

Application No: 2016/90647

Type of application: 60m - OUTLINE APPLICATION

Proposal: Outline application for residential development (23 dwellings)

Location: former railway station and goods yard, Fold Farm, Netherton Fold, Netherton, Huddersfield, HD4 7HB

Grid Ref: 412263.0 412862.0

Ward: Crosland Moor and Netherton Ward

Applicant: Scott Waters, Alcuin Homes (Yorkshire) Limited

Agent: Andrew Coldwell, Heppenstall Architects

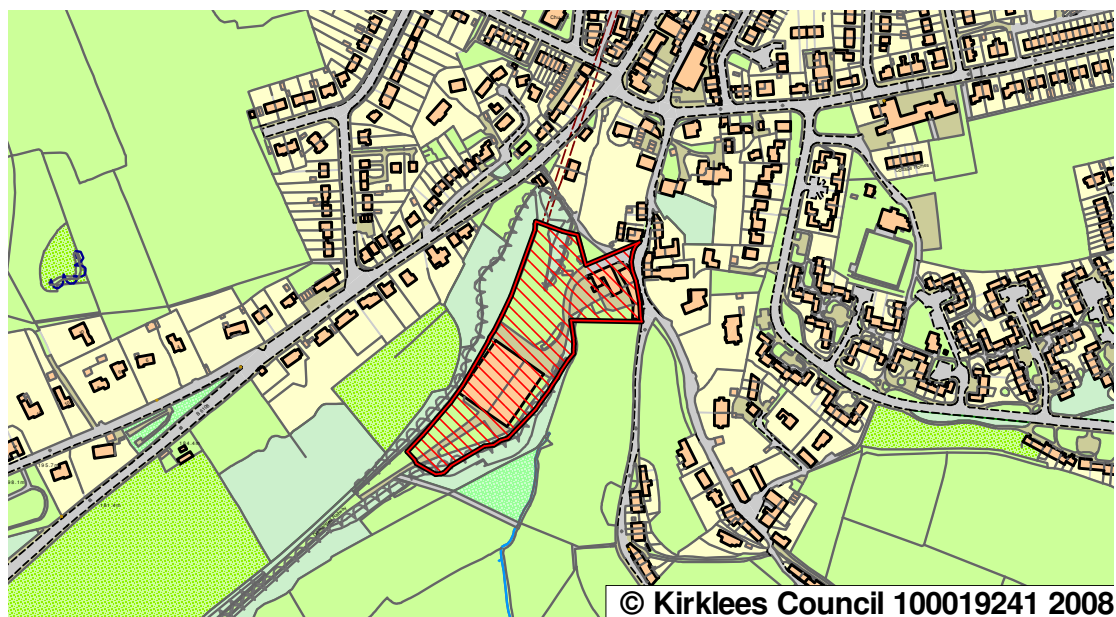
Target Date: 26-May-2016

**Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL
SUBJECT TO DELEGATION TO OFFICERS**

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Outline for Residential Development	
Scale of Development	23 Units	
No. Jobs Created or Retained	N/a	
Policy		
UDP allocation	Green Belt	
Independent Viability Required	No	
Representation/Consultation		
Individual Support (No.)	0	
Individual Objection (No.)	23	
Petition	No	
Ward Member Interest	Yes	
Statutory Consultee Objections	Drainage	
Contributions		
• <i>Affordable Housing</i>	Yes	By condition
• <i>Education</i>	Not required	
• <i>Public Open Space</i>	£37,950	By S106 obligation
• <i>Dedication of land as pedestrian/ cycleway</i>	Yes	By S106 obligation
• <i>Financial contribution towards cost of implementing pedestrian/ cycleway</i>	£58,000	By S106 obligation
• <i>Resident Metro Cards</i>	Nil	
Other Issues		
Any Council Interest	No	
Planning Pre-Application Advice	No	
Pre-App Consultation Undertaken?	No	
Comment on Application	<p>The development proposed is considered to be inappropriate development within the Green Belt. The resultant harm will be no greater than that which already exists. The applicant puts forward a case for very special circumstances based upon the opportunity to secure land for and a financial contribution towards the implementation of a significant section of cycleway that forms part of the Meltham Greenway. Realising a section of cycleway that is part of a strategic route linking Meltham with Netherton is considered to outweigh any resultant harm.</p>	

RECOMMENDATION:

GRANT CONDITIONAL OUTLINE PLANNING PERMISISON SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- i. **RESOLVE THE OUTSTANDING DRAINAGE ISSUES**
- ii. **REFERAL OF THE APPLICATION TO THE SECRETARY OF STATE UNDER THE PROVISIONS OF THE TOWN & COUNTRY PLANNING CONSULTATIONS DIRECTION 2009. SHOULD THE SECRETARY OF STATE NOT WISH TO INTERVENE THEN:**
- iii. **ENTER INTO A SECTION 106 AGREEMENT TO SECURE THE DEDICATION OF LAND AND A CONTRIBUTION TOWARDS PROVISION OF AN EXTENSION TO THE MELTHAM GREENWAY**
- iv. **IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE SET OUT BELOW, AND**
- v. **PROVIDED THAT THERE ARE NO NEW MATERIAL CHANGES, ISSUE THE DECISION.**

2. INFORMATION

The application is brought forward to Strategic Committee for determination in accordance with the Council's Scheme of Delegation as it represents a departure from the Council's Unitary Development Plan Proposals Map.

3. SITE DESCRIPTION / PROPOSAL

Site Description

The application site comprises an area of approximately 1.5 hectares, located off Netherton Fold and Station Road, approximately 0.1 mile to the south of the local centre of Netherton. The site comprises of the former Fold Farm in the north-eastern corner, with the land to the south comprising a former railway station and goods yard. The station platform, sidings, hardstanding and crane bases remain together with an engineered tunnel, the entrance to which has been sealed off.

Within the site are two plateau areas connected by a cobbled / metalled roadway off Station Road. The upper plateau, adjacent to Netherton Fold comprises of a stone barn which directly abuts the boundary with Netherton Fold and a mix of now dilapidated buildings constructed with a mix of materials (breeze block, sheet cladding, stone and timber). On the lower plateau are three connected buildings clad in sheet steel, used for the accommodation of cattle, feed storage and implements. At the time of the site visits cattle were present in the buildings.

The site is bounded by extensive woodland to the north and mature trees to the west and south.

To the north, the site is bounded by the former railway line that formed a branch line from Huddersfield to Meltham.

The site is wholly within the Green Belt and adjoins the Netherton (Corn Bank) Conservation Area.

Proposal

The application seeks permission for demolition of existing buildings and outline planning permission for residential development of 23 units with access and layout to be considered. All other matters (scale, appearance and landscaping) are reserved for subsequent consideration.

The development would be accessed off Station Road; the access that was originally constructed for Netherton Station goods yard and coal yard. The existing cobbled vehicular access off Station Road would be utilised, with improvements proposed.

The layout proposed is for the erection of three apartment blocks on the upper plateau; to accommodate a mix of 12 no one and two bedroom apartments. Block A1-A4 would front onto Station Road with blocks A5-A8 and A9-1A2 fronting onto Netherton Fold. An area of off-street parking with 19 spaces is proposed to serve the proposed apartments. Directly opposite this parking area to the north is a block of 6 spaces proposed for existing residents who currently park off Station Road.

On the lower plateau it is proposed to construct 11 large detached dwellings with integral garages and private amenity spaces.

The proposal facilitates the future extension of the Meltham Greenway.

4. BACKGROUND AND HISTORY

94/90411 – Agricultural Notification for erection of extension to cattle housing / storage building – Withdrawn

2005/92997 – Change of use of existing barn to form 1 dwelling – Withdrawn

2005/93955 – Change of use of existing barn to form 1 no dwelling – Conditional Full Permission

2009/90182 – Conversion and extension of existing farm building to form 6 residential dwellings - Withdrawn

2009/93172 – Conversion and Extension to farm buildings to form 5 dwellings (part within a Conservation Area) – Sectional 106 Full Permission

Policy

The site is located within the Green Belt on the Unitary Development Plan Proposals Map

Kirklees Unitary Development Plan:

BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE23 – Crime prevention
T10 – Highway Safety
H10 – Affordable housing
H12 – Arrangements for securing affordable housing
H18 – Provision of public open space
T18 – Strategic Routes for Pedestrians and cyclists
R13 – Potential for new links in the public right of way network

National Planning Policy Framework:

Part 6 – Delivering a wide choice of high quality homes
Part 7 – Requiring Good Design
Part 9 – Protecting Green Belt Land
Part 10 – Meeting the challenge of climate change, flooding and coastal change
Part 11 – Conserving and Enhancing the Natural Environment

6. CONSULTATIONS

The following is a brief summary of Consultee advice (more details are contained in the assessment section of the report, where appropriate):

K.C Highway Services – No objections

KC Trees – No objections

KC Conservation and Design – No objections

K.C Environmental Services – No objections subject to conditions in respect of contaminated land

KC Ecologist – No response

KC Flood Management & Drainage – Object to the proposal until further details are submitted to demonstrate that the site can be developed with a viable drainage solution and without increasing the risk of flooding to both the proposed development and the surrounding area.

The Environment Agency – No objections

Yorkshire Water – No objections

KC Housing – An affordable housing contribution is required

KC Landscape – No objections subject to securing a commuted sum to improve existing open space off site

7. REPRESENTATIONS

As a result of the application publicity a total of 27 representations have been received (18 objections, 1 in support and 8 that offer comments for consideration).

Comments in Support

- Development could enhance the appearance of an unattractive part of the village
- There would be benefits from the provision of additional housing.
- Support the possibility of the Meltham Greenway being extended.
- Commend the use of a brown field site. The current site is dilapidated and will benefit from having well-built housing providing the buildings are in-keeping with neighbouring properties.
- Support the redevelopment of this brown-field site, converting it from industrial railway yard to housing
- The proposal to extend the Meltham Greenway would be a great benefit to all. This should be a key condition of the new development.

Friends of Meltham Greenway

- The layout shows the proposed greenway extension on what is now the Mate brothers land from Healey House to Netherton tunnel and Netherton village.
- Pleased to see an additional pavement alongside Station Road.
- We assume that the area around Netherton Tunnel will be suitably cleared and the basic route to the tunnel itself put in place. From our observation on the site visit this area needs some attention.
- The land owned by the Mates Brothers ends at the overbridge as shown on the South West End Plan. Kirklees Council own the land from the overbridge to Crosland Factory Lane. When this development proceeds we will need to coordinate the activity of the developer with that of Kirklees Council so that a through route to Crosland Factory Lane is possible. However, at this stage, termination will need to be to the road itself through the existing gate for it may be some time before the route across Crosland Factory Lane on an overbridge is achieved.

The planning concerns raised are précised below:

Highway Safety

- Concern about the volume and speed of traffic using Lea Lane/ Netherton Fold as a 'cut through' from Honley to Netherton. Residents have campaigned for 10 years for traffic measures, with the only measure introduced being a 'slow down' sign on the bend at No's 37-63 Lea Lane, often obscured by tree growth. Kirklees council have stated that until fatalities occur, they could not provide traffic management, e.g. speed bumps or a 20mph zone.
- Daily altercations between drivers occur when people refuse to back up or cannot due to drivers behind them. Traffic inevitably backs up on

both sides. Reported 'repeat offenders' who use route daily and sound horns to avoid slowing down. Solutions could be 20mph, speed bumps, signage Suggest the Council and Police monitor traffic over the week and weekend.

- Concern about families with children of school / college age who walk. Narrow pavements and speeding motorists make children vulnerable. Walkers accessing the famous 'walkers points' – with access to 'Devil's Rock'. The walkers route publicised by the Council is precarious. Suggest traffic slowing measures, widening the road between 39 Lea Lane and Netherton Fold, or erecting barriers to protect pedestrians from speeding traffic from Rose Cottage to Netherton Fold.
- Suitable signage is required for parking for existing residents.
- The Junction of Netherton Fold/ Moor Lane / Meltham Road is difficult during weekdays. With two schools, a doctors and local businesses the hours of 8:30-9:15 and 2.50 to 3.40 are treacherous. Suggest box junction at junction of Netherton Fold. Traffic Management study should be done.
- Expected number of trips in the TA is underestimated. Trips will be generated by commuters, the school run, shopping and social trips. Some dwellings will have more than one car, and one person going to work, school or college. Netherton Fold will not be able to cope with increase in traffic. Provision of six spaces off Station Road for residents of Netherton Fold, will not reduce parking on Netherton Fold. No one will park in the six places unless every space on Netherton Fold has been filled. The pavements are partial, narrow and inadequate for pedestrians.
- Careful consideration given to impact of additional traffic. Needs to be sufficient room for vehicles to be accommodated. Access via Netherton Fold is narrow with parked cars causing congestion.
- Netherton Fold is narrow for a development of this size, should be double yellow lines on both sides to enable safe access. residents park on the road and pavements making it dangerous for pedestrians. An additional 23 units will make the road dangerous. Require humps and 20 mph speed limit enforced.
- Netherton Fold is narrow, cars park on the pavement and access is limited. traffic would make the situation worse. pavements are blocked for pedestrian use and an increase would make it difficult for access for emergency services.
- The Transport Statement author does not have local knowledge., the road is used as a rat run from Honley to Huddersfield. There are 49 parking spaces and more vehicles will park on the roads of the development. Concern about the number of trips which would be generated.
- Netherton Fold is narrow with parked cars. Cars travel fast especially in rush hour. Accidents and near misses where road turns into Lea lane. Concern about safety of children. Cars and vans mount the curb due to the road being narrow and unsafe speed limits. Residents have to park at the side of the road. Hair dressers at top of Netherton Fold attract

more parked cars plus drivers turning around in the farm drive or Corn bank when leaving shops. 23 dwellings is too many.

- Lea Lane/ Netherton Fold is a narrow single track road, drivers speed around blind corners. Need traffic management, for example a 20mph zone or speed humps.
- Concern about increase in traffic. Pedestrians are often forced to step onto the road because of lack of pavements and parked cars. Busy link to Honley with cars and commercial vehicles. Plus farm vehicles turning up Corn Bank to fields
- Netherton Fold to Moor Lane is narrow with residents parking. Difficult for lorries and large vehicles to pass. Residents will chose to park near to their house, not in the parking area.
- Netherton Fold is congested with cars parked and people using hairdressers. The farm entrance is full of cars so none of those that park on Netherton Fold can move there.
- Concern about increasing volume of traffic in Lea Lane/Netherton Fold during morning and evening periods. Possible 40-60 additional vehicles. Houses abut the roadway, and families of Lea Lane/ Corn Bank and Netherton Fold, walk children to schools. The entrance from Netherton Fold is tight, narrow and has limited visibility. With no provision for regulating traffic, there are likely to be vehicle accidents or accidents with pedestrians.
- Without traffic calming measures, Netherton Fold/Lea Lane will be a dangerous 'rat run' between Honley and Huddersfield/M62. Building and plant will overload the road. Average of 1.5-2 cars per household, together with visitors likely to park on Netherton Fold/Lea Lane, the resulting congestion will make residential access/safe passage along this route difficult. Emergency vehicles, tractors and large commercial vehicles struggle, whilst regular sized vehicles speed through. Suggest a traffic calming plan comprising: double yellow lines along the full length of Netherton Fold/Lea Lane, speed bumps, 20 MPH speed limit.
- Netherton Fold takes traffic from Corn Bank and Lea Lane which funnels into the narrow lane allowing only single line traffic to Moor Lane. Traffic is hampered by residents' parking. The three roads exit into Moor Lane carrying the majority of Netherton's traffic, takes additional traffic from Netherton Fold and New Street opposite. At Moor Lane's junction with Meltham Road vehicles have to wait, reliant on goodwill of drivers on Meltham Road allowing them in. junction is virtually a crossroad with Chapel Road on the other side. Meltham Road has a heavy traffic load, including lorries and buses. Need to resolve traffic problems at junction of Moor Lane and Chapel Road onto the Meltham Road, could be traffic lights, Chapel Road becomes one way allowing traffic to enter from Meltham Road and exit at Henry Frederick Avenue. A definitive plan should be agreed prior to commencement of site work.
- Concern about congestion and disruption to Corn Bank, Lea Lane and Moor Lane areas at peak times. Residents and local businesses will be impacted.

- Concern about increased volumes of traffic on narrow poorly maintained roads, speed of traffic and lack of traffic management.
- The roads are narrow and pavements not existing in some places. Pedestrians have been knocked down in the entrance of the farm building. Average of 46 new cars, delivery wagons and utilises

Drainage

- The area of soakaway will be reduced with impermeable road surfaces or pavements on Station Road, on the widened footway, on the new parking areas, and on driveways and hard standing. The footprint of the 23 dwellings is less than that of the existing farm building, the total amount of impervious surface will be increased, and the area of soakaway decreased. More water will drain into the fields below the development and into Hall Dyke, the beck in the bottom of the valley. The fields are already very wet. Hall Dyke was very high in the winter of 2015/16. Flooding will increase.

Residential Amenity Issues

- Concerned the new houses will have windows that face directly into bedrooms of neighbouring properties who only have windows at the front.

Heritage

- This development is in a conservation area and is unsuitable for its surroundings.
- Materials must blend into the site and area; stone built houses with stone built walls.
- This is a conservation area and should not be changed or built upon. The plans are vague and I cannot see where the additional roads are being built.
- Listed buildings within the Our house is a grade 2 listed building.
- Concern about the standard of construction in keeping with nearby properties inclusive of a nearby Grade 2 Listed Mill and the standard of the access point.
- Apartment blocks are not in keeping in the conservation area.

Other

- Concern about encroachment onto green-field land and a potential for applications on adjacent greenfield land. A development is under construction at the Pink Link site at Factory Lane. Concern about infill development between the developments.
- Development is too large, numbers needs to be substantially reduced.
- The development should contain itself to brownfield land or the area between Netherton and Magdale would start to merge. Green Belt needs to be preserved to prevent urban sprawl.
- The condition of some of the farm buildings is not a reason for developing a housing estate. This part of the village is mainly agricultural and proposal increases urbanisation of the area.
- Query if affordable homes are proposed.

- The Greenway should be discussed under a separate planning application.
- Oppose destruction of habitat – the route of the Greenway is an established wildlife habitat
- Concern if local residents would be informed about plans changing.
- Concern this is an overdevelopment of a site with previous permission for 5 units.
- Concern about shared ownership, rental interest and antisocial behaviour.
- Schools are oversubscribed and local services are stretched.
- Concern the proposal has not been adequately advertised.
- Having a cycle and walkway will destroy habitat. There are ample walks and paths and the valley would not benefit from expansion.
- Risk to local homeowners due to contaminants on the site.
- Risk to trees being felled and/or damaged during construction.
- Concern about light pollution.
- Loss of view for Corn Bank residents
- New homes within the area haven't sold. It would be great for an affordable housing scheme.
- Concern the proposed car park would be used by dog walkers. Access would have to be widened at the top of the entrance and cobbled roads to blend in with farm buildings and cope with 80 cars.
- Traffic congestion will depreciate the value of existing properties
- The valley has more than enough new development.

Councillor Erin Hill – Forwarded comments from a local resident which have been précised above.

8. ASSESSMENT

Principle of development:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material consideration indicate otherwise. The development plan is made up of the proposals maps and saved policies within the UDP. The policies set out earlier in the report are relevant to the determination of the application. An assessment of other 'material considerations' and their consequences is also required in order to weigh any social, environmental, resource or economic considerations resulting from the development.

The application site is located in Green Belt where in accordance with paragraph 87 of the National Planning Policy Framework (NPPF) inappropriate development is by definition harmful and should not be approved except in very special circumstances. Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the

Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Paragraph 89 stipulates a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with exceptions to this including 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.

Status of the land:

The red line boundary includes the former Fold Farm in the north-eastern corner of the site, with the land to the south comprising a former railway station and goods yard with associated railway infrastructure. Part of this brownfield site has subsequently been used for agricultural purposes and there is a large agricultural building sited centrally within the site. The part of the site which comprises the previous station, goods yard and its associated curtilage can be considered to be previously developed (brownfield) land when assessed against the definition in Annex 2 of the NPPF. The areas of the site that have subsequently been used for agricultural purposes however, are excluded from the definition of previously developed land.

Establishing the harm to the Green Belt:

The NPPF advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm is clearly outweighed by other considerations.

The construction of new buildings within the Green Belt is inappropriate. The NPPF sets out exceptions to this general principle, including the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it.

In respect of that part of the site that is previously developed and hasn't subsequently been used for agriculture, the consideration is whether the redevelopment proposed would have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The potential harm to the Green Belt arises from the impact of development upon the purposes of including land within the Green Belt and the impact on openness.

The purposes of including land within the Green Belt:

Paragraph 79 of the NPPF stipulates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.

Paragraph 80 sets out the five purposes of Green Belt:

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land

The main purpose of the Green Belt is to prevent urban sprawl. The containment of the residential development within a development footprint defined by the engineered railway envelope and by existing tree belts ensures that the development would not constitute urban sprawl.

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, indeed the development would make a positive contribution by recycling derelict land.

The impact on Openness:

The existing development associated with the former use as a railway station and goods yard (i.e. the platforms, siding, hardstanding, crane bases and associated access) do already have an impact upon the openness of the Green Belt. However it would be difficult to argue that redevelopment of these parts of the site for housing would have no greater impact on the openness of the Green Belt and therefore the paragraph 89 test of the NPPF is not satisfied.

However, taking the site as a whole, including the buildings that are or have last been used for agriculture, the existing impact upon the openness of the Green Belt is considered to be much more significant. The site sits within the valley of Hall Dyke and Mag Brook and there are open views down the valley towards Meltham particularly when viewed from Netherton Fold. The existing buildings are of a scale and mass that is visually prominent within the landscape, they have a footprint of 3438 sq.m with a volume of 14082 cu.m and they are considered to impact adversely upon the openness of the Green Belt.

It is against this context that any harm to the openness of the Green Belt arising as a result of the development proposed and the case for very special circumstances will need to be considered.

Although it is noted that several of the existing buildings are in agricultural use which is not inappropriate development in the Green Belt and therefore cannot be counted against the requirement of Paragraph 89 of the NPPF the development proposed would result in a 40% reduction in footprint and a 12% reduction in volume from that which already exists. It would also remove the existing grouping of large, unsightly buildings and structures.

The development proposed would be contained within the envelope of the former station and goods yard and whilst appearing more linear in form, it would have less impact in terms of mass and scale.

It is considered that whilst the development proposed will inevitably have an impact upon the openness of the Green Belt, that impact will be at least no greater than that which exists from existing development as a whole.

Very Special Circumstances:

The very special circumstances presented by the applicant primarily relate to the opportunity to secure the dedication of land for and a financial contribution towards the implementation of a significant section of cycleway that forms part of the Meltham Greenway.

The route of the Meltham Greenway (pedestrian and cycle route) is to follow the disused Meltham branch railway line between Meltham and Lockwood. Whilst the adjacent disused rail corridor is not protected in the UDP, it is a Council aspiration to develop the line as a greenway. The Meltham Greenway route has been developed from Meltham town centre to Huddersfield Road at Meltham Mills and the aspiration is to develop the next section through to Netherton tunnel and Netherton village.

Policy T18 of the UDP refers to the Council's intention to provide a number of strategic cycle and pedestrian routes, either by the upgrading existing routes or by creating new rights of way. Policy R13 refers to the potential for new links in the public right of way network with opportunities for increased enjoyment of the countryside.

Substantial weight should therefore be given to realising a section of cycleway that is part of a strategic route linking Meltham with Netherton, with the wider benefits this delivers in terms of sustainability, accessibility, opportunities for recreation and access to open countryside.

The dedication of land required within the applicant's ownership and a financial contribution towards implementation of the works can be secured through a S106 obligation, heads of terms to deliver this have been submitted with the application.

The applicant is agreeable to transfer the land or to make it available with rights of access for the upgrade and extension of the Meltham Greenway prior to occupation of 50% of the dwellings, together with a financial contribution.

The Public Rights of Way section supports the provision of a greenway connectivity for multi-use. They sought clarification as to whether the indicated route was a usable physical route, as it appeared to terminate without connecting with the highway network. The extent of secured greenway should be maximised by securing land in the applicant's ownership but which is outside of the red line boundary. In addition Public footpath 227 would benefit from improvement works for use of proposed and existing residents.

Access Considerations

Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. The proposal seeks approval for details of access and layout.

The site is a former railway station and goods yard with an existing access (Station Road) directly onto Netherton Fold, access into the site is currently unadopted. Netherton Fold has a connection to the north of the site onto Moor Lane via a standard priority junction. There have been 3 reported injury accidents at this junction in the last 16 years which indicates that the junction is performing within design parameters and has no underlying road safety issues. To the south Netherton Fold becomes Lea Lane which eventually connects to Honley. Both routes are narrow in character with an average carriageway width of around 5 metres with on street parking in clusters along Netherton Fold.

This application is supported by a Transport Statement (TS) prepared by Met Engineers on which the majority of highway comments will be made. In terms of traffic generation, the site has an existing use which has the potential to generate vehicle movements onto the highway network and in particular its use as a goods yard which could generate high number of heavy goods vehicle movements. Therefore the impact of this proposed development on the highway network must be weighed against any vehicle movements that would occur over and above what the current site could generate.

The TS indicated that the 23 dwelling development would generate 16 vehicle trips in the morning peak and 17 trips in the evening peak. Although this is slightly below the 18 trips in each period Highways would estimate the amount of traffic generated equates to an additional vehicle movement every 3 minutes in the peak periods. This amount is negligible and the traffic generated would not be discernible from the daily fluctuation in traffic flow on the highway network.

In consideration of any road safety impact the additional traffic generated by the development may have on the highways network. Colleagues in the Councils Road Safety Team have assessed any impact this may have and they have not raised any objection to the application. The accident record on

the junction of Netherton Lane and Moor Lane is low as is the accident record for the Netherton Lane/Lea Lane route.

In terms of location the site is in close proximity to Netherton and its local services and has good access to public transport. There are good footpath connections into the site which also borders the Meltham Greenway which has the potential to be extended through the development site into Netherton centre and should be delivered as part of the development proposals.

The development proposals include the adoption of the access road which includes junction realignment for Station Road and Netherton Lane. The junction currently is a wide sett paved arrangement with no standard footways etc. Resident parking takes place in this location so some of this may be lost, however alternative resident parking provision via a car park off the access road as part the development proposals. The new access road will become more “centralised” within the junction arrangement which improves visibility onto Netherton Fold.

At its southern end the access road has a turning head and from the layout it would appear that it can accommodate the turning requirements of both service and emergency access vehicles. The access road also appears to support a Manual for Streets layout which is a preference of this Council.

Parking provision for the development appears to be within Council standards in terms of layout and provision.

In conclusion the development would have no detrimental impact on the safe operation of the highways network, the access as proposed can accommodate the number of dwellings proposed and its layout is acceptable in terms of servicing. Therefore the Highways Development Management Team can see no sustainable highways reason to object to the application subject to the inclusion of a number of conditions. These include vehicle parking areas being appropriately surfaced and drained, details of the internal adoptable estate road, details of the junction and works at the junction of Station Road and Netherton and a scheme detailing measures to prevent mud and debris being deposited on the road. The provision of resident metro cards is also recommended.

Layout Considerations

Density of Development / Design:

The density of development would not be out of keeping with the wider village of Netherton. There is a mix of dwelling types and densities within the village and on balance it is considered the proposed density of development would be acceptable.

The site abuts the boundary of the Netherton (Corn Bank) Conservation Area. KC Conservation and Design note that the layout responds to the topography of the site and offers opportunities for well-designed dwellings. The

apartments onto Netherton Fold offer a sense of enclosure that is typical of the area. Blocks H1 to H4 form a tight grouping that resembles that of the fold and as such responds well to the context of the area. In terms of the remaining plots, the linear route is response to the site. Details will be important especially in elevation, along with materials.

A full hard and soft landscape plan will be required together with maintenance and management plans. There appears to be no footway for the greenway link beyond the smaller parking area to the northern end of the site near the entrance. The layout appears to retain a large extent of the existing vegetation and existing trees which can be enhanced by forming green corridors and links throughout the site through carefully designed planting in gardens along boundaries.

Residential Amenity:

UDP policy BE12 recommends that new dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. UDP policy BE12 recommends minimum acceptable distances of:

- 21 metres between facing habitable room windows
- 12 metres between a habitable room window and a blank wall or a wall containing a non-habitable room window.
- 10.5 metres between a habitable room window and the boundary of any adjacent undeveloped land, and
- 1.5 metres between the wall of a new dwelling and the boundary of any adjacent land (other than a highway)

Distances less than these will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design, no detriment would be caused to existing or future occupants of the dwellings or to any adjacent premises or potential development land.

A full assessment of the scale and appearance of the dwellings, to include the positioning of windows would be assessed as reserved matters. The closest relationship would be with No's 13-19 Netherton Fold from the proposed apartment blocks.

It is considered an acceptable scheme could be brought forward at reserved matters stage which would meet the requirements of distances between dwellings as set out in policy BE12 of the UDP, and would ensure there would not be a detrimental loss of privacy or amenity to neighbouring properties, their habitable room windows or garden areas.

Heritage Considerations:

The application site adjoins the Netherton (Corn Bank) Conservation Area with the access via Station Road from Netherton Fold falling within the Conservation Area.

The Conservation Area is characterised by three small late 18th, early 19th century clustered settlements within a hillside setting with later large 19th century houses set within spacious grounds being located in between the settlements.

There are a number of listed buildings within the Conservation Area. Stone walls predominate with mature trees being an important feature throughout the area. There is little public open space. On street parking predominates with little opportunity for improvement.

Whilst the development proposed would be visible within views out of the Conservation Area it is considered that the development proposed would not impact adversely upon its setting and character. The opportunity to provide off street parking for residents of Netherton Fold will help to reduce the extent of on street parking which will help to enhance the character of the area.

Ecological Issues:

UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. An ecological appraisal has been undertaken that confirms the majority of the site is of low ecological value with hard standing surfaces and ephemeral vegetation. Areas of woodland to the north and adjacent to east and west provide high ecological value. Buildings on site have negligible potential for roosting bats. One tree was determined to have low potential for roosting bats. It is recommended this is inspected with an endoscope immediately prior to its removal.

Impact on the Protected Trees:

A new TPO to protect trees around the site including the woodland areas has been served. The arboricultural officer supports the principle of development on the site and is satisfied with the amended layout plan. A detailed arboricultural method statement will be required by condition.

Flood Risk and Drainage Issues:

The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach.

Yorkshire Water raises no objections. Suds may be a suitable solution for surface water disposal in this situation. Recommend a condition that no piped discharge of surface water shall take place until works to provide a satisfactory outfall for surface water, other than the existing public sewer have been completed to accordance with details to be approved.

The Environment Agency advises that the LPA should satisfy itself that there is capacity in the receiving sewer and sewage treatment works to accommodate the discharge proposed.

KC Flood Management & Drainage advise that the site is located within flood zone 1 and is over 1ha in size. A flood risk assessment is therefore required to address the risks from surface water flooding. The application form states surface water will be discharged via soakaway but no details have been provided. KC Flood Management & Drainage object until further details are provided to demonstrate the site can be developed with a viable drainage solution and without increasing the risk of flooding to the proposed development and surrounding area.

It is therefore recommended that if Committee is minded to support the principle of the development proposed, the application be delegated to Officers in order to resolve the outstanding drainage considerations. If a viable drainage solution cannot be found, the application will be brought back to Committee for further consideration.

Contaminated Land:

A phase 1 report has been submitted. The report identified the historical use of the site as an old railway station and for agriculture both of which have the potential to cause contamination. Therefore the report recommends that an intrusive site investigation be carried out to ascertain what, if any, contamination is present. Conditions are therefore recommended to require the submission of a phase 2 report and remediation strategy.

The Environmental Agency considers that the controlled waters at this site are of low environmental sensitivity and will not be providing detailed site-specific advice or comments with regards to land contamination.

Viability / Section 106 Contributions:

Public Open Space

The site being over 0.4 ha triggers the requirement for the provision of public open space. It is proposed that an off-site contribution be made to improve existing open space within the vicinity of the site at Lightenfield rec and play area in Netherton. KC Landscape advises that the value of contribution in lieu of a formal equipped provision on site is £37,950.

Affordable Housing

UDP Policies H10 and H12 together with the Councils Supplementary Planning Document set out the requirement for affordable housing.

The development proposed exceeds the 10 dwelling threshold advocated by Government advice.

As the application is in outline the provision affordable housing as part of the development will be required by condition.

Education

The number of dwellings proposed is below the threshold for an education contribution.

Meltham Greenway Contribution

The estimated cost of providing a section of cycleway on land within the applicants control is in the order of £100K.

A contribution of £42K towards this cost has already been secured from the redevelopment of the former Pink Link site, off Crosland Factory Lane, Netherton, leaving a balance of £58K.

It is proposed that a contribution of £47K be secured from this development and whilst the provision of resident metro cards would be desirable, it is considered that such a contribution (£11K) would be better used towards meeting the costs of implementing the section of cycleway.

Representations:

27 representations have been received that are detailed in the Representations section of the report.

Representations in support focus on the opportunity to enhance the appearance of the site, the reuse of a brownfield site, delivering an extension to the Meltham Greenway and the benefit of delivering new housing.

Objections to the proposed development focus on concerns about highway safety, drainage, heritage considerations, ecology and wildlife, impact on Green Belt, loss of amenity and impact on local infrastructure.

These matters are considered within the assessment of the application.

KC Highway Safety comment specifically on the request for traffic calming:

- Lea Lane / Netherton Fold is the subject of occasional complaint about narrow roads / blind bends / sub-standard or non-existent footways / excess speeds. The injury accident stats for the last 5 years show a collision in 2011 between 2 cars outside house no 53 and a head-on collision in 2013 outside Magdale House, near Wood Bottom Road. This is a low accident level, and we have to accept that accidents will occur to some extent on routes of this nature. It certainly wouldn't be classed as a priority site for any sort of engineering measures from the Council's Highway Safety budget. There are occasional complaints about obstructive on-street parking on Lea Lane. On a positive note, this will act as 'traffic calming', although some drivers will always drive

faster than is ideal for the conditions. KC Highway Safety aren't convinced that any physical measures will make an appreciable difference to the speeds that residents are witnessing and it is also debatable as to how far a traffic calming scheme should extend along the route. The footway here is narrow and it is not possible to install any measure which separates pedestrians from vehicles without blocking the footway itself. The 20mph limit on Magdale was imposed following much complaint about driver behaviour and property damage. However, complaints are still being received (more than for Netherton Fold) which reinforces the belief that 20mph limits are not an effective speed reduction measure. Certainly, the comments we receive are that the 20mph limit is ignored.

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. It is considered that the proposed development is in accordance with the principles of sustainable development.

The development proposed is considered to be inappropriate development within the Green Belt. However, the harm to the openness of the Green Belt as a result of the development proposed is tempered by the fact that existing development within the site is considered to already have a harmful impact upon openness and that overall the resultant harm will be no greater than that which already exists.

The applicant puts forward a case for very special circumstances based upon the opportunity to secure land for and a financial contribution towards the implementation of a significant section of cycleway that forms part of the Meltham greenway. Realising a section of cycleway that is part of a strategic route linking Meltham with Netherton, with the wider benefits this delivers in terms of sustainability, accessibility, opportunities for recreation and access to open countryside are considered to outweigh any resultant harm.

The opportunity to deliver new housing at a time of general need when the Council is unable to demonstrate a 5 year supply of housing land whilst not being part of the very special circumstances does in itself weigh in favour of development.

The application has been assessed against relevant policies in the development plan and other material considerations. The proposals are considered to be acceptable.

As the application represents inappropriate development within the Green Belt, with the buildings to be created being more than 1,000 sqm it is necessary to refer the application to the Secretary of State under the provisions of the Town & Country Planning Consultations Direction 2009.

9. RECOMMENDATION

GRANT CONDITIONAL OUTLINE PLANNING PERMISISON SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- i. RESOLVE THE OUTSTANDING DRAINAGE ISSUES**
- ii. REFERAL OF THE APPLICATION TO THE SECRETARY OF STATE UNDER THE PROVISIONS OF THE TOWN & COUNTRY PLANNING CONSULTATIONS DIRECTION 2009. SHOULD THE SECRETARY OF STATE NOT WISH TO INTERVENE THEN:**
- iii. ENTER INTO A SECTION 106 AGREEMENT TO SECURE THE DEDICATION OF LAND AND A CONTRIBUTION TOWARDS PROVISION OF AN EXTENSION TO THE MELTHAM GREENWAY**
- iv. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE SET OUT BELOW, AND**
- v. PROVIDED THAT THERE ARE NO NEW MATERIAL CHANGES, ISSUE THE DECISION.**

Conditions

1. Approval of the details of the appearance, scale, and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance, scale, and landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
5. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837 shall be submitted to and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.
6. The development shall not be brought into use until the vehicle parking areas shown on the approved plans have been surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or

superseded; and thereafter retained throughout the lifetime of the development.

7. No development, except for the demolition of buildings approved by this permission shall take place until a scheme detailing the proposed internal adoptable estate roads has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

8. No development shall take place until the details of the junction and associated highway works at the junction of Station Road and Netherton Fold have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works to provide the junction have been completed in accordance with the approved plans.

9. Prior to the first occupation of the development hereby approved, the developer shall subsidise the cost of a Metro travel card for the benefit of future occupiers in accordance with the Residential Metrocard scheme

10. Development shall not commence until a scheme detailing measures to prevent mud and debris being brought from the site onto the public highway during construction works has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the construction period.

11. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and

approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

14. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

15. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, the arrangements shall cover the following matters:-

- a) the number and type of affordable housing units to be provided.
- b) the layout and disposition of the units affordable housing to be provided.
- c) the timescale for the implementation and completion of the affordable housing units;
- d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

FOOTNOTE (Highways)

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Civic Centre 3, Market Street, Huddersfield (Kirklees Highway Design: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

FOOTNOTE (Contamination)

All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.