new development

- 6.36 This policy states that new development should be designed to ensure it is in keeping with surrounding areas in respect of design, materials, scale, density, layout, height or mass, that the topography of the site is taken into account, satisfactory access to the existing highway can be achieved and that and existing and proposed landscape features are incorporated as an integral part of the proposal.

- 6.37 While illustrative at this stage, it is clear that the proposals are of a high design standard that is wholly in keeping with the character of the surrounding area. The layout provides extensive landscaped and open space areas and retains and supplements the existing mature tree belts within the site and on its boundaries.
- 6.38 Additionally the application includes details of the proposed access to the A6024 and the Applicants' evidence confirms that no material change in existing levels highway safety will arise.

Policy NE9 Retention of mature trees

- 6.39 Policy NE9 aims to protect any mature trees through the development process. It also requires that where development is approved on sites containing mature trees, no construction, including changes in levels, drainage works and the formation of access roads will be permitted within the crown spread of the trees unless it can be demonstrated that satisfactory precautions will be taken to ensure their continued viability.
- 6.40 The proposed site layout ensures that no harm will arise to the mature trees within and adjoining site and it is expected that any consent will be conditional on a tree protection and management plan, being submitted and approved by the planning authority, prior to any development commencing in accordance with NE9.
- 6.41 In this regard the Arboricultural Impact Assessment concludes:
- The proposal can be achieved with no compromise to the trees worthy of retention.
 - The trees that should be removed are of little merit or have significant defects likely to cause hazard in the future.
 - There is scope to enhance the site with new planting.
 - Retained trees can all be protected in accordance with current standards and guidance.

Policy BE23 Crime Prevention

6.42 Policy BE23 sets out guidance on crime prevention and states the measures that new development should incorporate. The submitted Masterplan layout demonstrates the proposals include:

- Pedestrian safety on footpaths by ensuring thorough visibility from dwellings
- Natural surveillance of public spaces from existing and proposed development.

Policy T10 Highway Considerations in New Development

6.43 This is a transport related policy that requires that new development does not lead to highway safety problems. As previously stated the site is located in a sustainable location accessible by public transport. It is expected that traffic generation can be accommodated within the capacity of the existing road network, based on experience elsewhere and in view of the nature of the proposal.

6.44 The Applicants' submitted Transport Assessment and access proposals demonstrates, following additional radar speed checks and on site survey work, that a safe access to the A6024 Woodhead Road is proposed with good visibility in both directions.

6.45 It is proposed that the site's comprehensive development could be served from an access in this location.

6.46 The Appellants' highway evidence in support of their Appeal is set out in the separate Statement submitted with these Appeal Grounds.

This evidence concludes;

- safe access can be provided from its road frontage to the A6024
- visibility splays in accordance with the required standard can be achieved in this location
- the site can be developed without leading to harm to highway safety or to any material change in existing highway conditions.

6.47 This evidence demonstrates that the impact of the development-generated traffic on the highway network is expected to be acceptable and it is therefore

concluded that the development proposals can be accommodated without resulting in a significant detrimental impact upon the network.

6.48 On this basis the proposal satisfies UDP Policy T10.

Policy T16 Provision of Pedestrian Routes

6.49 Policy T16 addresses pedestrian safety and states 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.

In accordance with T16, the Masterplan layout demonstrates how the proposals retain and enhance public footpaths and link into the existing footpath network.

Policy H18 Public Open Space Requirements

6.50 Policy H18 sets out the requirements for public open space within residential developments and states 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 30m² per dwelling. The illustrative submitted Masterplan shows significant areas of open space of some 3.3ha are proposed as open space, footpaths, amenity areas, and grassland, which greatly exceed this requirement.

Policy D5 Provisional Open Land

6.51 The Appellants share the view of the LPA that as Policy D5 relates to the release of land for housing, it is out of date and that its weight must be reduced accordingly by virtue of the Framework guidance and the lack of a deliverable five plus years supply of land for housing. It is noted that this position is reaffirmed by the conclusions of the Appeal Inspector in his decision referred to above and the Planning Officer's reports to Strategic Planning Committee in both December 2016 and February 2017 when

members determined the application, which is the subject of this Appeal.

- 6.52 In these circumstances the development of the site can be justified and is not premature in view of the withdrawal of the Core Strategy and the timescale likely to be experienced in the preparation of its replacement and the Site Allocations Plan and the immediate need to provide deliverable sites for housing.
- 6.53 The planning application is also, fully compliant with the emerging development plan as it is allocated for housing development in the Draft Local Plan, which has recently completed its Publication Draft stage.
- 6.54 Finally, draft Heads of Terms for the required S106 legal agreement were included as part of the planning application submission and a completed Undertaking will be submitted to the Inspectorate within the required timescale for the Appeal.

7.0 CONCLUDING STATEMENT

- 7.1 The National Planning Policy Framework states clearly that planning applications for housing should be considered in the context of the presumption in favour of sustainable development and 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 sites.
- 7.2 Kirklees Council accepts that it is unable to demonstrate the required 5-year plus supply of housing sites and accordingly, the housing supply policies in the UDP are out of date.
- 7.3 The application site forms part of a wider area of land designated as Provisional Open Land, under UDP Policy D5, for which outline planning consent has already been granted for housing in part and is a draft housing allocation in the emerging Kirklees Local Plan.
- 7.4 The Appeal proposal constitutes sustainable development having access to a wide range of local facilities within Brockholes. The site can make an immediate contribution towards overcoming the shortfall in the five year housing land supply and deliver a significant number of benefits including much needed affordable housing and substantial economic benefits. The scheme is in accordance with national and local planning policy and the most recent appeal decisions in relation to the residential development of Provisional Open Land in Kirklees.
- 7.5 The principle of the sites residential development is not contested by the LPA; the only issue raised relates to the access arrangement proposed by the Appeal application. Highway Consultancy evidence is submitted to the Inspector, which demonstrates that no impact on highway safety will arise through the priority 'T' junction arrangement as proposed.
- 7.6 Overall, the proposal meets the requirements of wider Framework objectives as well as relevant Saved UDP policies and the emerging development plan.
- 7.7 Accordingly, in light of the acknowledged local housing land supply position and other considerations set out in this report, it is considered that the

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requirements of the Framework and the development plan are met and it is respectfully requested that this Appeal be allowed.

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