

Supporting Planning Statement

**SUPPORTING PLANNING STATEMENT FOR PROPOSED
RESIDENTIAL DEVELOPMENT ON LAND AT HELME LANE,
MELTHAM**

Our Reference: SHF.1298.003

October 2016

Samuel House, 5 Fox Valley Way

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Tel: 0114 321 5151

INTRODUCTION

This statement has been prepared by **Enzygo Environmental Consultants** in support of an outline planning application by Conroy Homes Limited for residential development on land at Helme Lane, Meltham.

It will include an analysis of planning policy.

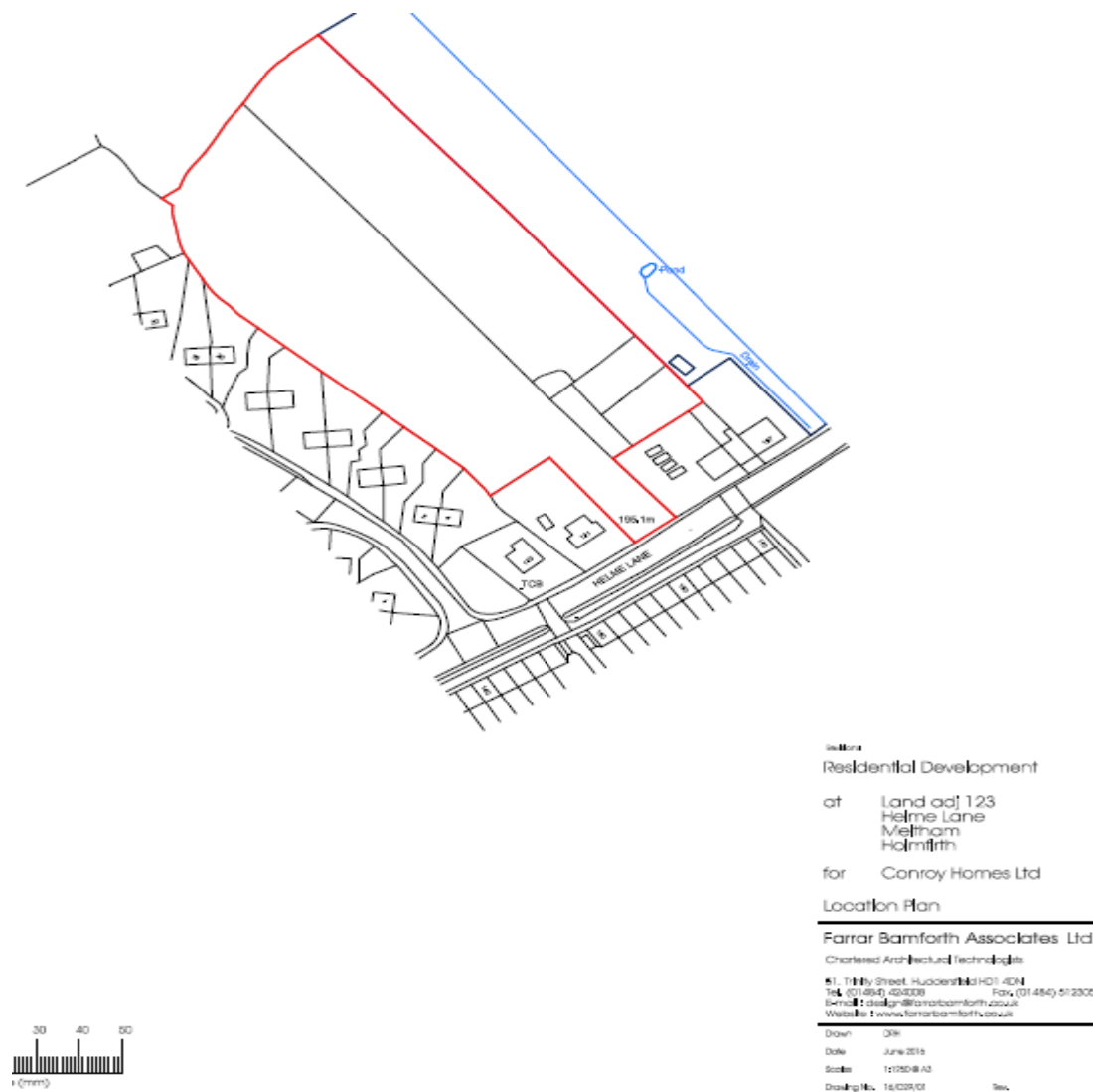
This report should be read in conjunction with the submitted planning application plans and associated reports.

Conclusions will be drawn on the suitability of the site for residential development.

SITE LOCATION AND DESCRIPTION

The site is located within the settlement boundary of Meltham with a frontage on to Helme Lane. It is currently an area of unused land with existing residential development on to the south and west.

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The Kirklees Unitary Development Plan (UDP) adopted in 1999 identifies the site as an area of Provisional Open Land (POL).

The Design and Access Statement that accompanies the planning application provides more detail on the site context.

Pre-application advice was sought from the Council on the POL site in August 2016. The Council letter is set out in full at **Appendix A** and is supportive of the release of the site for housing.

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or the government starter homes initiative. This matter along with any other identified contributions following consultation, can be secured via a S.106 contribution.

PLANNING POLICY CONTEXT

The development plan for the area is the Kirklees Unitary Development Plan (UDP) that was adopted in 1999. The UDP was to run to 2006 before being reviewed. No review of the UDP has taken place. As a consequence, national planning policy carries significant weight in making planning decisions.

National Planning Policy

The most up-to date planning policy is contained in the National Planning Policy Framework (NPPF). This was published in March 2012 and it makes a clear commitment to support sustainable economic growth and in particular support for an economic recovery through the building of houses. Central government sees the construction industry as an important economic sector that should receive support through the planning process.

The NPPF has introduced a presumption in favour of sustainable development. It advises that this presumption should run as a golden thread through the decision making process.

The NPPF advises as follows on the dimensions to sustainable development: -

‘7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of 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*

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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 support its health, social and cultural well-being; 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, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The NPPF makes it clear at paragraph 12 that it does not change the statutory status of the development plan as the starting point for decision making; but it also states that it is highly desirable to have an up-to-date plan in place.

The NPPF contains 13 topic areas; the relevant areas pertinent to this application are considered below: -

1. Building a strong, competitive economy

‘19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

Therefore, significant weight should be placed on the need to support economic growth through the planning system.’

This paragraph illustrates the Governments support for economic growth, including in the construction industry. The proposed development is in accord with this aim.

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6. Delivering a wide choice of high quality homes

*‘47. To boost **significantly** the supply of housing, local planning authorities should:*

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;*
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and set out their own approach to housing density to reflect local circumstances.’*

This paragraph (47) identifies the main aims of the NPPF with regard to housing that can be summarised as to **“boost significantly the supply of housing.”**

At paragraph 49 the NPPF goes on to state: -

*'49. 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 sites.***

A key consideration for this application, given recent events, is the ability of Kirklees to demonstrate a five-year supply of deliverable housing sites.

The NPPF supports the stimulation of the economy through the building of houses. Sites have to be in sustainable locations, LPA's should not seek to restrict new housing unless there are strong material considerations to indicate otherwise.

Local Plan Policy

As stated earlier, the development plan for the area is the Kirklees Unitary Development Plan (UDP) which was adopted in 1999. The application site is designated as Provisional Open Land (POL) on the UDP Proposals Map.

The Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to replace adopted Local Development Plans with a suite of Development Plan Documents (DPD) that would comprise their Local Development Framework (LDF). To allow time for the new LDF to be prepared the policies contained within the 1999 UDP were saved for a period of 3 years from the commencement of the Act on 28 September 2004.

Following the expiration of the 3 year period, and with no new adopted documents in place, a Direction was subsequently issued by the Secretary of State which saved a number of policies contained within the 1999 UDP. The saved policies included UDP Policy D5 (Provisional Open Land) and the Council's housing allocations set out in

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UDP Policy H6. At the present time, there are no new adopted Local Plan documents.

Policy D5 of the UDP applies, this states: -

D5 ON SITES DESIGNATED AS PROVISIONAL OPEN LAND PLANNING PERMISSION WILL NOT BE GRANTED OTHER THAN FOR DEVELOPMENT REQUIRED IN CONNECTION WITH ESTABLISHED USES, CHANGES OF USE TO ALTERNATIVE OPEN LAND USES OR TEMPORARY USES WHICH WOULD NOT PREJUDICE THE CONTRIBUTION OF THE SITE TO THE CHARACTER OF ITS SURROUNDINGS AND THE POSSIBILITY OF DEVELOPMENT IN THE LONGER TERM.

The preamble to this policy explains: -

The aim of the provisional open land designation is to maintain the character of the land so designated at least during the period until the plan is reviewed when it will be considered for allocation for development.

It is clear that POL sites were only to be protected for the lifetime of the UDP and that they would be considered for release for development at the end of this period of time.

The UDP was adopted in 1999 and was intended to be reviewed by 2006. No review has taken place and no replacement sufficiently progressed to be of significant material consideration. It is now beyond the review date by some 7 years and as a consequence careful consideration has to be given to the weight that can be given to each saved policy in coming to a decision on a planning application.

The NPPF advises the following on the relevance of saved local plan policies: -

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‘214. For 12 months from the day of publication, 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.

215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).’

The NPPF is now over 12 months old and the UDP 17 years old. The weight given to any policy in the UDP has to be carefully considered and will depend upon its consistency with the NPPF.

POL land should have been considered for development in 2006; any meaningful review has yet to take place.

Emerging Local Plan

The UDP is eventually to be replaced by the Local Plan.

A Core Strategy was finalised by the Council in September 2012; it was submitted to the Secretary of State in April 2013. Following initial comments by the Inspector and an Exploratory Meeting highlighting concerns around the ‘duty to cooperate’ and the Council’s approach to housing and the Green Belt, the Council have had to withdraw their Core Strategy. The formal notice of withdrawal was published on the 23rd October 2013.

The Council are publishing a final Draft Local Plan for consultation in November 2016 and it is anticipated that it will be subject to Public Examination in the Autumn of 2017 with adoption sometime in 2018.

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The impact of this is that the Council can no longer demonstrate a 5 year supply of housing land. The default position on sustainable sites is a presumption in favour of development.

ASSESSMENT OF PLANNING POLICY

This application is for the residential development of a POL site. Following the withdrawal of the Core Strategy and in the absence of an up to date Local Plan the Council are unable to demonstrate a 5 year supply of housing. As a consequence, planning permission has been granted for housing on a number of POL sites throughout the district.

The principle of development

The NPPF requires that councils should positively seek opportunities to meet the development needs of their area. It states that every effort should be made objectively to identify and then meet housing needs of the community.

The Government places considerable importance on the need to encourage house building to stimulate growth and to meet the national shortage.

The only adopted Local Plan policy is the Kirklees UDP which is out-of-date. Policies on the supply of housing are not up-to-date.

Policy D5 protected POL for the plan period – this expired in 2006. Under the provisions of D5 POL site should be released for development now.

We therefore consider the proposal against the three stated roles in NPPF for sustainable development.

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Economic

The development will bring considerable investment into the area with significant construction costs. It will also include planning gain in the form of affordable housing. Jobs will be created in the construction industry.

The development will support the stated aims of the NPPF with regard to economic development.

Social

The provision of housing in the right place is a key social aim. The need to provide enough houses is a key NPPF policy and this application supports this aim. It is important that enough housing is provided to provide for future generations.

The development will support the social aims of the NPPF

Environmental

The location has ready access to public transport and to local shops. Within easy access is the Meltham centre. The land has little or no ecological value. Gardens within the development will still provide ecological value.

The development will not have any significant effect on the environment.

It can be safely concluded that the proposal has a positive impact in terms of the three identified roles and as such is sustainable.

Status and Weight to be attached to the Statutory Development Plan

The saved policies of the 1999 Kirklees UDP comprise the Statutory Development Plan for the borough of Kirklees.

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The saved housing supply policies relevant to this appeal are the housing supply and requirement policies set out in chapter 11 and the Provisional Open Land (POL) policy D5 set out in chapter 2. The preceding assessment has demonstrated these policies are significantly out of date and as such they can be afforded no weight.

The plan was prepared at a time when national and regional planning guidance and policies were materially different with RPG12 (1996 and 2001) being replaced with the 2008 RS. The housing requirement in the UDP has therefore been superseded by the requirement figure set out in the RSS (May -2008), which remains the most recent tested requirement figure despite its revocation in February 2013. The focus of national policy now requires every effort to be made to significantly boost supply.

The housing land supply is time expired having covered a period only to April 2006, and in the 15 years since the UDP was adopted there has been no review of the UDP at all and certainly nothing that has resulted in a new adopted document which has reassessed the POL sites for release. It is evident we are now well into the "longer term" timeframe described in the UDP when the 1999 POL sites were intended to be released for housing development.

In relation to paragraph 14 of the NPPF, the development of the application site would constitute sustainable development, that the saved UDP housing policies and POL policies are out of date, and there are no specific policies in the framework that indicate development should be restricted. Planning permission should therefore be granted unless it can be demonstrated that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework.

CONCLUSION

The development wholly supports the Government's commitment to ensuring the planning system does everything to support growth.

The Council acknowledge that they cannot demonstrate a 5 year housing land supply and the development is sustainable. It is wholly consistent with the presumption in favour of sustainable development that runs as a "golden thread" through the NPPF.

There are no physical constraints to restrict development. The other technical reports in support of the proposal raise no issues that prevent development.

The proposals are wholly supported by the most up-to-date planning policy in the NPPF. The delivery of this sustainable site, and the contribution it will make to reduce the deficit in the Council's 5 year housing land supply accords with the Framework. It is wholly inappropriate in the context of national policy, when read as a whole, to delay the release of this site for market and affordable houses, when it cannot be argued to be premature, and when there are no new significant sources of supply that can come forward until new allocations are adopted, which is likely to be some 4+ years away.

There is no justifiable planning reason to withhold the grant of planning permission for the residential development proposed.

APPENDIX A



Enquiries to: Bill Topping

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Planning
Investment and Regeneration Service
PO Box 893, Civic Centre 3,
Off Market Street, Huddersfield, HD1 2JR

Tel: 01484 221000
Email: bill.topping@kirklees.gov.uk

Paul Kemp
Acting Assistant Director
Investment & Regeneration

Date: 22-Sep-2016
Our Ref: 2016/20186

Dear Sir/Madam

RE: Pre Application enquiry for residential development 44 dwellings at Land adjacent, 123, Helme Lane, Meltham, Holmfirth

I acknowledge receipt of your recent application for pre-application advice submitted on for the above location.

Background

As part of the pre application advice service, we have consulted the following internal consultees who would be part of the decision making process, should an application be received.

- Highways DM;
- Flood Management and Drainage;
- Environmental Services;
- Recreation and Parks;
- Education Services;
- Trees;
- Strategic Housing.

I would also thank you for attending an earlier meeting on 9th September 2016.

Policy.

The site is allocated as Provisional Open Land on the Unitary Development Plan, and as such is subject to Policy D5 which presumes against the development of such sites for the lifetime of the plan. However, given that the Council is unable to demonstrate a 5 year supply of deliverable housing sites, the housing policies within UDP are considered to be out of date, and in accordance with the guidance contained in the National Planning Policy Framework para 49, housing applications should be considered in the context of the presumption in favour of sustainable development.



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As such there is no objection to the release of this site for residential development at this time, unless any adverse effects of doing so would outweigh the benefits of delivering new housing.

Given the scale of the development involved, policies regarding the provision of affordable housing; Public Open Space, and Education contributions, are relevant.

The site is greenfield, and in accordance with the Council's SPD2 "Affordable Housing", affordable housing should be provided at 30% of the gross floor area. The Council's emerging Affordable Housing policy indicates 20% of numbers of units should be affordable on both brown and green field sites.

There is a demonstrable need for affordable housing in the Meltham area.

Your indicative layout shows no on site provision for POS. This site is considered to be a high quality landscape as open land at present, and as such any scheme should provide high quality green infrastructure in this setting as well as throughout the scheme.

In addition to a satisfactory landscape solution to the scheme, in this case an off-site payment in lieu of play equipment, of £117,300.00 would be appropriate, and this could be used towards pitch improvements at Broadlands Rec.

An Education Contribution of £85,193 would be applicable in this case.

(NB The sums quoted above regarding POS and Education are based upon a number of dwellings, and would be adjusted should numbers differ in an actual application.)

Design

The indicative layout submitted shows 44 dwellings accessed off Helme Lane. It is considered that the layout is somewhat cramped and represents over development of this site. The numbers and close packed nature of the houses would preclude any meaningful landscape provision within the site.

Any scheme should acknowledge the topography of the site ie a hill side, the substantial area of protected trees to the east, and provide a landscaping treatment along the northern boundary.

Highways

The site is currently an agricultural field with access directly onto Helme Lane between house numbers 121 and 125.

Helme lane is approximately 7.0 metres wide at this location with footways to both sides. On-street parking associated with the existing housing on the opposite side of Helme lane may however restrict the available width of Helme Lane to through traffic. Helme Lane is subject to a 30mph speed limit, with street lighting to appropriate standards.

Planning approval for a residential development of 88 dwellings was approved on land to the north in 2014 (2014/93959).

The nearest bus stops are within 150m at Helme Lane, and are served by bus services 324, 335, 388, 389 and 933 providing a combined weekday daytime service frequency of at least 8 buses per hour to Huddersfield, Meltham and Holmfirth.

Visibility splays of 2.4 x 43m are shown from the site entrance onto Helme Lane which are appropriate to the 30 mph speed limit.

Whilst acceptable in principle it is considered that the proposed internal layout should be a shared surface designed to achieve a maximum speed of 15mph. In general parking should be provided in accordance with Appendix 2 of the UDP, including visitor (1 space per 4 dwellings) and cycle parking.

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If integral garages are to be considered as contributing towards parking provision they must provide internal dimensions of 3m x 6m. Turning heads should be designed to accommodate an 11.6m long waste collection vehicle which should be demonstrated using swept path analysis. The access road should be 5.5m in width and 600mm hard margins are needed to all sections of any shared carriageways

Any application should be accompanied by a Transport Statement prepared in accordance with the guidance in the Planning Practice Guidance suite. The scope of the Statement should include details of proposed traffic generation, access to sites by various travel modes, accident analysis and site access design and service arrangements. The statement should also include a cumulative impact assessment covering existing commitments in the Meltham area.

Drainage

The site is located in Flood Zone 1 (ie low risk). However given the size of the site over 1ha, any application should be accompanied by a Flood Risk Assessment

Surface Water Flood Risk

A watercourse has been identified crossing Helme Lane outside 121/158. This system extends into site. A full upstream survey has not been carried out and needs to be to support a flood risk assessment. We advise this is done separately up front liaising with Kirklees Flood Management & Drainage. This is not suitable to be conditioned. A stand off distance based on size and depth will be required. A surface flood route for water escape is required. At this stage with no layout agreed the opportunity is there to incorporate into a safe design utilising road networks and public open space. Minor diversions can be considered for Land Drainage Consent under the Floods and Water Management Act 2010 but the safest scenario is to position under adopted roads with properties and driveways elevated either side. No firm commitment can be made on layout or even house numbers until more is known.

This system has been cctv'd downstream and is known to be damaged at the time of writing. Connections to it are not advised until such a time that this significant until such a time as this significant damage is rectified. Water is current escaping causing waterlogging to sports fields and the Barratts/Devid Wilson Homes development 2014/90722. There is an unresolved argument at the time of writing with regard to the positioning of highways on this site in relation to open sections of this watercourse. Diversions have not been approved to date. It is unclear as to whether risk present can be managed within the LPA agreed layout. Dialogue is ongoing on both issues. We would not support a connection to this system until risk is adequately mitigated.

There are several flood incidents reported in the immediate vicinity of the site, including re-emergence from adjacent roads and driveways. The latter may concern groundwater movement from the site or an additional unrecorded system.

Flood incidents have been reported by the immediate adjacent properties which is potentially on the line of the culvert. Mention of flows from wasteground adj to Highfield Crescent is mentioned.

Earlier flood incidents to Helme Lane immediately outside the site are blamed by residents on blocked and surcharged gullies. Highway drainage connecting to the watercourse should also be surveyed to fully understand flood risk.

Kirklees Flood Management & Drainage has undertaken research in the vicinity of the site after a series of incidents including re-emergence mentioned above, within Highfield Avenue and under

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floorboards of some of the properties. Additional problems to the east have also been investigated. It is clear that there are several piped or overland flows of water at frequent intervals to the north of Helme Lane. A walkover is advised in land to the north in conjunction with Kirklees Flood Management & Drainage. Given the risk in the area and water observed in recent years across Helme Lane, an assessment to the Blackmoorfoot conduit is observed. Kirklees has experience leakage from such conduits in other parts of the district in recent years. We advise that a specific request to Yorkshire Water is undertaken for information of where compensatory flows are.

Although some distance away, a well is shown on 1960's and today's maps in a direct line from the site using OS contours to the other side of the conduit off the Dunnock Road Track.

The 1854 map appears to show an open watercourse along the western boundary and upstream fields. The downstream section is further to the west than the current piped system. Subsequent diversions could have occurred however. If this is still the current route the indicative map would be objected to.

There is an addition system depicted immediately to the east of the site on current OS plans. It is not clear what the upstream route of this system is and whether site is affected. Further assessment required.

Full mapping assistance is available on request.

Land Drainage – Special consideration

Special consideration of perimeter land drainage is required on site at Helme Lane to intercept overland flows and groundwater flows. Serious consideration is needed on capture and maintenance by a responsible management company via a section 106 agreement. Such systems are often neglected by householder and has proved problematic on other sites in the area.

Geology

An qualified opinion on the catchment hydrogeology is advised in the analysis of experienced re-emergences in the area.

Surface Water Disposal

Infiltration techniques are indicated by BGS data to be unsuitable in this area. Experience of problems of re-emergence supports this.

A watercourse is present downstream and a connection could be facilitated at such a time that downstream improvements are carried out.

We envisage that if a suitable scheme can be developed significant land drainage will play a role in the development of the site. To compensate, a reduction to 2.5l/s/ha is envisaged in line with adjacent developments.

Site Specific Issues

There are no Environmental Health concerns, however the application should be accompanied by a Phase 1 Contaminated Land Report. Also in the event of an approval the provision of electric charging points for electric and low emission cars would be conditioned.

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There are a significant number of mature trees surrounding the site, in close proximity to the site boundary, many of these trees are protected by Tree Preservation Order. Any application should be accompanied by a Tree Survey that accurately plots these trees, and their crown spread.

Any application should be accompanied by an Ecological Survey of the site and the neighbouring area, adequately inform any decision on the site's value, as well as how bio diversity enhancement can be achieved within the site and to the benefit of the habitat on the neighbouring hillside.

Conclusion

The principle of residential development is established, as is the principle of access. Given the nature and location of the site, ie on a hillside and on the edge of the Meltham village, it is considered that a more sensitive approach to that shown in your indicative layout, would be required, including a reduced density enabling the provision of additional landscaping across the site.

Any application should be accompanied by a

- Design and Access Statement;
- A Statement of Community Involvement
- A Transport Statement;
- A Flood Risk Assessment/ Drainage Strategy;
- Tree Survey;
- Phase 1 Contaminated Land Report;
- Ecological/Habitat Survey

Any views or opinions expressed are in good faith, without prejudice to the formal consideration of any planning application, which will be subject to public consultation (which would include the Meltham TC), and ultimately decided by the Council.

Caution should be exercised in respect of pre application advice for schemes that are not submitted within a short time of the Council's advice letter.

Yours faithfully

Bill Topping

Major Development Officer

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