

Robert Halstead

Chartered Surveyors & Town Planners

N.C. Willock MRICS MRTPI

Office G of H, Bridge Mills, Huddersfield Road, Holmfirth, HD9 3TW

Tel: 01484 686322 e mail: nick@roberthalstead.co.uk

Planning Development

Planning Statement: Land adj. to 98 Burn Road, Birchencliffe, Huddersfield

Introduction

This application seeks outline planning permission for the erection of residential development with all matters reserved on land adj. to 98 Burn Road, Birchencliffe, Huddersfield, HD2 2EG.

The application site measures an area of 0.26 hectares and is located on land which currently forms part of the residential curtilage belonging to No. 98 Burn Road. A tennis court surrounded by grass currently occupies the site, with trees bordering the site along the southern and western boundaries. No. 98 Burn Road and its remaining residential curtilage is located directly north of the application site. Access to the whole site is currently from Burn Road, north of the application site. A secondary access also exists along the southern boundary of the property, also from Burn Road.

The application site is located within a developing residential area, with houses currently being constructed directly west, south and south-east of the site. To the west of the site is the A629 Halifax Road with access to local shops and amenities. Junction 24 of the M62 is located north-west of the site. Directly north-east of the site are the properties known as Middle Burn Farm and Lower Burn Farm, which are both Grade II listed buildings, and beyond these dwellings, the land becomes more open and semi-rural in character.



Application Site (photograph taken facing north towards No. 98 Burn Road)

Relevant Planning History

2016/90073 – Outline application for erection of residential development – Section 106 Outline permission approved but unimplemented.

Policy Designation

The application site is located on land which forms part of the wider HS35 Housing Allocation in the Kirklees Local Plan. The site is also within a Biodiversity Opportunity Zone (Valley Slopes).

The Proposals

Outline planning permission is sought for residential development.

Although all matters are reserved, an indicative layout plan showing how the site could be developed with three dwellings has been submitted as part of the application.

The plan shows the three dwellings arranged across the site from west to east. Plots 1 and 2 would be accessed via the existing access point off Burn Road with the front elevations of the dwellings facing north and the rear elevations facing south. It is envisaged that the existing access drive be widened to a minimum of 4.8m over 10m with a refuse collection point adjacent to the highway. However, it is important to note that due to the small scale of the proposals and the need to protect trees and the character of the host property, we do not propose to include internal service vehicle access or turning.

Plot 3 would be accessed via one new access point off Burn Road along the southern boundary. It is envisaged that plot 3 would have its own automatic gates which would be set back from the highway by a minimum of 6m. The front elevation of this dwelling would face south with the rear elevation facing north.

It is anticipated that plots 1 and 2 would be two-storey 4-bed dwellings and plot 3 would be a two-storey 5-bed dwelling. An integral single or double garage would be proposed for each dwelling with additional parking and hardstanding areas to be provided within each residential curtilage. Each dwelling would also have access to ample private outdoor amenity space.

Assessment of the proposals

Principle of Development

There is a presumption in favour of sustainable development as outlined in Local Plan Policy LP1 and paragraphs 7-14 in the NPPF. Paragraph 8 in the NPPF states that sustainable development is achieved through economic, social, and environmental objectives that include,

‘Ensuring that sufficient land of the right types is available in the right places at the right time to support growth; ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; to protect and enhance our natural, built and historic environment including making effective use of land.’

With regards to making effective use of land, paragraph 120 in the NPPF states, for example, states that,

'Planning policies and decisions should: d) promote and support the development of under-utilised land and buildings.'

Local Plan Policy LP3 also states that,

'2) Development will be permitted where it supports the delivery of housing and employment growth in a sustainable way, taking account of the following criteria: b. the need to maintain a supply of specific deliverable sites, in accordance with national policy and enabling the delivery of allocations set out in the Local Plan or in Neighbourhood Plans.'

The Council cannot currently demonstrate a five year supply of deliverable housing sites and therefore paragraph 11 of the NPPF is engaged and states the following:

'Plans and decisions should apply a presumption of sustainable development. For decision-taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date,¹ granting planning permission unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed; or*
- ii) Any adverse impacts of doing so would **significantly** and **demonstrably** outweigh the benefits, when assessed against the policies in this framework taken as a whole.'*

The application site currently forms part of the substantial residential curtilage belonging to No. 98 Burn Road. It could therefore be argued that the proposals would support the development of under-utilised land. Furthermore, the site now forms part of a wider allocation for housing in the Local Plan (ref: HS35), and prior to the Plan's adoption and allocation of the site for housing, an outline planning permission for residential development for four dwellings was previously approved on the site (LPA ref: 2016/90073). Officers previously considered that the site can be developed independently from the rest of the wider housing allocation, with no adverse impacts in relation to relevant planning issues.

The site is located on the edge of the urban settlement of Birchencliffe, within an area that is currently undergoing significant amounts of residential development. The site is situated close to local services and amenities and is also within walking distance to local bus stops on the A629 Halifax Road with regular services running to and from Huddersfield and Halifax. The site therefore provides an excellent opportunity for sustainable residential development.

Given the above, the principle of development in terms of sustainable development and housing supply is considered to be acceptable and accords with Local Plan Policies LP1 and LP3, the aims of Chapter 5 in the NPPF, and paragraphs 7 to 14 in the NPPF.

Housing Density

Local Plan Policy LP7 states that,

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year housing supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

'Housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme:

*a. developments should achieve a net density of at least 35 dwellings per hectare, where appropriate.
c. lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.'*

In relation to Clause (c), the density of three dwellings is proposed for the following reasons:

- a) the location and number of trees on the site (many of which are protected by a Tree Preservation Order refs: 06/16/w1 and 62/93/t2) reduces the net developable area considerably.
- b) the character and density of development to the north and east of the Yew Tree Road / Burn Road cross roads being traditionally of a lower density – being characterised by older and larger detached dwellings in spacious grounds. This character differs significantly from the 'new' character established by the recent 'volume house builder' developments to the south and west.
- c) The development to the east, in front of Middle Burn Farm, has been approved at relatively low densities for the same reasons, and to help preserve the setting of this property as a listed building.

The indicative housing density of three dwellings is therefore judged to be acceptable and appropriate in this case, in order to safeguard the protected trees, and other issues of material planning importance.

The proposed housing density therefore accords with Local Plan Policy LP7 and Principle 4 in the Kirklees Housebuilders Design Guide.

Design, Layout and Residential Amenity

Local Plan Policy LP24 states that, *'Proposals should promote good design by ensuring:*

- a. The form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.*
- b. They provide a high standard of amenity for future and neighbouring occupants.*

The Kirklees Housebuilders Design Guide SPD also sets out what the Council considers to be good, high-quality residential design through a number of principles. The relevant principles in relation to this outline proposal are as follows:

Principle 2 – Context

Principle 5 – Built form and the building line

Principle 6 – Maintaining high standards of residential amenity

Principle 12 – Parking

Principle 16 – Internal space standards

Principle 17 – Outdoor space

Principle 19 – Waste

The proposed development is in outline form only with all matters reserved. As such, detailed design proposals (reserved matters) in relation to access, layout, scale, appearance, and landscaping are not included within this application. However, an indicative layout plan showing the anticipated siting of three dwellings proposed is submitted as part of the application.

As the layout plan shows, the existing access from Burn Road, along the northern boundary of the application site, would serve plots 1 and 2, as well as continuing to serve the existing dwelling, and a new access point would be formed along the southern boundary to serve plot 3. The existing access drive would be widened to 4.8m and would include a new turning head to allow easier access and egress for cars and delivery vans.

The proposed dwellings are envisaged to be detached two-storey 4 and 5 bed properties constructed across the site from west to east. The front elevations of plots 1 and 2 would face north towards No. 98 whereas the front elevations of plot 3 would face south towards Burn Road. Each dwelling would have an integral single or double garage, hardstanding areas for parking and private outdoor amenity space and gardens.

The site is located within a developing residential area comprising largely of new build detached, semi-detached and terraced dwellings alongside some scattered older and larger detached properties, all of which have off-street parking and outdoor amenity space. The proposed development would therefore reflect the existing urban form.

The indicative layout plan also demonstrates that residential amenity for both existing and future occupants is capable of being protected. Suitable separation distances can be achieved between each of the proposed dwellings on the site and between the proposed dwellings and existing properties located adjacent to the site. In addition, suitable distances can also be achieved between the proposed dwellings and the existing trees on site, thus preserving residential amenity and ensuring the trees remain protected.

It is considered, therefore, that detailed information relating to access, layout, scale, appearance, and landscaping are capable of addressing relevant Local Plan and NPPF policies within a reserved matters application. The proposed development is therefore deemed to be acceptable with regard to design and residential amenity and complies with Local Plan Policy LP24, the relevant principles in the SPD and the aims of chapter 12 in the NPPF.

Heritage Impact

There is one designated heritage asset that is located within close proximity to the application site. Middle Burn Farm, which is a Grade II listed building, is located directly north-east of the application site.

The NPPF Glossary defines the setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.'

Middle Burn Farm is located at the end of a relatively long drive from Burn Road. The main views of the heritage asset can only really be appreciated from the end of the drive and on the approach to the property. Direct views from the front of the site have been obscured by the construction of two

detached dwellings adjacent to Burn Road. Dense trees and vegetation along the southern and eastern boundaries of the application site also largely obscure views of Middle Burn Farm from further west along Burn Road. As such, the proposed development would not alter the current views of the heritage asset from either the front of the application site, or from within the site itself.

As shown on the location plan and the indicative layout plan, the small parcel of land bounded by mature hedging to the east of the application site, would remain free from development. This would ensure that the wider setting and views of Middle Burn Farm from Burn Road are preserved and protected. As the layout is only indicative at this stage, the detailed design matters would be considered during the reserved matters application where further heritage impact assessment work would be required. This outline application only requires the LPA to assess the principle of developing the land for residential in respect of the setting of Middle Burn Farm.

Paragraph 199 in the NPPF states,

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

In this instance, it is considered that any harm caused to the significance of the heritage asset from the proposed development would be less than substantial. Paragraph 202 in the NPPF goes on to state that,

'Where a development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The public benefits in this case would include the provision of three additional dwellings for the local community and the development of under-utilised land within a sustainable and accessible developing residential area, both of which accord with relevant local and national planning policies.

This outline residential application is therefore considered to comply with Local Plan Policy LP35 and paragraph 202 in the NPPF.

Trees

A Tree Survey, an Arboricultural Impact Assessment and an Arboricultural Method Statement have been produced by James Royston Arboricultural Consultant and accompany the application. The following key points from the reports are as follows:

- Some of the trees on site are covered by a Tree Preservation Order (ref: 06/16/w1 & 62/93/t2).
- The Tree Survey includes 6 trees and/or groups.
- Most of the trees are in a reasonable condition but are low value 'C' category trees. Trees in Group G1 are of low value as individuals, but the group as a whole is of low to medium value.
- Several of the trees were found to have severe defects and should be removed – Category 'U' trees (Trees G1.1, G1.2, G1.3 and T3).

- No trees are to be removed in order to facilitate the development, and no trees will require pruning.
- New tree planting would be incorporated into the final scheme and as such, the development represents an opportunity to increase the overall tree cover at the site.
- The indicative layout is such that the retained trees are unlikely to cause a nuisance to the final users of the development.
- There would be no construction activity or excavation activity within the root protection areas of the retained trees. The retained trees can be adequately protected during the development with the use of tree protection fencing and through following the other recommendations made within the Arboricultural Method Statement.

Given the above, it is considered that the trees on site do not represent a significant constraint. The development therefore accords with Local Plan Policy LP33 and paragraph 131 in the NPPF.

Biodiversity

An Ecological Impact Assessment has been produced by Knight Sky Ecology and accompanies the application. In summary, the key points from the report are as follows:

- The majority of the trees are to be retained. Therefore, standard recommendations are made for tree protection. Should any trees require felling, this should be offset via an appropriate planting scheme to be agreed with the LPA.
- Trees and ornamental hedging on the site provide nesting opportunities for birds. Any vegetation clearance should be avoided during bird nesting season. The installation of bird boxes is also recommended.
- The main site habitats are of low value to bats. However, the site boundaries provide suitable foraging and commuting features. Good practice lighting measures are recommended along with the installation of bat boxes.
- With regards to biodiversity enhancements, as well as bird and bat boxes, it is recommended that the development incorporates a suitable planting scheme using native species. These biodiversity enhancements are in accordance with the guidance in Section 4.3 in the Kirklees Biodiversity Net Gain Technical Advice Note in relation to Minor Applications.

The proposed development is therefore deemed to be acceptable with regards to biodiversity and accords with Local Plan Policy LP30, Principle 9 in the Housebuilders Design Guide SPD and the aims of Chapter 15 in the NPPF.

Highways and Access

The indicative layout plan indicates that the existing access from Burn Road, along the northern boundary of the application site, would serve plots 1 and 2, as well as continuing to serve the existing dwelling (NOTE – all four dwellings were approved off this access in the 2016 application), and one new access point to include a dropped kerb would serve plot 3 along the southern boundary of the site. Three off-street parking spaces would be provided for all three plots in compliance with the

Kirklees Highways Design Guide for 4 and 5-bed properties. One visitor space is also proposed within the site adjacent to plot 2.

The existing access drive would be widened to 4.8m and would include a new turning head to allow easier access and egress for private cars and delivery vans only. **However, it is important to note that due to the small scale of the proposals and the need to protect trees and the character of the host property, we do not propose to include internal service vehicle access or turning.**

The new access point would include electronic gates which would be set back by a minimum of 6m from the highway. Refuse collection points for each plot are proposed adjacent to the highway.

Visibility from all proposed exit points is good in both directions. Visibility splays for the existing western access are 2.4m x 43. For the single plot access for plot 3, the 2.4m x 43m can be achieved to the west, and 2.4m x 33m can be achieved to the east. This is considered to be acceptable given that traffic speeds on this informal track will be low and vehicle trips infrequent, as this only serves a small handful of houses onto the dead-end section of Burn Road.

The proposals are therefore considered to be acceptable in relation to access and highway safety and accord with the aims of Chapter 9 in the NPPF, Local Plan Policies LP21 and LP22 and the relevant guidance in the Kirklees Highways Design Guide SPD.

Land Contamination and Coal Mining Risk

A Phase I Contaminated Land Desk Study Report and Coal Mining Risk Assessment has been carried out by Abbeydale Building Environment Consultants Ltd and accompanies the application. Based on the findings of the Phase I Desk Study, a Phase II Ground Investigation by trial pitting and window sampling is recommended prior to developing the site. This would confirm both the ground conditions and allow representative samples of the underlying soils and weathered bedrock to be taken for subsequent chemical and geotechnical laboratory testing purposes.

As no specific sources of potential geo-environmental concern have been highlighted, generally non-targeted exploratory hole locations can be considered to confirm the general ground conditions and suitability of existing soils for reuse as part of the development. However, some targeted investigation in the north and north-west of the site is recommended to be undertaken.

It is considered that subsequent investigations and reports are capable of being conditioned to be submitted once permission has been granted. The proposals therefore accord with Local Plan Policy LP53 and paragraph 183 in the NPPF.

Conclusion

Outline planning permission is sought for residential development with an indicative layout showing three dwellings. The site is allocated for housing development, and its location on the edge of the residential area of Birchencliffe, Huddersfield provides an excellent opportunity for a sustainable development on this allocated housing site.

As discussed in the preceding paragraphs of this report, it is considered that there are no significant constraints that would prevent the proposed development in relation to heritage impact, trees, biodiversity, highway safety or contaminated land.

The site would provide an additional three dwellings for the local community, whilst also helping towards the Council's housing under-supply. In particular, the above assessment demonstrates that there are no adverse impacts that would **significantly** and **demonstrably** outweigh the schemes benefits, when assessed against the policies in the NPPF as a whole.

It is therefore respectfully requested that outline planning permission is approved.

Robert Halstead Chartered Surveyors & Town Planners

October 2023