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**Report of the Head of Development Management****HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 08-Dec-2016****Subject: Planning Application 2016/91688 Outline application for erection of 9 dwellings land off, Upper Quarry Road and Bradley Road, Bradley, Huddersfield, HD2 1XD****APPLICANT**

G R E Bottomley

**DATE VALID**

25-Jul-2016

**TARGET DATE**

24-Oct-2016

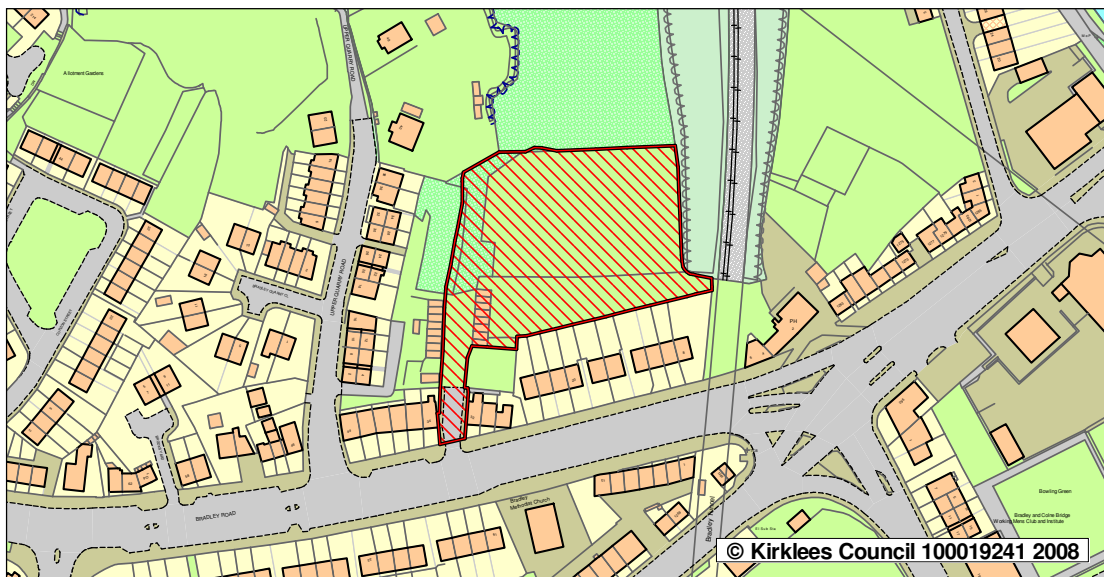
**EXTENSION EXPIRY DATE**

12-Dec-2016

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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**

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**Electoral Wards Affected:   Ashbrow**

No

Ward Members consulted

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**RECOMMENDATION: Grant conditional full planning permission subject to the delegation of authority to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee).**

## **1.0   INTRODUCTION:**

- 1.1   The application seeks outline planning permission for the erection of nine dwellings on land allocated on the Unitary Development Plan as Provisional Open Land (POL). Access is to be determined at this stage with all other matters reserved. The principle of housing development is considered to be acceptable, and it is considered the application site can be accessed safely in highway terms. There would be no harmful effect on visual or residential amenity, and the development would not prejudice any potential future development of the wider POL allocation. The application is brought to Huddersfield Sub-Committee as it represents a departure from the Development Plan and is for less than 60 dwellings.

## **2.0   SITE AND SURROUNDINGS:**

- 2.1   The site comprises a steeply sloping green field to the rear of properties off Bradley Road. The site is allocated as Provisional Open Land on the Kirklees Unitary Development Plan, and comprises part of a wider allocation which extends to the north of the application site and abuts the green belt boundary.
- 2.2   The site is accessed via an un-adopted track between No.32 and No.34 Bradley Road that has a standard priority junction with Bradley Road which is a classified road (A6107). The access serves a former garage colony which is now disused and there are a number of private dwellings also served by the access. The site is heavily overgrown and levels slope steeply upwards to the north of the site.
- 2.3   The application site abuts the reminder of the undeveloped POL allocation to the north, a railway line to the east which is screened by a line of mature trees, and the garden areas of dwellings off Bradley Road to the south and Upper Quarry Road to the west.

### **3.0 PROPOSAL:**

- 3.1 Outline planning permission is sought for the erection of nine dwellings, to approve matters of access. The application seeks improvements to the Bradley Road access to provide an adoptable road into the site. The proposed works include improving the corner radius, widening the footways, the provision of a hard margin within the site, and resurfacing the carriageway. The application is supported by an indicative layout plan.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 88/03072 – Outline application for residential development – Refused
- 89/05087 – Outline application for residential development – Refused. Appeal Dismissed

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The red line boundary of the application site has been widened adjacent to the junction with Bradley Road to meet the width requirements of an adoptable highway. An indicative layout plan has also been received to demonstrate that nine dwellings can be accommodated on the part of the site which could be drained via gravity.

### **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).
- 6.2 The Council's Local Plan will be published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

#### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 D2 – Unallocated Land  
BE1 – Design principles  
BE2 – Quality of design

BE12 – Space about buildings  
BE23 – Crime prevention  
NE9 – Retention of mature trees  
T10 – Highway safety  
H10 – Affordable housing  
H12 – Arrangements for securing affordable housing  
G6 – Land contamination  
H18 – Provision of open space  
B4 – Change of use of land and buildings last used for business or industry  
EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

6.4 Supplementary Planning Document 2 Affordable Housing

National Planning Guidance:

- 6.5 Chapter 6 – Delivering a wide choice of high quality homes  
Chapter 7 – Requiring Good Design  
Chapter 10 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 11 – Conserving and enhancing the Natural Environment

**7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was advertised by neighbour letter, press notice and site notice. As a result of that publicity eight representations have been received. The main concerns raised are summarised as follows:

**Highway Safety Matters:**

- Upper Quarry Road is extremely congested with frequent accidents
- More traffic will add to heavy flows and queuing at traffic lights in both directions. Access will be into 3 lanes of traffic often queuing past the access. Turning right out of the access will cause congestion back through the traffic lights and up the other way towards Bradley Bar.
- The track is too small to provide access.
- Concern about an extra 25 cars requiring access onto Bradley Road.
- The existing parking problem at the bottom of Bradley Road, from people using the local businesses and the church will be exacerbated.
- The road is the only access for the houses and is not wide enough to take more traffic. The road is narrow and there is no room for 2 cars to pass.
- There have been accidents with cars exiting onto Bradley Road and when cars are turning right across traffic to park. People use the road to park if visiting friends or family on Bradley road.
- This road is used as a turning circle for cars to get through the traffic lights at Colne Bridge, coming up Bradley Road, turning round and go back down to the traffic lights, this being quicker than queuing to turn right at the lights. There have been accidents trying to cross two lanes of traffic to turn back down Bradley Road.

- The existing footways provide safe access to house numbers 32 & 34. If the footpath is removed traffic would swerve around an existing garden fence, making it likely to be hit, which is a safety concern.
- The road is extremely difficult to get out of, especially at peak times. Collisions have occurred due to vision being restricted by parked cars in designated parking bays on Bradley Road. Cars coming down Bradley Road use the cycle lane to squeeze past traffic. It is not uncommon to wait 10 minutes to exit onto Bradley Road due to the traffic and restricted visibility. Extra traffic would have a big impact.
- Several accidents have occurred at the junction as cars have been trying to get to the traffic lights at the bottom of Bradley Road. Traffic has increased considerably.

#### **Other Matters:**

- Concern whether surface water would be adequately drained and concern about the impact on 24 Bradley Road. The proposal is to drain by gravity on the land adjacent, will the surface sewer be adequate.
- This part of the land is Green Belt and home to wildlife.
- The boundary lines incorporate the path at the side of the houses which is private property. Do not intend to give up this pathway.
- The site is used by children, dog walkers and a variety of wildlife.
- The site was previously a land fill site and it omits bad odours.
- There are several tunnels under the ground (previous coal seams). Concern about odours if this land is excavated.
- Concern Bradley will lose the little green land available.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**K.C Highway Services** – No objections

**Network Rail** – No objections

### **8.2 Non-statutory:**

**K.C Environmental Services** – No objections

**K.C Arboricultural Officer** – No objections

**Parks and Recreation** – No objections

**K.C Policy** – No response received

**K.C Flood Management and Drainage** – No objections

**West Yorkshire Ecology** – No response received

**Strategic Housing** – No contribution required.

## **National Grid – No objections**

### **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

### **10.0 APPRAISAL**

#### Principle of development

- 10.1 The application site is allocated as Provisional Open Land (POL) on the Unitary Development Plan. As such the proposal is considered against Policy D5. Policy D5 states that:

*“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”*

- 10.2 The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 49 and 215. These indicate that policies regarding housing should not be considered up to date unless the authority can demonstrate a five year supply of housing. The Council is currently unable to demonstrate a five year supply of deliverable housing sites.
- 10.3 Paragraph 14 states that there is a presumption in favour of sustainable development. For ‘decision taking’ this paragraph goes on to state that this means where relevant policies are out-of-date, planning permission should be granted *“unless any adverse impacts ... would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”*.
- 10.4 Therefore consideration must be given as to whether the proposal is sustainable development. The NPPF identifies the dimensions of sustainable development as economic, social and environmental (Para.7). It states that these facets are mutually dependent and should not be undertaken in

isolation (Para.8). The proposal has been assessed against each role as follows:

- 10.5 A proposal for nine dwellings provides some economic gains by providing business opportunities for contractors and local suppliers, and there will be a social gain through the provision of new housing at a time of general shortage. The development of a greenfield site represents an environmental loss. However, whilst national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply. The principle of a proposed development of nine dwellings on this part of the wider POL allocation is considered to be acceptable.
- 10.6 In terms of more detailed issues within the site, NPPF paragraph 58 sets out the requirement for developments to “*optimise the potential of the site to accommodate development*”. As this proposal only covers part of the POL site, the proposal would need to demonstrate that it does not prevent the remainder of the POL site being developed. Whilst no highway link is shown on the indicative plan into the adjacent POL site Highway Services consider that subject to assessment limited additional development could be acceptable on this site via the proposed access. The proposal would not therefore prevent the remainder of the POL site being developed, although the number of dwellings which could be achieved off the access may be restricted.
- 10.7 The principle of development is considered to be acceptable.

#### Urban Design issues

- 10.8 A full assessment of the layout, scale, and appearance of the dwellings and the landscaping of the site would be assessed as reserved matters.

#### Residential Amenity

- 10.9 UDP Policy D2 requires residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows.
- 10.10 As noted a full assessment of the layout, scale and appearance of the dwellings, to include the positioning of windows would be assessed as reserved matters. However, the indicative layout plan illustrates nine dwellings could be accommodated either side of the proposed access road, which would achieve a distance of over 21 metres to neighbouring properties off Upper Quarry Road and Bradley Road. 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.

- 10.11 There would be some disturbance to residential amenity from the proposed access road between No.32 and No.34 Bradley Road. This would arise from the comings and goings of pedestrians and vehicles using the road to access the proposed dwellings, and it would impact on the properties immediately adjacent to the access and their private amenity spaces. There is however, an existing access which serves these residential properties and the former garage colony which would have generated a number of vehicular and pedestrian trips. There is therefore an existing level of disturbance, and it is considered the development of the site for nine dwellings would not create a level of disturbance which would have an undue detrimental impact on the amenity of adjacent neighbouring properties. To protect the amenity of future occupiers a condition restricting the total number of dwellings the access road can serve is necessary. The actual number will need discussing with the applicant and the outcome of the discussion will be included in the update to Planning Committee report.
- 10.12 In respect of future occupiers, Environmental Services have reviewed the report by ENS Environmental Noise Solutions dated 20 May 2016 Ref: NIA/6625/16/6475/v2) and agree with the report and its recommendations. This confirms that the ambient noise climate arising from road traffic noise and rail movements on the railway line does not pose a constraint to the proposed development.

#### Landscape issues

- 10.13 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. An Ecological Appraisal by Quants Environmental Ltd supports the application. The conclusion of the report confirms the main body of the site comprises rank grassland which supports very limited botanical diversity. The proposed development is considered to have a minor adverse impact on biodiversity and highly unlikely to have significant adverse impact on biodiversity. It concludes the proposed development can sufficiently offset and enhance the loss of the grassland through the implementation of an appropriate planting scheme. The report goes on to say that the site is adjacent to the wooded banks of a railway line, this is a habitat of principal importance for the conservation of biodiversity in England. This tree line should be protected from development impacts.
- 10.14 The arboricultural and landscape officer raises no objections, subject to the provision of high quality green infrastructure given the location and opportunities to link with existing green corridors and trees adjacent to the site. To address these matters, a biodiversity and mitigation plan will be conditioned.

#### Housing issues

- 10.15 As noted above the principle of development is considered to be acceptable.



### Highway issues

- 10.16 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. There have been a number of concerns raised in the representations received regarding highway safety matters, this are précised in the representation section above.
- 10.17 This application is supported by a Transport Statement (TS) prepared by HY Consulting. In terms of traffic generation the TS has forecast that at its busiest the development would generate 8 trips in the evening peak period, which highways considered to be an acceptable figure for 9 dwellings. Roughly translated this means a vehicle will arrive or depart every 7 to 9 minutes which is not considered to be excessive. The site already generates vehicle trips from the existing garages within the application site which would be demolished as part of the proposals. There are no reported capacity problems at the existing junction and no reported injury accidents over the last 10 years. Highway Services therefore consider that the highway network around the site has the capacity to accommodate the size of development proposed. In terms of the sites sustainability there is access to regular bus services along Leeds Road and Bradley Road and good links into the cycle network, however there are limited local facilities within a suitable walking distance. The site is considered to be moderately sustainable.
- 10.18 This application wishes to determine access into the site. The initial proposal was for a private driveway with a shared surface which would tie into the existing footways. Council standards require however, that an adopted access is required for the number of dwellings proposed which can accommodate two-way traffic turning into or out of the access.
- 10.19 In response to concerns raised, the applicant has widened the red line boundary to include the adjacent footways, and submitted plan Ref 1603301 which shows proposed improvements to the Bradley Road access to provide an adoptable road. An indicative layout plan has also been included. The proposed works include improving the corner radius, widening the footways, the provision of a hard margin within the site, and resurfacing the carriageway.
- 10.20 Highway Services consider the revised details to be acceptable, subject to conditions to secure details of a scheme for the provision of the improved access from Bradley Road, and details of the proposed internal adoptable estate road. A construction traffic plan would also be required. It is also considered appropriate to seek to condition to the total number of dwellings the access can reasonably accommodate in highway safety terms. As with the amenity concerns over the comings and goings from the use of the access a condition is necessary but the details are yet to be discussed with the applicant and the outcome of these will be reported to Committee via the update report.
- 10.21 Highway Services also note that the indicative plan shows nine large detached houses with ample space to provide sufficient off-street parking served by a

shared carriageway and a turning head. Subject to the inclusion of the conditions suggested it is considered there would be no detrimental impact on highway safety and the proposal would accord with policy T10 of the Unitary Development Plan.

#### Drainage issues

- 10.22 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. Concerns have been raised in the representations received as to whether there is a suitable surface water drainage solution for this site.
- 10.23 The submitted Flood Risk Assessment and supporting drainage constraints plan Ref EWE/1938/01 indicates that only part of the site can be drained via gravity and that a pumped system will be required. Flood Management object to any proposal for a pumped system as this introduces a risk to the development. Due to the constraints of only being able to drain a section of the site via gravity, this could impact on the number of units the site can accommodate.
- 10.24 The applicant was asked to demonstrate that nine dwellings can be accommodated on site which could be drained via gravity. The land available for draining by gravity (shown hatched pink on the plan submitted as part of the Flood risk / drainage report) comprises 0.48 ha, approximately 75% of the site area. The applicant has provided an indicative layout which shows that the footprints of the dwellings (not the garden areas) can be accommodated within this area at a density of 20 per hectare. Flood Management have no objections subject to the inclusion of a condition to secure a scheme restricting the rate of surface water discharge from the site to a maximum of 5 litres per second.

#### Representations

- 10.25 Eight representations have been received. In so far as they have not been addressed above:
- 10.26 This part of the land is Green Belt  
**Response:** The site is a green field site but it is not located within designated Green Belt. The principle of development on this site allocated as Provisional Open Land is considered to be acceptable.
- 10.27 The boundary lines incorporate the path at the side of the houses which is private property. Do not intend to give up this pathway.  
**Response:** The red line boundary has been enlarged at the entrance to the site which now incorporates footpaths in the ownership of neighbouring properties. The application is considered to be valid, however the consent of the land owners is a private matter. This does not affect the consideration of the application.

- 10.28 The site is used by children, dog walkers / Concern Bradley will lose the little green land available.

**Response:** Whilst national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.

#### Planning obligations

- 10.29 The site is over 0.5 hectares and requires the submission of the provision of Public Open Space. This is an outline application, and the layout of any areas of Public Open Space are unknown at this time. Accordingly, it is appropriate to impose a condition requiring the provision of Public Open Space and that it is maintained in perpetuity. This can be addressed by a subsequent Section 106 agreement.
- 10.30 The development will not meet the requirement for affordable housing, unless the total footprint of the dwellings exceed 1000sqm gross floor space. This is an outline application and the scale of the dwellings is unknown. Accordingly it is appropriate to include a condition to secure affordable housing if this threshold is met.

#### Other Matters

- 10.31 The proposal is in close proximity to a High Voltage Transmission Overhead line and a railway banking. The National Grid and Network Rail were both consulted for their comments and raise no objections to the principle of development.
- 10.32 Network Rail has stipulated a number of considerations to be either conditioned or included as a footnote. These include that all surface and foul water is diverted from Network Rail property, that all operations be carried out in a fail safe manner with no excavations/ earthworks interfering with Network rail infrastructure. The applicants is required to provide a suitable trespass proof fence, a method statement outlining the method of construction, risk assessment and construction traffic management plan. Details are also required of adequate sound proofing, and landscaping, and external lighting should not dazzle train drivers or confuse signalling arrangements. Network Rail also wish to approve details of development works within 15 m from the outside face of the tunnel. The matters relating to drainage, the method statement and lighting can be addressed by condition, the other matters can be covered by appropriate informative notes.
- 10.33 Concern has been raised in the representation received the land was previously a land fill site and experiences bad odours. There is also concern that there are former coal seam tunnels which cross the site, and concern about possible odours if the land were to be excavated. A phase I report by Demeter Environmental Ltd dated February 2016 has been provided and reviewed by Environmental Services. Environmental Services agree with its conclusions, and recommend the submission of a Phase II Contaminated

Land Report together with the submission of the gas monitoring report from the Phase I report. Contaminated Land issues can be addressed through condition.

- 10.34 In respect of Coal Mining Legacy, the site falls within the Coal Authority's Low Risk Area where the risk is such that they do not provide comments.
- 10.35 The application has been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance. The development is regarded as a minor development and will require relevant mitigation, however due to the proximity of the proposed development to the AQMA Environmental Services require the submission of an air quality impact assessment. Environmental Services have received the document provided and note that while the modelling used in the assessment significantly under predicts the levels when compared to monitoring data, the conclusions are in line with recent modelling conducted by Kirklees Council. Environmental Services raise no objections subject to a condition requiring low emission vehicle charge points in all allocated parking and in 10% of unallocated parking spaces which may be phased with 5% initial provision and the remainder at an agreed trigger level.

## **11.0 CONCLUSION**

- 11.1 Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years and in accordance with the NPPF relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content. In accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted "*unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted*".

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)**

- 1-4. Standard conditions to secure Reserved Matters
5. A scheme of the proposed internal adoptable estate roads
6. A scheme for the provision of an improved access from Bradley Road into the development site
7. A schedule of the means of access to the site for construction traffic
8. Phase II Intrusive Site Investigation Report
9. Remediation Strategy

10. Revised Remediation Strategy where other contamination encountered.
11. A Validation Report.
12. Agreement to secure Public Open Space contribution
13. Agreement to secure Affordable Housing Contribution
14. Scheme for the low emission charging points
15. Biodiversity Plan
16. A scheme restricting the rate of surface water discharge from the site to a maximum of 5 litres per second.
17. Conditions to secure a scheme relating to drainage, method statement and lighting as requested by Network Rail.

**Background Papers:**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91688>

Certificate of Ownership – Notice served on the owner/occupier of 32 and 34 Bradley Road