
Planning Statement

Land off Dunbottle Lane, Mirfield

Outline planning application for up to 60 dwellings



Indicative Masterplan by JRP

Planning Statement

Land at Dunbottle Lane, Mirfield



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1. Introduction

- 1.1. This Statement has been prepared by Savills Planning on behalf of Kirklees Council's (the Council) Physical Resources and Procurement team, in support of an outline application on land at Dunbottle Lane, Mirfield for the following:

"The erection of up to 60 dwellings and associated means of access."

- 1.2. Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, this Statement considers the applications' conformity with the Development Plan, relevant national policy and guidance, as well as any other material considerations.

Pre-application discussions

- 1.3. The application submission requirements were agreed with the Council's Development Management team in advance of this submission.

Other Matters

- 1.4. There are a full range of documents submitted in support of this application, in addition to this Planning Statement, which includes (within it) a Statement of Community Involvement:

Plans:

- Location Plan No: 16-0029 (prepared by Kirklees Council);
- Indicative Masterplan - drawing ref: P17 5114 SK02 (prepared by JRP);
- Topographical Survey – drawing ref: 17C213/001 (prepared by Survey Operations); and
- Access Plan – drawing ref: 1982-F01 (Prepared by Croft Transport Solutions).

Additional Supporting Documents:

- Covering Letter;
- Application Form and Certificates;
- Design and Access Statement (prepared by Savills);
- Ecological Assessment (prepared by Urban Green);
- Tree Report – Survey and Plan (prepared by Appletons);
- Coal Mining Risk Assessment (prepared by Groundtech Consulting);
- Preliminary Risk Assessment (prepared by Groundtech Consulting);
- Transport Statement & Framework Travel Plan (prepared by Croft Transport Solutions) and,
- Flood Risk Assessment & Drainage Strategy (prepared by Coast).

Structure of the Statement

- 1.5. The remainder of this Statement sets out the case for the proposal and addresses the main issues identified above. It is structured as follows:
- **Section 2:** The Site and Surroundings and Planning History;
 - **Section 3:** Statement of Community Involvement;
 - **Section 4:** The Proposal;
 - **Section 5:** Planning Policy;
 - **Section 6:** Assessment; and,
 - **Section 7:** Conclusions.
- 1.6. Our overall conclusions are set out at **Section 7** and the key benefits of the development are considered to be as follows:
- Delivery of upto 60 new dwellings on a long-standing housing allocation. This will assist Kirklees Council in meeting its housing targets and help to reduce long term pressure on the Green Belt.
 - The potential to deliver a range of house types and tenure, to promote inclusive development.
 - Significant economic benefits, including in terms of investment and jobs throughout the construction phase and additional Council tax receipts, alongside the New Homes Bonus.
 - Potential for improved linkages across the site.
- 1.7. The site benefits from a housing allocation (reference H9.14) under the adopted Unitary Development Plan (UDP) Policy H6 which gives an indicative capacity for 56 dwellings. The site also benefits from a draft allocation (reference H794 Flash Lane) in the Kirklees Local Plan – Allocations and Designations DPD, which has been submitted for independent examination. The site is identified as being capable of accommodating 60 dwellings in the emerging plan.
- 1.8. It is therefore clear that the acceptability in principle of residential development at the application site is well established. The site is situated in a sustainable location, in a predominately residential area, with access to a wide range of services. It is therefore considered that a residential use is the most appropriate land use at the site.

- 1.9. There are no other material considerations which would preclude residential development on this site. To summarise:
- Highways: A Transport Assessment and Travel Plan accompany the application and these detail that the site is in a sustainable location with existing transport links. Furthermore, the assessment establishes (parag. 7.1.2), *"The traffic impact of the development has been predicted using the TRICS database and has shown the impact of the proposals will be minimal and will not have a material impact on the local highway network."*
 - Ecology: An Ecological Appraisal of the site has been undertaken and this details that there are no protected species present and no ecological barriers to development.
 - Flood Risk: A Flood Risk Assessment accompanies the application and details that the site lies within Flood Zone 1. The FRA and Drainage Strategy demonstrate that, *"the proposed development will not exacerbate flood risk either on the site or downstream of it and the proposed development is not at risk of flooding."*
 - Contaminated Land: A Preliminary Risk Assessment has been submitted with this application (undertaken by Ground Tech Consulting) and this has considered land contamination. No significant limitations to development have been identified in this report.
- 1.10. The proposed development is in accordance with the relevant planning policies from the Kirklees Unitary Development Plan, the emerging policies contained within the emerging Kirklees Local Plan and the guidance contained within the National Planning Policy Framework.

2. The Site and Surroundings and Planning History

- 2.1. The application site is located directly to the south of Flash Lane and to the east of Dunbottle Lane, in the town of Mirfield, which is situated in proximity to a number of larger settlements, including Dewsbury, Huddersfield and Wakefield - all of these are within 9 miles. The site is sustainable and there are a good range of shops and services within Mirfield town centre.
- 2.2. The site is broadly square in shape and extends to approximately 2.29 hectares and largely comprises unmaintained grassland which slopes from southeast to northwest. It is understood that part of the site is currently used for grazing horses. The site is divided into five sections by wooden posts and wire fences. A stable is also located within the southern part of the site.
- 2.3. There is sporadic tree coverage across the site with the exception of a collection of mature trees are located towards the sites northern boundary with Flash Lane. The site is primarily enclosed by the rear boundaries of properties located off Flash Lane, St Mary's Avenue, Dunbottle Way and Dunbottle Lane.
- 2.4. The site is situated in a predominately residential area and is enclosed by dwellings on all sides with the exception of small sections within the north-eastern and south-western boundaries. Dwellings immediately adjacent to the site generally consist of two storey semi-detached housing. In the wider location there are extensive areas of two storey detached and semi-detached dwellings, as well as a number of bungalows and flats. The housing immediately adjacent to the site and within the wider Mirfield area is relatively high density, with housing to the north of the site becoming less dense.
- 2.5. The site is approximately 1.5 miles (2.4km) to the north west of Mirfield town centre and therefore a number of key services are within range of the site. There are also a number of schools and small employment uses near to the site. It is considered that the range of facilities on offer within Mirfield means that the site is well served by key services. The following services within a kilometre of the site:
- Mirfield Parish Church Cricket Club;
 - The Old Colonial Public House;
 - Castle Hall Academy;
 - Saint Mary's Church;
 - Mirfield Parish Church;
 - The Plough Public House;
 - Greenside Post Office; and
 - Crossley Fields Junior and Infant School.
- 2.6. Further detail on accessibility and services is set out in the Transport Statement which accompanies the application.

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- 2.7. The site does not sit within or immediately adjacent to a Conservation Area. There are no Listed Buildings within the application site, however, the Grade II Listed Ivy Lodge is present adjacent to the site on Camm Lane/Dunbottle Lane.
- 2.8. Part of the site falls within Biodiversity Action Plan (BAP) Priority Habitat – Pennine Foothills. As set out above, there are no trees subject to Preservation Orders within the site which means there are no constraints to development in this regard.



Figure 1: Looking East across the Site

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Flood Zone

- 2.9. The application site lies within Flood Zone 1 according to the Environment Agency's current Flood Maps, meaning that it is at low risk of flooding, with a less than 1 in 1,000 annual probability of river or sea flooding.

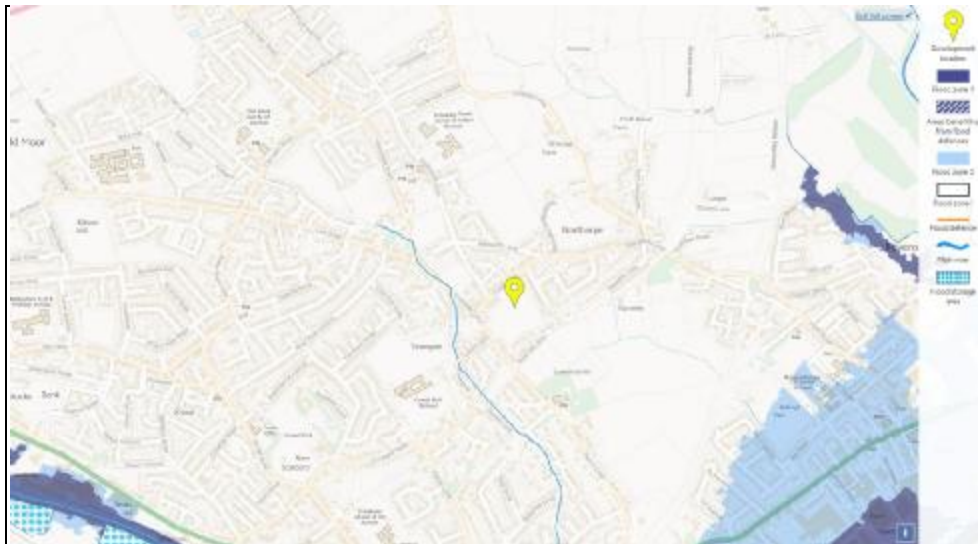


Figure 2: Extract from the EA Flood Risk Mapping

Public Rights of Way

- 2.10. There are no Public Rights of Way (PROW) within the site.

Planning History

- 2.11. A review of the Council's online planning register reveals no applications of relevance at the application site. The sites immediate surroundings are largely developed and predominately comprise two storey dwellings. It is not considered that there are any applications of relevance to the application proposals.

3. Statement of Community Involvement

- 3.1. Planning Practice Guidance states that pre-application consultation with local communities, local authorities and statutory consultees can bring a number of benefits to the process of determining planning applications.
- 3.2. As set out in Section 2, the site forms a draft allocation in the Allocations and Designations DPD, which has now been submitted for independent examination. It therefore follows that the site itself has been subject of numerous rounds of public consultation through the development of the Allocations and Designations DPD.
- 3.3. Prior to submission of the application, the three Ward Members were consulted on the draft proposal and provided with an opportunity to comment. Specific concerns were raised in respect of potential access onto Flash Lane and its unsuitability for accommodating this. Taking this into account, alongside advice from the Council's Highways team and a Highway consultant, access proposals have been reconsidered and the sole vehicle access point is now from Dunbottle Lane. Pedestrian access onto Flash Lane, from the application site, is to be provided adjacent to the existing bus stop.
- 3.4. The Council has undertaken formal consultation on the site (amongst other potential housing allocations) through the development of their Local Plan, and the site already benefits from a housing allocation in the UDP. Members of the public will have the opportunity to comment on the proposals as part of the statutory public consultation period, once the application has been registered. Adjacent residents will be written to, whilst site notice(s) will also be posted on site.
- 3.5. Furthermore, it should also be noted that the application is in outline form (with all matters reserved other than access) and therefore, the key consideration is the principle of the proposed land use. The detailed design, layout, scale and appearance of the site will be considered at reserved matters stage. Consequently, members of the public will have a further chance to comment on the more detailed matters at that time.
- 3.6. It is considered that the consultation undertaken by the applicant which is set out above accords with the principles of both the National Planning Policy Framework and the Localism Act 2011.

4. The Proposal

4.1. The application is in outline form with all matters reserved apart from details of access.

4.2. The development incorporates:

- Upto 60 residential units; and,
- Access details.

Layout & Density

4.3. The layout on the accompanying illustrative Masterplan (ref: P17 5114 SK02) is for indicative purposes only, to show how the site could be developed. This demonstrates that 60 dwellings can be comfortably accommodated within the site.

4.4. This achieves a density of approximately 24 dwellings per hectare, which is considered lower than that of much of the surrounding existing development. This layout is therefore considered to be relatively low density and is in accordance with the indicative capacity of 60 dwellings detailed in the emerging Local Plan.

4.5. In addition, the supporting information (including the Transport Assessment) has considered the impact of 60 dwellings.

4.6. It is anticipated that the development could contain a mix of detached and semi-detached dwellings, although as 'layout' has not been applied for, this is also flexible for reserved matters stage.

4.7. The indicative layout has been informed by the site opportunities and constraints. The Masterplan includes an area of Public Open Space (POS) to the northern corner of the site, adjacent to Flash Lane. This has been located in one area to provide a tangible amount of open space. This positioning also means that the POS is situated within the existing woodland, providing opportunities for recreation, with footpath links. This is considered to represent a significant public benefit to both future occupiers of the development and the local population in general.

Access

4.8. The site currently has a single vehicle access point, which is onto Dunbottle Lane, via an access gate. This is considered unsuitable for a residential access and therefore a new access point from the following roads has been considered:

- Dunbottle Lane; and,
- Flash Lane.

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- 4.9. Following dialogue with the Council's Highways team it was decided that Dunbottle Lane is the most appropriate vehicle access point given its width and visibility. These matters are explored in detail in the accompanying Transport Assessment.
- 4.10. As noted above, pedestrian connectivity is shown across the site. This includes the provision of a footpath connecting the development site to Flash Lane, adjacent to the position of the existing bus stop on that road. This also provides links to the indicative area of POS and surrounding residential development.

Other matters

- 4.11. This application is submitted in outline form, with all matters reserved except access. Therefore layout, scale, appearance and landscaping form the reserved matters. Details in respect of these matters will be covered by a subsequent reserved matters application.

5. Planning Policy

5.1. This Section of the Statement sets out:

- a) Policy Context;
- b) Kirklees Unitary Development Plan (UDP)
- c) The National Planning Policy Framework (NPPF); and,
- d) Kirklees Council's 'Interim Affordable Housing Policy'.

a) Policy Context

5.2. The Statutory Development Plan for Kirklees comprises the Unitary Development Plan, which was adopted in 1999, with the majority of policies 'saved' by the Secretary of State in September 2007. The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

5.3. Kirklees Council is currently in the process of preparing a Local Plan. The Local Plan was submitted to the Secretary of State for Communities and Local Government on the 25th April 2017 for independent examination. The submission includes Part One of the Local Plan (Strategy and Policies) and Part Two (Allocations and Designations – and Proposals Maps). The examination process has commenced with hearing session already having taken place, following this will be publication of the Inspector's Report and finally adoption. It is anticipated that adoption will occur in 2018.

5.4. Kirklees Council noted in a recent Committee Report¹,

"The weight to be given to the Local Plan will be determined 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 (saved Policies 2007) remains the statutory Development Plan for Kirklees."

5.5. The application site benefits from a Housing Allocation (ref: H9.14) in the Unitary Development Plan and the same in the emerging Local Plan (ref: H794). It is therefore considered that in this policy context, significant weight should be attached to the housing allocation.

¹ Strategic Planning Committee 'Public Documents Pack' 13th July 2017.



Figure 3: Extract from the Kirklees UDP Proposals Map showing the Housing Allocation

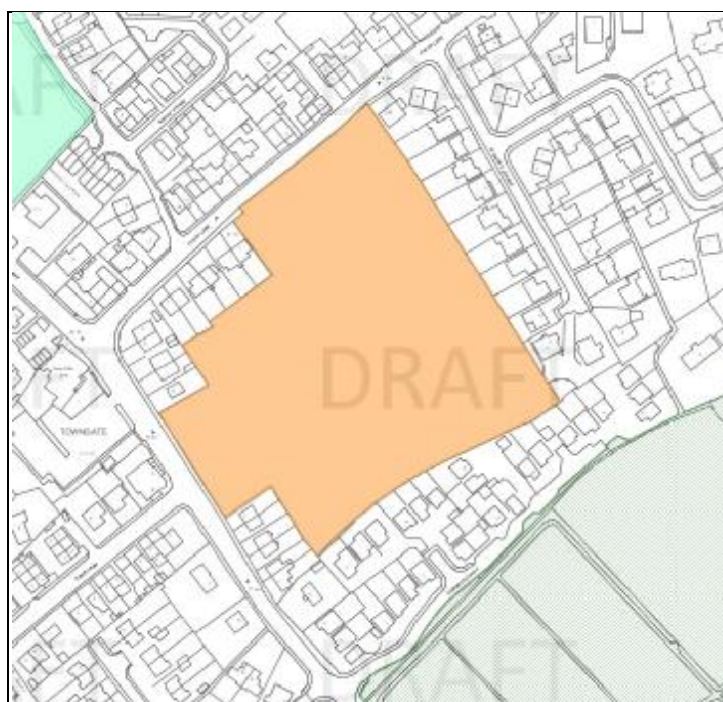


Figure 4: Extract from the Kirklees Publication Draft Local Plan – Allocations and Designations Policies Map showing the draft housing allocation

- 5.6. The NPPF was published by the Government on the 27th March 2012 and it replaced over a thousand pages of previous planning policies with around 50 and took effect immediately. The NPPF is a strong 'material consideration' in the determination of planning applications [Paragraph 13]. The Government expects communities to plan positively to support local development [Paragraph 16]. It also follows that development plans under the current plan-led system ought to be consistent with the objectives, principles and policies now set out in the NPPF.
- 5.7. If development plans still remain absent, silent, indeterminate, or out of date, then the presumption in favour of sustainable development should apply [paragraphs 14 and 197].
- 5.8. It is intended to refocus planning policy on encouraging economic growth, and thus includes a strong presumption in favour of sustainable development [Paragraph 14]. Government expects that this presumption should run as a 'golden thread' through all plan making and decisions on planning applications.

b) Kirklees Unitary Development Plan

- 5.9. The following Kirklees Unitary Development Plan Policies are key considerations in respect of this application:

5.10. **Policy D2:**

Planning permission for the development (including change of use) of land and buildings without notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposal does not prejudice:

- i the implementation of proposals in the plan;
- ii the avoidance of over-development;
- iii the conservation of energy;
- iv highway safety;
- v residential amenity;
- vi visual amenity;
- vii the character of the surroundings;
- viii wildlife interests; and
- ix the efficient operation of existing and planned infrastructure.

5.11. **Policy BE1:**

All development should be of good quality design such that it contributes to a Built Environment which:

- i creates or retains a sense of local identity;
- ii is visually attractive;
- iii promotes safety, including crime prevention and reduction of hazards to highway users;
- iv promotes a healthy environment, including space and landscaping about buildings and avoidance of exposure to excessive noise or pollution;

v is energy efficient in terms of building design and orientation and conducive to energy efficient modes of travel, in particular walking, cycling and use of public transport.

5.12. Policy BE2:

New development should be designed so that:

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

5.13. Policy BE12:

New dwellings should be designed to provide privacy and open space for their occupants, and physical separation from adjacent property and land. The minimum acceptable distances will normally be:

- i 21.0m between a habitable room window of a dwelling and a habitable room window of a facing dwelling;
- ii 12.0m between a habitable room window of a dwelling and a blank wall or a wall containing the window of a non habitable room;
- iii 10.5m between a habitable room window of a dwelling and the boundary of any adjacent undeveloped land; and
- iv 1.5m between any 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 occupiers of the dwellings or any adjacent premises or potential development land which may be affected.

5.14. Policy T10:

New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, if it cannot be served adequately by the existing highway network and by public transport.

Proposals will be expected to incorporate appropriate highway infrastructure designed to meet relevant safety standards and to complement the appearance of the development.

5.15. Policy BE23:

New development should incorporate crime prevention measures to achieve:

- i pedestrian safety on footpaths by ensuring through visibility from existing highways;
- ii natural surveillance of public spaces from existing and proposed development; and

iii secure locations for car parking areas.

c) National Planning Policy Framework (NPPF)

5.16. The following sections of the NPPF are considered relevant to these proposals (other sections of the NPPF are referenced elsewhere in the Statement where relevant):

5.17. The Framework [Paragraphs 7 & 8] identifies three dimensions to sustainable development, economic, social and environmental. It indicates to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

5.18. Paragraph 14 states that:

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

5.19. For decision making it goes on to advise that this means:

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

Paragraph 15 of the Framework is unequivocal that:

“...development which is sustainable should be approved without delay.”

5.20. Paragraph 50 states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

d) Kirklees Council's 'Interim Affordable Housing Policy'

- 5.21. In December 2016, Kirklees Council published an 'Interim Affordable Housing Policy' which replaced Supplementary Planning Document 2 (SPD2). SPD2 had required the provision of 30% of the total floorspace of a development to be affordable housing on greenfield developments.
- 5.22. The Interim Policy altered this requirement to specify 20% of units on a site should be affordable housing, on all developments for 11 or more dwellings. The tenure split for this is 54% affordable rent and 46% intermediate housing. This Interim Policy is therefore applicable to this development. This updated policy position also reflects the requirements of draft Policy PLP11 in the emerging Local Plan.

6. Assessment

6.1. This Section will cover the following key matters:

- a) Principle of Development
 - i. Housing Allocation
 - ii. Sustainable Development
- b) Layout (Indicative) and Density
- c) Transport and Accessibility
- d) Flood Risk & Drainage
- e) Ecology
- f) Contaminated Land/Land Stability
- g) Affordable Housing and Section 106 Contributions

a) Principle of Development

i. Housing Allocation

6.2. The site is allocated for residential development in the Adopted Unitary Development Plan (ref: H9.14) and in the emerging Local Plan (ref: H794).

6.3. The principle of redeveloping the land for residential development has therefore already been assessed by the Local Planning Authority and found to be acceptable.

6.4. It is considered that the most appropriate use for this site is residential development, given the immediate character of the area is predominantly residential. The proposals would form a natural infill development and are entirely appropriate for the location.

6.5. Notwithstanding the site allocation for residential development, introducing a residential use will increase the provision of high quality, family, market and affordable housing and in the process meet an identified need.

6.6. As stated above, the site is the subject of both a historic housing allocation in the UDP as well as an emerging housing allocation in the Local Plan. The principle of residential development at the site is now well established.

ii. Sustainable Development

6.7. Paragraph 14 of the NPPF refers to the presumption in favour of sustainable development. It states that this should be seen as a golden thread running through both plan-making and decision taking:

“For decision-taking this means:

- *approving development proposals that accord with the development plan without delay.”*

- 6.8. The principle of residential development is also considered acceptable because the proposals constitute sustainable development for the following reasons:
- Provision of a new housing development within a sustainable and highly accessible location;
 - Encourage transport by non-car modes of transport by being located close to public transport (Dunbottle Lane which is close to the application site is on a main bus route to Leeds and Huddersfield);
 - Provide high quality market and affordable housing, boosting the supply of housing within Kirklees;
 - Will not prejudice highway safety, including pedestrian safety, or free flow of traffic;
 - Will have no adverse impact on any ecological or landscape designations;
 - Develop an underused site in a predominately residential area and in the process provide much needed additional housing;
 - Investment in the local area, including additional spend in the local shops and on services;
 - Provide an improved choice of housing in the area.

Conclusion (Principle of development)

- 6.9. The application site benefits from a housing allocation in both the existing UDP and in the emerging Local Plan. The delivery of upto 60 residential units on this site would contribute towards Kirklees Council's housing delivery targets.
- 6.10. The site is within a predominantly residential area and therefore the provision of additional dwellings would be in keeping with the area. The sustainability of the site is acknowledged by the housing allocation.
- 6.11. In light of the above, the site is considered to be compliant with both national and local planning policy and therefore considered to be suitable for residential development.

b) Design

- 6.12. Paragraphs 56-68 of the NPPF deal with design issues. Paragraph 56 sets out that the Government attaches great importance to the design of the built environment. It states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This application is accompanied by a Design and Access Statement which sets out the design rationale for the scheme.
- 6.13. Whilst the site Masterplan is for indicative purposes only, it demonstrates that a high quality residential development can be achieved on the site. Public Open Space is included which is both accessible and would have a good degree of natural surveillance.
- 6.14. Subject to acceptable proposals being put forward at reserved matters stage in respect of scale, appearance, layout and massing, the development will achieve a high quality design. Further details on the design ethos for the site, as demonstrated by the indicative Masterplan are included in the accompanying Design & Access Statement.

Housing Density

- 6.15. The indicative Masterplan has shown that the site can comfortably accommodate 60 dwellings. This represents efficient use of the land and is in accordance with the general principles of the NPPF. Although Kirklees does not currently have a specific policy on housing density, Policy DLP6 of the emerging Local Plan specifies a minimum requirement for 30 dwellings per hectare. This policy marks a clear direction of travel from the Council in respect of housing density and the importance of efficient use of land.
- 6.16. In designing this scheme, the requirement for efficient use of land has been balanced against the need to ensure the density is in keeping with surrounding development and achieving an appropriate and varied housing mix.
- 6.17. At 60 units, the development achieves a density of 24 dwellings per hectare. Although lower than the 30 dwellings per hectare specified in the emerging Policy, in the context of surrounding development which is a mix of detached and semi-detached, the lower density is considered appropriate.

c) Transport and Accessibility

- 6.18. Paragraph 29 of the NPPF deals with sustainable transport and recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport will vary from urban to rural areas. Paragraph 31 encourages the provision of adequate and viable infrastructure to support sustainable development.
- 6.19. Paragraph 32 of the NPPF states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- 6.20. Policy T10 of the UDP requires new development to be adequately served by the existing highway network and by public transport.
- 6.21. The application is accompanied by a detailed Transport Statement (undertaken by Croft Transport Solutions).
- 6.22. In summary, it is proposed to take vehicle access from Dunbottle Lane via a single point of entry. Pedestrian links are provided through the site and will also provide a direct link to Flash Lane, adjacent to the existing bus stop on that road.
- 6.23. The statement concludes,
- *“The proposed development benefits from being located in a sustainable location that is easily accessible by a range of non-car modes including walking and cycling and public transport.*
 - *The proposed site access onto Dunbottle Lane can achieve the required geometric design parameters in accordance with Manual for Streets, thus demonstrating that the site can be accessed in a safe and efficient manner.*

- *The traffic impact of the development has been predicted using the TRICS database and has shown the impact of the proposals will be minimal and will not have a material impact on the local highway network.*
- *Given the low increase in trips as a result of the proposals, it is evident that the additional traffic can be accommodated onto the local highway network and will not give rise to any traffic or highways issues.*
- *There is no evidence to suggest that the proposals would have an adverse effect on road safety or the number of accidents in the vicinity.*
- *In conclusion, the proposals for a residential development will provide a sustainable development in transport terms and planning permission should be granted in accordance with the Framework."*

d) Flood Risk & Drainage

6.24. Paragraph 100 of the NPPF deals with development in flood risk zones. It states,

"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

6.25. The application site is located entirely within Flood Zone 1 according to the Environment Agency's current Flood Maps, meaning that it is at the lowest risk of flooding, with a less than 1 in 1,000 annual probability of river or sea flooding.



Fig. 5 – Extract from the Environment Agency's Flood Risk Maps

- 6.26. The proposal complies with paragraph 100 of the NPPF as it represents appropriate development in an area given that it is now at a 'low' risk of flooding.
- 6.27. Nevertheless, as the site area is in excess of 1 hectare, a Flood Risk Assessment has been prepared by Coast Consultants to accompany this application. This has considered potential sources of flooding including rivers, sea, land, groundwater, sewers and artificial sources (such as reservoirs and canals).

- 6.28. Early dialogue with the Council's Drainage team has resulted in advice that a culvert may be present close to the eastern boundary of the site. In order to inform detailed site layout at reserved matters stage, survey work of this culvert may be necessary.
- 6.29. The FRA notes,
- "The proposed development will not exacerbate flood risk either on the site or downstream of it and the proposed development is not at risk of flooding."*
- 6.30. A Drainage Strategy, prepared by Coast Consultants, has also been included with the FRA (at Appendix F). This details the potential drainage options for the site. Further work will also be required in this regard at reserved matters stage when site layout proposals are fixed and we anticipate a standard planning condition will be imposed to secure this.

e) Ecology

- 6.31. At paragraph 109 and elsewhere within Chapter 11, the NPPF says that the planning system should minimise impacts upon biodiversity and, where possible, provide net gains in biodiversity.
- 6.32. Paragraph 9 of the NPPF stresses the importance of sustainable development seeking improvements to the natural environment.
- 6.33. An Ecological Assessment (undertaken by Urban Green) has been submitted in support of this application. This was undertaken to identify the habitats present on site and in the nearby surroundings, assess their likely importance, consider what protected or notable species are likely to occur at the site with appropriate mitigation if necessary and whether the proposed development would impact (positively or negatively) on ecology.
- 6.34. The Assessment notes that,
- "The main habitat on site is species-poor semi-improved neutral grassland, with broadleaved woodland, tall ruderal vegetation and scrub also present. During the field study, the site was found to provide a suitable habitat for nesting birds, hedgehog and badger (although no evidence of badger was recorded).*
- Precautionary recommendations are therefore recommended which include nesting bird checks, a pre-commencement badger survey and dismantling the scrub by hand. A number of trees in the broad-leaved woodland to the north of the site were also found to have low potential for roosting bats due to the presence of dense ivy. Recommended reasonable avoidance measures are provided in Section 5, which must be adhered to when felling the trees"*
- 6.35. A number of standard mitigation/enhancement measures are suggested, including:
- Clearing works to take place outside of the bird breeding season (March to August inclusive) where possible.
 - Installation of nesting bird boxes and bat boxes.

- 6.36. It is considered that there are no ecological barriers to delivery of residential development on the site and the proposals therefore accord with the guidance in the NPPF.

f) Contaminated Land/Land Stability

- 6.37. Paragraph 121 of the NPPF requires planning decisions to ensure, *“adequate site investigation information, prepared by a competent person, is presented.”*
- 6.38. A Preliminary Risk Assessment has been submitted with this application (undertaken by Ground Tech Consulting) and this has considered land contamination. No significant barriers to development have been identified in this report.
- 6.39. The report concludes that a former sandstone quarry and railway embankment are potential on-site contaminative sources which would need further investigation via a Phase II report before development could take place, although the level of risk posed by the two sources is only considered to be moderate.
- 6.40. The Assessment details the Phase II report should follow, and we anticipate that a standard planning condition will be imposed by the Local Planning Authority in this regard
- 6.41. A Coal Mining Risk Assessment, prepared by Ground Tech Consulting, has also been submitted with this application. This details at Chapter 5 that,

“The general risk from mining legacy beneath the site is considered low. A moderate risk from unrecorded workings and mine entries has been assigned to these features due to the Blocking Coal potentially dipping beneath the site at shallow depths.”
- 6.42. The assessment recommends that several methods be undertaken to mitigate the impacts of the potential moderate risk. These include, but are not limited to, undertaking an intrusive rotary mining investigation and a watching brief. We anticipate that the requirements will be imposed through imposition of a condition by the Local Planning Authority.

h) Affordable Housing and Section 106 Contributions

- 6.43. It is anticipated that the Local Planning Authority will seek to impose a requirement for the development to deliver affordable housing, Public Open Space and an education contribution. Taking each of these in turn:

Affordable Housing:
- 6.44. Kirklees Council has recently (December 2016) published an ‘Interim Affordable Housing Policy’. This requires 20% of units on a site as affordable housing, on all developments for 11 or more dwellings. The tenure split for this is 54% affordable rent and 46% intermediate housing. This Interim Policy is therefore applicable to this development.
- 6.45. As this is an outline application, with a specific number of units not detailed (although a maximum number is included in the proposed description of development), it is considered appropriate for the Local Planning Authority to impose a standard planning condition requiring affordable housing to be provided.

Public Open Space (POS):

- 6.46. Policy H18 of the Kirklees UDP requires the provision of 30sq. metres per dwelling of Public Open Space (POS) on sites in excess of 0.4 hectares. The indicative site layout includes 2,760 sq. metres of POS, which is in excess of the specified amount for 60 dwellings.
- 6.47. It is also noted that this policy permits off-site provision of POS, by securing a commuted sum, where this might be more appropriate. The use of a standard planning condition to secure POS would allow flexibility for a developer to provide this on-site or alternatively, if deemed more appropriate by the Local Planning Authority, provide a commuted sum.

Education:

- 6.48. Kirklees Council's 'Providing for Education needs generated by New Housing' provides guidance on the requirements for education contributions on developments of 25 or more dwellings. This states,
- "Proposals above this threshold (25 units) begin to have a measurable impact on school accommodation and the Council will assess such proposals to decide whether a financial contribution is appropriate. Contributions will only be sought where the new housing will generate a need which cannot be met by existing local facilities."*
- 6.49. It is considered that this matter can also be dealt with through the imposition of a standard planning condition.

7. Conclusions

7.1. This Planning Statement is submitted on behalf of Kirklees Council in support of an outline planning application for upto 60 dwellings at land at Dunbottle/Flash Lane, Mirfield. The key benefits of the proposal are considered to be:

- Delivery of upto 60 new dwellings on a long-standing housing allocation. This will assist Kirklees Council in meeting its housing targets and help to reduce long term pressure on the Green Belt.
- The potential to deliver a range of house types and tenure, to promote inclusive development.
- Substantial economic benefits, including in terms of investment and jobs throughout the construction phase, additional Council tax receipts alongside the New Homes Bonus.
- Potential for improved linkages across the site and provision of Public Open Space.

7.2. The application site is allocated for housing in both the existing UDP (ref: H9.14) and in the emerging Local Plan (ref: H794). The principle of residential development on the site is therefore established in planning policy terms. The sustainability of the site is also acknowledged by the housing allocation.

7.3. The site is within a predominantly residential area and a residential development would therefore be in keeping with existing surrounding development.

7.4. The proposals are considered to constitute sustainable development in accordance with the guidance in the NPPF and Paragraph 14 states for decision taking Council's should be *"approving development proposals that accord with the development plan without delay."*

7.5. Paragraph 14 of the NPPF refers to the presumption in favour of sustainable development. It states that this should be seen as a golden thread running through both plan-making and decision-taking.

*"For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay"*

7.6. There are no other material considerations which would preclude residential development on this site. To summarise:

- Highways: A Transport Assessment and Travel Plan accompany the application and these detail that the site is in a sustainable location with existing transport links. Furthermore, the assessment establishes, (parag. 7.1.2), *"The traffic impact of the development has been predicted using the TRICS database and has shown the impact of the proposals will be minimal and will not have a material impact on the local highway network."*
- Ecology: An Ecological Appraisal of the site has been undertaken and this details that there are no protected species present and ecological barriers to development.

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- Flood Risk: A FRA accompanies the application and details that the site lies within Flood Zone 1 and is therefore at the lowest risk of flooding. The FRA and Drainage Strategy demonstrate that the development will not increase flood risk on the site or elsewhere.
- Contaminated Land: A Preliminary Risk Assessment has been submitted with this application (undertaken by Ground Tech Consulting) and this has considered land contamination. No significant barriers to development have been identified in this report.