
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 23-Nov-2017

Subject: Planning Application 2017/91505 Outline application for erection of residential development Land off, Huddersfield Road, Meltham, Holmfirth, HD9

APPLICANT

Mr J Mayo

DATE VALID

06-Jun-2017

TARGET DATE

05-Sep-2017

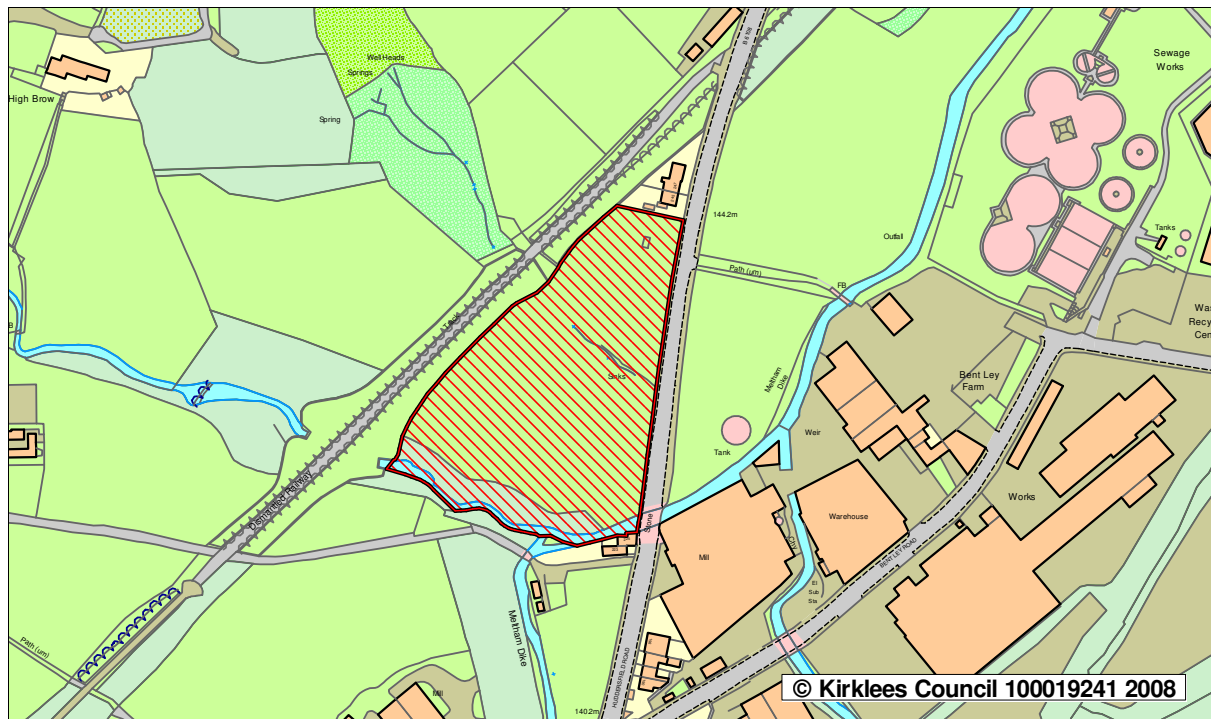
EXTENSION EXPIRY DATE

27-Nov-2017

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

Electoral Wards Affected: Holme Valley North

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Contribution of £20,000 towards bus stop improvements.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 The application is presented to Huddersfield Sub-Committee as it involves development on POL land of less than 61 residential units.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a *circa* 1.36ha parcel of agricultural land left over to pasture located to the west of Huddersfield Road (B6106) and approximately 1.5km to the north east of the centre of Meltham. The proposal is located on a site allocated as Provision Open Land in the Kirklees Unitary Development Plan.
- 2.2 The site is located approximately 1.5km from a range of services located within Meltham centre.
- 2.3 The land rises steeply from the road to the rear of the site (west) which lies close to and below Meltham greenway which runs beyond the rear boundary of the site. A public footpath runs from Huddersfield Road through the site.
- 2.4 In context, the site lies beyond the edge of the existing built up area and is generally rural in nature. To the east on the opposite side of Huddersfield Road and beyond a belt of mature trees are a range of industrial/commercial units. To the north and west and beyond the greenway the land is mainly

open countryside. To the south at a distance of approximately 100m is a small mill complex screened from the site by trees.

- 2.5 The site generally replicates the character of the surrounding countryside. Fields are divided by dry stone walls and the area is characterised by steep valley sides with a number of mature trees screening longer distance views.

3.0 PROPOSAL:

- 3.1 The proposal is submitted in outline form with all matters reserved except for access. The application proposes housing development. Whilst the number of units has not been specified, the submitted Transport Statement indicates a quantum of up to 30 dwellings which equates to 25 dwellings per hectare.

- 3.2 The proposed access is sited in close proximity of an existing public footpath which runs from Huddersfield Road through the application site.

Amendments

- 3.3 The application has been amended whilst being processed. The proposed point of access has been moved further north east along Huddersfield Road and away from the Public Right of Way and watercourse which are positioned centrally within the site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2001/90102 – installation of bio-disc mini sewage treatment plant – approved.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Additional information and further clarification was sought concerning a number of issues including highways and ecology. These issues are clarified and addressed in the remainder of this report.

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). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D5 - Provisional Open Land
H1 - Housing Need
H10/12 - Affordable Housing
H18 - Provision of Open Space
BE1/2 - Design and the Built Environment
BE11 - Building Materials – Natural Stone in Rural Area
BE12 - New dwellings providing privacy and open space
BE23 - Crime Prevention Measures
EP10 - Energy Efficiency
EP11 - Landscaping
T1 - Sustainable Transport Strategy
T10 - Highways Safety / Environmental Problems
T16 - Pedestrian Routes
T19 - Off Street Parking
G6 - Contaminated Land

Kirklees Draft Local Plan Strategies and Policies (2017):

PLP3 – Location of New Development
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing Mix and Affordable Housing
PLP20 – Sustainable Travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP23 - Core walking and cycling network
PLP24 – Design
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP32 – Landscape
PLP35 – Historic Environment
PLP48 – Community facilities and services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP61 – Urban Green Space
PLP62 – Local Green Space
PLP63 – New Open Space

6.2 Supplementary Planning Guidance:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy (2016)
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)
- Kirklees Housing Topics Paper (2017)

- Planning Practice Guidance

Many policies within the National Planning Policy Framework are relevant to this proposal and, where relevant, are referred to in the main report text.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised on site, in the local press and letters were sent to nearby properties. 13 objections have been received and they can be summarised as follows. These points are addressed in the remainder of the officer report unless otherwise stated:

- The land is Provisional Open Land similar to Green Belt and should be safeguarded from development.
- The land was part of a farm and to develop the site would spoil the look of the area.
- The impact on traffic on an already busy road.
- The impact on schools, doctors surgeries, sewerage and all infrastructure in the surrounding area.

Officer response – the UDP and emerging Local Plan sets out the type of infrastructure which development in Kirklees should consider. There is no requirement to make a contribution to GP's or dentists.

- Other areas in Meltham already have planning permission for housing and are not being utilised.

Officer response – there is no requirement for the applicant to demonstrate a 'need' for the development. The Council are unable to demonstrate a 5 year housing supply and have been consistently short in delivering the number of houses required throughout the Borough.

- It would lead to at least 60 additional vehicles which would lead to parking problems on a busy main road and further congestion.
- There is a septic tank for two properties next to the site.
- Impact on road safety from new junction.
- Impact on character of the village.
- Impact on wildlife.
- Meltham road is a very busy road and people don't respect the speed limit. The proposed access road is a few hundred yards past a blind bend and those speeding round the corner would have difficulty stopping for stationary traffic waiting to turn right into the new development. Increased traffic entering or leaving the development will increase the risk of a major accident. The traffic report submitted by the agent is dated 2010 and is 7 years out of date, traffic is much heavier since that time. My driveway is off Meltham road, either waiting in the road to turn into my drive or exiting my drive into Meltham road is very problematic because of the speed traffic goes past my house, traffic entering or leaving by the proposed location of the access road would be even more at risk as it is further up the road and traffic moves even faster at this point; also at this point there is reduced visibility because of the curve of the road.

- The field has a large number of mature trees I understand these are all subject to tree preservation orders. They border the field on all sides except the road side and there is a row of trees up the middle of the field around a small stream. It is difficult to envisage how any development would allow for these trees to remain in situ because their location would not allow enough space to build houses without removing them. This is a pleasant open space and home to varied wildlife – we regularly see herons and bats, there are also badgers.
- The houses are not needed as there are enough in the area.
- I am worried that when covered in concrete there will be nowhere for the heavy rain to go but into the river, the planning application states that the plan for surface water drainage is into this watercourse. If all rainwater falling on this field runs into the river it will cause flooding to my garden and water will also enter my cellar, which is lower than the field and is used as a utility room and office. My house is identified as of high risk of flooding on the environment agency website and this will be made worse by any development. The likelihood of this occurring is further evidenced by the fact that rainwater running down Meltham road has caused flooding outside my neighbours house as the current drains can't cope with the amount of rainwater produced in heavy rains.
- This is designated POL land in the 1999 UDP, and as such is safeguarded. This is written in Policy D5. We know the developer is pushing the fact that Kirklees do not as yet have evidence of a 5-year land supply, but I believe we do not need more new houses in Meltham as those already being built are not being sold, indeed, the developers of Albion Mills have dropped the price.
- Conservation - this plot is adjacent to SSI land; there are adjacent TPO'd trees. There is also a public footpath running through the land.
- Visual amenity - there is concern in Meltham that if this development is accepted, more houses will then be built on Huddersfield Road on the land both at the side and opposite this plot.
- Physical properties of the land - there would be significant problems with drainage/sewage, as indicated in the report dated 05 July 2017 by Yorkshire Water. There is already a drainage/sewage tank in the middle of one of the fields. A spring runs through the field and under Huddersfield road to join the beck on the other side.
- Amenities - the proposed site is too far away from existing shops and schools.
- Current new houses - over 200 new houses are currently being built in Meltham yet to be sold, mainly on Mill Moor Road (23 on Albion Mills, 16 in a current application (2017/92220) plus 2 x 30, plus another development; 24 in Colders Lane; and Helme Lane (80 at present, but I understand more are to be added). Planning consent was given for 31 houses on the Royd Edge development in 2010; this Brownfield Site has yet to be built on. I believe the above to be enough evidence that this proposed development is unsustainable, and must therefore be refused in accordance with the NPPF.

- *I am Treasurer of Friends of Meltham Greenway and walk it nearly every day and meet a many people along there. Local people have and still do spend a lot of time and money voluntarily on maintaining this path into the countryside, which goes directly and quickly from the centre of Meltham. To build adjacent to Meltham Greenway would be detrimental for a variety of reasons. It would: Spoil the long distant country views; add noise and pollution to a peaceful leisure path; add a pollution risk if houses which back onto the Greenway dumped garden waste and other rubbish; have an impact on wildlife, including the protected bat population that roost along the greenway and use the path as a directional guide. Added to that the road the development is next to is a fast road into Meltham with recent accidents, including a fatality. Added traffic from the development would be dangerous for traffic on the road and traffic entering and exiting the development. As there are places yet to develop within Meltham, some already with planning permission, there is not a need for this one, which will impinge on a green space and stick out like a sore thumb beyond the boundary of Meltham.*
- The Campaign to Protect Rural England (CPRE) makes the following comments:

The applicant has made no attempt to establish that there are no technical issues which would prevent development and certainly has not included any evidence to that effect in his application. In particular the applicant has not provided any evidence to show that foul drainage from the site can be connected to the main foul sewer system discharging to Meltham STW. The "technical issue" is that the site is on the wrong side of the valley from the main outfall sewer to Meltham STW, in Huddersfield Road / Bent Ley Road and any connecting sewer would have to be laid across and under the bed of Meltham Dyke. It would then be at too low a level to discharge to the main outfall sewer by gravity. In a similar way the topography of the flat valley bottom at this point means that any surface water discharge to the watercourse would have to "chase down" the valley for some considerable distance through private land before a satisfactory discharge point could be achieved. In our view the applicant should be required to show how these "technical blockers" would be resolved before the Council can even consider granting outline planning permission. If the Council are minded to grant outline planning permission, irrespective of this very serious issue, they should attach a condition to the permission which makes it subject to the later submission of a full comprehensive drainage scheme. 2. The nearest corner of the site is 1200 metres from the centre of Meltham, about 400 metres from the nearest residential properties [except the two immediately adjoining semi-detached houses] and 70 metres from the industrial premises on Bent Ley Road. This is way beyond accepted practice for the location of sustainable developments, as outlined in previous versions of the Local Plan [the LDF]. The development would therefore be completely disconnected from the village of Meltham and necessary services provision such as schools, doctors, shops etc. Any development on this site would be an isolated "stand alone" development, like a carbuncle in and amongst green fields. It is also, in effect, "ribbon development" which would extend the boundary of Meltham village by a considerable distance, in an easterly direction along Huddersfield Road. This is simply not acceptable.

Meltham Town Council:-

The proposed development is on the edge of the greenbelt and the existing Unitary Development Plan allocates the land as Provisional Open Land (POL). Planning permission should not generally be granted on sites designated as POL other than for certain development which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term which these proposals would do. The aim of the POL designation is to maintain the character of the land during the period until the plan is reviewed when it will be considered for allocation for development. The reassessment of POL will involve determining whether in the prevailing circumstances there is a case for releasing some or all of the land for development, or whether it should be maintained as POL until the next review of the plan. The land subject to this application is currently POL and is not allocated for development, consequently planning permission should only be granted following a Local Plan review which proposes development. It was noted that in fact the proposal had recently been reviewed, with the Local Plan now being reviewed by Government and the review had retained the classification of this area of land as not being needed for development at the present time. In the circumstances planning permission should not be granted. Whilst the Council recognises that this land will eventually be built on it suggests that such safeguarded sites should be there to fulfil a much longer term need - i.e. well beyond the plan period.

It fails to meet the National Planning Policy Framework principle of sustainable development being unsustainable in terms of additional traffic and school places.

The current proposal represents an inefficient use of land that is not integrated well with existing developments, there are no other developments near the proposed development and the proposal breaks a pattern of existing development within Meltham and would likely lead to further development in adjacent fields.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Highways DM – No objection in principle. Full comments to be provided by way of an update.

Lead Local Flood Authority – Kirklees Flood Management as LLFA objects to this application as it is unclear as to whether the promoted access on drawing ref 1754/01 “Site Plan with new Vehicular Access” will result in requirements to culvert an open watercourse to gain access to the southern part of the site, contrary to planning policy.

The flood risk assessment (Initial Issue) submitted by ARP Associates, dated September 2017, incorporates a fair assessment of the risk and includes consultations with the appropriate bodies including the LLFA. Should the above objection be resolved, appropriate conditions and advice notes can be included to support the application with a further consultation at reserved matters.

8.2 **Non-statutory:**

Environmental Health – No objection subject to conditions.

Landscape – No objection.

Yorkshire Water – No objection subject to conditions.

Tree Officer – No objection.

Strategic Housing – 20% affordable contribution required.

Education – No contribution required based on 30 units.

Biodiversity Officer – No objection subject to conditions.

Police Architectural Liaison Officer – No objection.

Conservation and Design – No comments to make at this stage.

9.0 **MAIN ISSUES**

- Principle of Development
- Impact on Character of Surrounding Area and Landscape
- Residential amenity and Relationship with Surrounding Uses
- Highways and Traffic Implications
- Drainage issues
- Ecology and Biodiversity Issues
- Heritage Issues
- Planning Obligations
- Other matters
- Conclusion

10.0 **APPRAISAL**

Principle of development

- 10.1 The site lies on an area of Provision Open Land (POL) on the Unitary Development Plan. The site is allocated as safeguarded land as part of the Kirklees Publication Draft Local Plan.
- 10.2 Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is one such material consideration. The starting point in assessing any planning application is therefore, to ascertain whether or not a proposal accords with the relevant provisions of the development plan, in this case, the saved policies in the Kirklees Unitary Development Plan, 1999 (UDP). If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.

- 10.3 The NPPF is a Government statement of policy and is therefore, considered an important material consideration especially in the event that there are policies in the UDP which are out-of-date or inconsistent with the NPPF. Paragraph 215 of the NPPF reinforces that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
- 10.4 It is clear that the NPPF seeks to “*boost significantly the supply of housing...*” (para 47). Para 47 then goes on to describe how local authorities should meet the full objectively assessed need for market and affordable housing. This requires a range of measures including ensuring a deliverable five year supply of housing. Para 49 states that “*housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”.
- 10.5 As evidenced in recent appeal decisions (eg. APP/Z4718/W/16/3147937 - Land off New Lane, Cleckheaton), the Council are falling short of the requirement to ensure a five year housing land supply by a substantial margin. This is important in the context of paragraph 14 of the NPPF.
- 10.6 Para 14 of the NPPF states that for decision-taking, the presumption in favour of sustainable development means:
- Approving development proposals that accord with the development plan without delay, and
 - Where the development plan is silent, or relevant policies are out-of-date, granting planning permission unless:
Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or
Specific policies in the Framework indicate development should be restricted.
- 10.7 As the Council are unable to demonstrate a 5 year housing land supply as required by para 49 of the NPPF, relevant policies relating to housing are considered to be out-of-date. Indeed, the housing land supply shortfall is substantial and falls below 3 years. Whilst the Council have submitted the Kirklees Publication Draft Local Plan (PDLP) for examination which, for housing purposes, is predicated on the basis of a five year housing land supply; the examination has not conclude and the PDLP has not been adopted. Therefore, it is currently the case that the Council are unable to identify a five year supply of specific deliverable housing sites against the requirement.
- 10.8 Based on the above, there is a presumption in favour of sustainable development and planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.

- 10.9 The site is allocated as Provisional Open Land (POL) on the UDP. Therefore, policy D5 is applicable in this case:

On sites designated as provisional open land planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the long term.

- 10.10 It is considered that policy D5 is not a policy for the supply of housing in respect of the way in which it relates to paragraph 49 of the NPPF. Therefore, policy D5 is considered to be up to date.

- 10.11 The proposed development is clearly at odds with policy D5 of the UDP partly because the scheme of housing development fails to maintain the character of the land as it stands and fails to retain the open character. The proposed development constitutes a departure from the development plan.

Emerging Local Plan

- 10.12 In respect of the emerging Local Plan, the PDLP was submitted to the Secretary of State on 25th April 2017 for examination in public and the Examination process has recently commenced. The site forms a safeguarded land allocation (SL2186) within the PDLP. Given that the PDLP is now at an advanced stage, consideration needs to be given to the weight afforded to the site's allocation in the PDLP.

- 10.13 The site has been rejected as a housing allocation so far as part of the Local Plan process. In the Kirklees Rejected Site Options Report (2017), which was submitted as part of the local evidence to support the Kirklees Local Plan, the site was rejected as a housing allocation for the reasons summarised as follows:

“Development of housing here would be isolated from other residential development because of employment use to the south, south east and Green Belt on other sides of the development. Beck and woodland are UK BAP priority habitat, any development would be required to minimise disturbance to neighbouring habitats. Site access would require third party land to improve visibility and reduced traffic speeds on Huddersfield Road in this location. There is little prospect of third party land being acquired to achieve visibility splays and therefore for a deliverable housing site.”...

- 10.14 Within the Accepted Site Options – Technical Appraisal July 2017, the safeguarded allocation is recommended for acceptance for the following reasons:

“This site is not deliverable or developable during the local plan period. There is a reasonable prospect that the constraints on this site could be overcome to allow the delivery of new homes beyond the end of the local plan period. Site access achievable if necessary visibility splays can be achieved...”

10.15 These issues are explored in more detail in the remainder of this report. In respect of weight, the NPPF provides guidance in relation to the weight afforded to emerging local plans. Paragraph 216 states:

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

10.15 The above is further supplemented by guidance in the Planning Practice Guidance (PPG). The PPG states that “*arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

b. the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

10.16 Given the scale of the development proposed when assessed against the wider context of the PDLP the application could not be deemed to be premature as the proposed development, by virtue of its relatively small scale and strategic importance, is not considered to be central to the delivery of the Local Plan.

10.17 It has however, been confirmed that given the advanced stage at which the Local Plan has progressed considerable weight should be afforded to the policies within the emerging Local Plan. Therefore, considerable weight is afforded to the emerging safeguarded allocation in this case.

10.18 The scheme would make a modest but valuable contribution to housing supply across the district. In the PDLP the housing requirement is set out at 31,140 homes from 2013 – 31 to meet identified needs. This equates to 1730 homes per annum. The Council’s current supply position is detailed in the Housing Topics Paper (2017) and this also includes the number of dwellings built since the emerging Local Plan base date of 1st April 2013. There has been persistent under-delivery:

Year	Net annual housing completions	Local Plan requirement	Completions compared to Local Plan requirement
2013/14	1,036	1,730	-694
2014/15	666	1,730	-1064
2015/16	1,142	1,730	-588
Total	2,844	5,190	-2,346

10.19 If the emerging Local Plan was to be adopted in its current form, the Council would be able to demonstrate a five year housing land supply. However, the PDLP has not been adopted and as it stands the Council is a substantial way off being able to demonstrate a five year housing land supply and housing delivery has persistently fallen short of the emerging Local Plan requirement. This triggers the presumption in favour of sustainable development as advocated by para 14 of the NPPF.

Other Matters of Principle

10.20 Whilst the site comprises an agricultural field, it appears to fall within Grade 4 Agricultural Land. For the purposes of the NPPF it does not constitute Best and Most Versatile Agricultural Land and therefore, the loss of this agricultural land does not conflict with the requirements of the NPPF.

Accessibility

10.21 Whilst the site lies beyond the existing settlement boundary, there is a footway along Huddersfield Road which would allow pedestrians to walk safely into Meltham town centre. The footway has a slight gradient along some its length but this is not a significant impediment to users. There are a range of shops and services all within 2km of the application site, the nearest shops and services being 1.1km along Huddersfield Road. A public footpath runs through the site and Meltham greenway can be accessed via a short walk along Huddersfield Road from the application site. The greenway provides a more direct and traffic free route to the nearest supermarket which lies at a distance of approximately 1.2km from the site. The site is comfortably within a cycling catchment area of local services.

10.22 The nearest bus stops are located on Huddersfield Road on the application site frontage which have the benefit of a flag / pole and timetable information. These bus stops provide access to the 323 and 324 bus services. There are 6 services per hour that travel to Huddersfield town centre, Meltham and Netherton. The services to Huddersfield allow easy onward travel via Huddersfield railway station.

10.23 It is acknowledged that the site lies outside a 10 minute walking distance of local services, which is typically around 800 metres, and to the location of the site to an extent would encourage the use of the private car. However, the greenway offers a safe, attractive and traffic free route for users during daylight hours which are likely to encourage occupiers to access local services by foot. Using this route, local services would be an approximate 15 minute walk away. In addition, there are two bus stops immediately outside the application site on Huddersfield Road which would allow regular public transport access to and from the site.

10.23 Overall the site offers acceptable non-car links to and from local services and Meltham town centre despite it falling outside the existing settlement boundary. On the basis of the above the proposed development is not considered to comprise an isolated development in the countryside and there would be an acceptable relationship with Meltham so residents could access local services. The proposed development is considered to be accessible by range of different modes.

Conclusion on principle of development

10.24 The overall conclusion in respect of the principle of development is that the application should be assessed against para 14 of the NPPF which sets out a tilted balance in favour of sustainable development. The Council at this stage are significantly short in terms of demonstrating a 5 year housing land supply. When this is considered in context of para 47 of the NPPF, which seeks to significantly boost the supply of housing, this is a material consideration in favour of the scheme which attracts substantial weight. Development of POL land is therefore, not necessarily unacceptable and planning permission should only be refused where there is demonstrable harm which outweighs the benefits.

Impact on Character of Surrounding Area and Landscape

10.25 Section 11 of the NPPF sets a wide context to conserving and enhancing the natural environment and requires that valued landscapes are protected and enhanced and requires that the level of protection is commensurate with the status and importance of the landscapes.

10.26 Policy BE1 of the UDP requires that all development should be of good quality design such that it contributes to a built environment. Policy BE2 states, amongst other matters, that new development should be designed so that it is in keeping with any surrounding development. Policy BE11 of the UDP requires that new development should be constructed in natural stone of a similar colour and texture to that prevailing in the area. Policy PLP24 of the PDLP requires that good design to be at the core of all planning decisions.

10.27 The application site comprises agricultural fields given over to pasture. The comments received from local residents suggest that the fields are valued in both recreational and aesthetic terms. In local landscape terms the site lies within the Holme and Hall Dyke landscape character area. This landscape area is characterised by steep incised valleys and mixed semi-natural woodlands which is reminiscent of the application site. The site is bounded by a low-set dry stone wall which abuts the footway along Huddersfield Road. The sloping nature of the site coupled with the low level boundary wall creates an open, relatively steep sided site which is prominent along this section of Huddersfield Road.

- 10.28 Centrally within the site is a partially culverted watercourse which is followed by a line of deciduous trees. The footpath within the site follows the line of the watercourse. Beyond the top of the slope of the site to the northwest is a line of mature trees which are located on the bank of the former Meltham branch railway line which is now a surfaced multi-user footpath (greenway). Beyond this the site is well screened due to the greenway and associated trees.
- 10.29 To the south east and on the opposite side of Huddersfield Road, the land falls away from the road towards fields, beyond which lie a range of industrial buildings. There is a public footpath which traverses the fields and part of the industrial estate. It can be accessed on the opposite side of Huddersfield Road. To the south west the land comprises sloping pasture land and an industrial area which is screened from the site by trees. This land is allocated as POL land in the UDP and employment land in the PDLP.
- 10.30 Immediately to the north of the site fronting Huddersfield Road are two dwellings. There are two further dwellings to the south of the site adjacent to Meltham Dike but these are well screened from the road by existing trees. Beyond this are a range of mill buildings and other industrial uses with the main cluster of housing on this side of Huddersfield Road being approximately 750m to the west and towards Meltham. Housing on the opposite side of Huddersfield Road is a similar distance away from the site to the west, although there are a handful of dwellings closer to the site and a larger number of industrial buildings.
- 10.31 The proposed development is considered to be somewhat isolated from the main cluster of housing in Meltham and given that up to 30 dwellings are proposed, it would extend the existing urban edge of the town. Given the characteristics of the site, housing would be prominent when viewed from Huddersfield Road and from the public footpath which runs in an easterly direction towards Bent Ley Road. However, the impact upon users of the greenway is limited by trees which line the greenway acting as a buffer to the application site, and the fact that the site sits on a lower level. It is likely that roofs of houses and the upper storeys would be intermittently visible in between the gaps in the trees from the greenway.
- 10.32 The land continues to rise to the north west beyond the site for a further 170m where it plateaus on a line which runs to the north west of Helme Lane. Views in the direction of the site from Helme Lane are generally representative of those experienced along the upper slopes of the valley side. The site would be positioned on the lower slopes of the valley side, views of which are obscured by the line of the existing greenway and the extensive tree cover. Views of the site from the north along Huddersfield Road would be largely obscured by a combination of topography and tree cover. Similarly, views of the site from the south along Huddersfield Road would be limited from a distance of approximately 60m due to the alignment of Huddersfield Road, existing buildings and tree cover.

10.33 Overall it is considered that, in terms of character and appearance, the proposed development would have a relatively localised impact on the character of the area, the most marked impact being on the stretch of Huddersfield Road fronting the site, the footpath which runs through the site and the footpaths which run in a south easterly direction on the opposite side of Huddersfield Road. To that extent the visual impact on the wider area would be largely contained due to the position of the site on the lower slopes of the hillside, the amount of dwellings proposed, and the intervening topography and vegetation which serves to screen views of the development from mid/longer distance viewpoints. However, it is inevitable that the proposed development would be detrimental to openness and change the character of the site, especially given that it is not located near large areas of existing development and it is surrounded by Green Belt; thus there would be conflict with policy D5 of the UDP and some conflict with paragraph 17 of the NPPF in that the scheme would fail to recognise the intrinsic character of the countryside. However, the submission of reserved matters would allow the scheme to be fully assessed against policies BE1 and BE2 and PDL24 in ensuring that any subsequent development is in keeping with its surroundings as far as practicable. It is expected that any subsequent scheme should be constructed from natural stone and slate so that it is in keeping with the local area; this could be conditioned as a requirement of any subsequent reserved matters.

Residential Amenity and Relationship with Surrounding Uses.

10.28 Para 123 of the NPPF indicates that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.

10.29 Policy BE12 of the UDP provides guidance on appropriate separate distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.

10.30 There are two properties which lie to the north of the application site (no's 245 and 247 Huddersfield Road). As this application is in outline form, there is no reason why the impact on the amenity of the occupiers of these properties could not be mitigated at reserved matters stage. Similarly, there are properties beyond the southern boundary of the site but the impact on these properties would be fully considered at reserved matters stage.

10.31 In terms of neighbouring land uses, there is a waste water treatment plant which lies within 200m of the application site to the east. The application site lies on much higher level than the waste water treatment works. Whilst this is identified as a potential constraint to development of this site and one of the reasons for rejecting the site as a housing allocation in the PDLP;

Environmental Health have assessed the proposal in relation to potential odour impact and do not consider that there would be any odour from the waste water treatment works which would adversely affect future occupiers.

- 10.32 It has also been identified by consultees and neighbours that there are existing foul water package treatment plants associated with no's 245 and 247 Huddersfield Road within the site boundary. It is considered necessary to impose a planning condition to ensure that there is a strategy in place to deal with the existing waste water treatment plant within the site boundary prior to any works taking place on site.
- 10.33 There are a number of noise generating uses within close proximity of the site. The proposal is potentially affected by both road traffic noise from the adjacent Huddersfield Road and the nearby Meltham Mills/Bent Ley Industrial Sites. It is not considered that noise is a barrier to residential development of this site, but orientation/layout and design in terms of glazing and ventilation may need to be considered as a result of noise in the vicinity. It is therefore, recommend that a condition is imposed requiring a noise survey and mitigation measures.

Highways and Traffic Implications

- 10.34 The scheme would comprise an access taken from Huddersfield Road. As the application is in outline form, the internal layout of the site is not under consideration. However, the proposed access would not directly conflict with the existing public footpath which runs through the site. The applicant has confirmed that the internal layout would be designed so as to avoid direct conflict with this footpath as far as practicable.
- 10.35 Policy T10 of the Kirklees UDP states that new development will not normally be permitted if it will create or materially add to highway safety issues. Policy PLP21 of the PDLP aims to ensure that new developments do not materially add to existing highway problems or undermine the safety of all users of the network. Para 32 of the NPPF states:

Plans and decisions should take account of whether:

- *The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable access to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

- 10.36 The application has been accompanied by a Transport Statement and Road Safety Audit which has been assessed by Highways DM. The Transport Statement demonstrates that the proposed development would generate between 17 and 19 movements during the AM and PM peaks based on up to 30 dwellings. It is not considered that this level of movements would have a discernible impact on the highway given the nature of the surrounding road network and junctions. It is not considered necessary to restrict the site to a number of dwellings that can be built as the limited size and constraints of the

site would act as a cap on the extent of development and should more than 30 dwellings be achieved on the site it would not generate significant additional vehicle movements above those assessed within the TA.

- 10.37 In terms of the proposed junction itself; it is proposed to provide a simple priority 'T' junction onto Huddersfield Road. This stretch of Huddersfield Road has a 40mph speed limit which is in force from approximately 220m to the north east of the application site, along the site frontage, which then becomes a 30mph speed limit approximately 600m further along Huddersfield Road towards Meltham. Visibility out of the proposed junction is in excess of the guidance set out in Design Manual for Roads and Bridges (DMRB) with at least 2.4m x 120m being achievable in both directions.
- 10.38 DMRB provides guidance on the use of priority junctions and this is supported by Manual for Street 2 (MfS2) which suggests that consideration should be given to providing a right turn lane at priority junctions where the side road flow exceeds 500 vehicles per day. In this case movements proposed are significantly lower than 500 movements. In response to concerns raised by some residents regarding the speed of vehicles using Huddersfield Road, the applicant has commissioned two sets of speed survey data and a Road Safety Audit which does not reveal any significant highway safety issues associated with the junction type as proposed given the relatively low level of vehicular movements, average speed of vehicles and the nature of Huddersfield Road. Vehicle speeds along this stretch Huddersfield Road on average do not appear to be excessive.
- 10.39 The site falls outside the main built up area of Meltham within a section of Huddersfield Road which transitions from mainly open countryside to the north east, to the main town centre which lies to the south west. Whilst there are developments on the opposite side of Huddersfield Road, these are on a lower level. This stretch of Huddersfield Road therefore, has a movement and leisure function, with little in the way of a place function at the present time. The introduction of a housing scheme fronting Huddersfield Road would alter the character of the area and introduce a place element. However, the area would still retain a rural character to an extent and the proposed junction is considered to strike the right balance between place and movement and would be an appropriate solution in highway safety terms given the level of traffic the development would generate and the nature and characteristics of Huddersfield Road. However, Highways DM are considering the submitted information further and the potential for additional measures to mitigate the effects of the development on the local highway network and the proposed junction. Any such measures will be reported to planning committee as an update.
- 10.40 In respect of other potential issues; the submitted Road Safety Audit identifies that the location of the bus stop of the north of the proposed junction would obstruct visibility for drivers. Provision would also need to be made for pedestrians crossing Huddersfield Road to meet the bus stop on the opposite side of the road. These matters are being considered by Highways DM and an update will be provided to planning committee.
- 10.41 In terms of parking, the proposed development has been submitted in outline form and parking would be considered as part of the proposed layout at reserved matters stage.

Drainage issues

- 10.42 Para 100 of the NPPF states that 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. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case. A very small proportion of the site to the south, closest to Meltham Dike, lies in Flood Zone 3, but the proposed development would not result in any houses within this area.
- 10.43 The submitted Flood Risk Assessment (FRA) considers the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water.
- 10.44 The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:
- 1 – into the ground (infiltration)
 - 2 – to a surface water body
 - 3 – to a surface water sewer, highway drain, or another drainage system
 - 4 – to a combined sewer
- 10.45 The site lies in close proximity of Meltham Dike which sits on the southern boundary. The FRA considers that Sustainable Urban Drainage (SuDS) – infiltration - will be considered initially (although SuDS appear unlikely to be feasible on this site), but that there is a watercourse in close proximity which may allow a restricted discharge should SuDS not be feasible. It is considered that these matters could be conditioned. It is considered likely that the site could be drained in a manner ‘high up’ on the flood hierarchy in accordance with the NPPG. This would be fully explored at reserved matters stage and a planning condition is therefore proposed. The concerns raised by objectors concerning potential flooding would be fully assessed as part of any reserved matters submission when the number of dwellings and drainage proposals have been fully investigated and are fully understood.
- 10.46 In terms of foul water drainage, the FRA suggests that this should discharge into the 350mm combined sewer recorded to the south west of the site. Yorkshire Water raises no objections but comment that it is not possible to determine at this stage whether the whole site would be drained by gravity, or whether a pumping station. Given that there is an existing package sewage treatment facility on the site associated with the two dwellings beyond the site boundary to the north, it is understood that there is no foul water infrastructure nearby. However, the application would need to provide a connection to the existing network, details of which could be secured as part of the reserved matters submission.
- 10.47 Whilst in principle it appears that the scheme is acceptable in drainage terms, and the access location has been revised in order to avoid direct conflict with the watercourse that runs through the site, an objection has been raised by the Lead Local Flood Authority concerning the potential impact of the scheme on the watercourse and the potential for it to be culverted. It is considered

that these matters would be fully addressed at reserved matters stage in the event that the layout proposes to cross the watercourse running through the centre of the site. There appears to be sufficient space within the site on the upper slopes in order to ensure that conflict with the watercourse is lessened. However, at the time of writing this report the applicant was preparing a response to the concerns raised and these will be reported as an update.

- 10.48 In principle the proposed development offers sustainable drainage solutions in line with those advocated by the NPPF and NPPG and PDLP policy PLP28 subject to conditions and full details being considered at reserved matters stage.

Ecology and Biodiversity Issues

- 10.49 UDP policy EP11 requires that application incorporate landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.
- 10.50 The main body of the site is agriculturally improved grassland. This habitat contains limited botanical interest and is widespread at a local and national level. The loss or modification of this habitat is not considered to have a significant adverse effect on biodiversity interests within the area. However, the development presents an opportunity to offset any impacts and enhance the botanical value of the site through the adoption of an appropriate planting scheme.
- 10.51 The adjoining woodlands are listed as priority habitats and the local authority will have due regard for these woodlands during the planning process. It is however, likely that trees will remain largely unaffected by the development aside from potential minor tree surgery works where required. Any trees in poor condition which require felling should be replaced on at least a like for like basis. The Council tree officer raises no objections.
- 10.52 No evidence of badgers was observed within the site. However, the submitted ecological report considers that badger setts could be located nearby.
- 10.53 Following the revision to the site access, the Council's ecologist is satisfied that this allows for the habitats of greater ecological value to be retained towards the centre of the site, and therefore for the mitigation hierarchy under para 118 of the NPPF to be applied. The proposals are therefore acceptable under national planning policy. The ecologist notes however, that this site is subject to significant ecological constraints due to the surrounding habitats, which contribute to the local green infrastructure resource. Any future reserved matters application will need to demonstrate how significant ecological impacts will be avoided, mitigated or compensated for. Consequently, it is recommended that planning conditions are imposed requiring the submission of an ecological enhancement plan, implementation strategy and a badger survey. Overall the outline application is considered to comply with policy EP11 of the UDP.

Heritage Issues

- 10.54 Section 66 (1) of the Listed Buildings Act states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Para’s 126-141 of the NPPF are relevant to the determination of applications affecting heritage assets.
- 10.55 The nearest listed building comprises a Grade II listed mill located on the opposite side of Huddersfield Road. The mill building is set down with the roof being mainly visible from the application site. The setting of this building is considered to be mainly confined to land on the opposite side of Huddersfield Road. With that in mind, the impact the development would have on the setting of this building is very limited and it would be mainly the southern corner of the development site that would have any impact on the listed building. The impact is considered less than substantial in NPPF terms.

Planning obligations

- 10.56 In accordance with para 204 of the NPPF planning obligations should only be sought where they meet the following three tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

Education Provision

- 10.57 Para72 of the NPPF states that great weight should be given to the need to create, expand or alters schools. In line with the requirements for ‘Providing for Education Needs Generated by New Housing’ (KMC Policy Guidance), the proposed development attracts a contribution towards additional school places. Education has been consulted on the proposal and they do not consider a contribution would be necessary on the basis that no more than 30 units are proposed, however should more than 30 dwellings be achieved at Reserved Matters stage then the LPA would reconsider this position.

Affordable Housing

- 10.58 Within Kirklees Rural- West, there is a significant need for affordable 1-2 bedroom housing, as well as a need for affordable 1-2 bedroom housing for older people specifically. Kirklees Rural- West has some of the highest priced housing in Kirklees with properties costing around £105,000 to £195,000. It is a popular location, with 15% of households planning to move home within Kirklees in the next 5 years, having it as their first choice destination. Kirklees’ interim affordable housing policy advises that the Council seeks to secure

20% of dwellings on sites with over 11 or more dwellings, for affordable housing. The policy also advises that on-site provision (housing) is preferred however where the Council considers it appropriate, a financial contribution to be paid in lieu of on-site provision will be acceptable. This could be secured by S106 agreement, details of which would be determined pending the submission of reserved matters.

Public Open Space

10.59 Policy H18 of the UDP requires accessible 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares, within which there should be play equipment provision either provided on the site or, as the site falls within an area of existing equipped play facility at Pleasure Grounds in Meltham or the Memorial Park, it would not require its own site equipped provision. A contribution towards one of these facilities would be required, calculated on the basis of the number of dwellings in line with the Fields in Trust Guidelines for England.

10.60 In terms of POS on site, it is noted that the site lies on the edge of an existing settlement and there are footpaths and routes into the open countryside both within and within close proximity of the site. In accordance with para 73 of the NPPF, the scheme provides access to high quality open spaces which can make an important contribution to the health and well-being of communities. Given the sloping nature of the site, it may not be feasible to provide accessible Public Open Space in accordance with planning policy (30m² per dwelling), in which case a financial contribution would be requested. Given that one of the potential benefits for future occupiers of the scheme would be the proximity to the greenway, it may be appropriate to seek a contribution towards improving the greenway. The section of the greenway between the application site and Meltham town centre has been surfaced and already provides a safe and accessible route for pedestrians into the town centre. However, the Council intend to facilitate an extension to the greenway in order to link from Meltham to Netherton. Financial contributions have already been sought from other housing developments near Netherton to facilitate this link and it may be appropriate to utilise any or part of the POS monies in this case to contribute to improving this link. The POS contribution could be secured by S106 agreement, this being dependent on the details submitted at reserved matters stage.

Local Transport Infrastructure Mitigation and Improvements

S278 and other works would be required to facilitate the access onto Huddersfield Road along with dropped crossings/tactile paving along Huddersfield Road close to the site. A condition is recommended to ensure that details of all additional works including lighting, crossing points etc are submitted.

£20,000 required for bus stop shelters.

Existing bus stop close to the site entrance would need to be relocated.

Other Matters

- 10.61 Conditions are recommended concerning contaminated land investigation and remediation.
- 10.62 In respect of air quality, the application has been assessed against the West Yorkshire Low Emission Strategy Planning Guidance. In accordance with the guidance the installation of 1 no electric charging point is required per unit or 1 charging point per 10 spaces and this would be secured by planning condition.
- 10.63 Concerns have been raised by the Public Rights of Way officer regarding the position of the access and the potential layout of the scheme in relation to the existing footpath which runs through the site. The access proposal has been submitted to respond to initial concerns regarding the location of the public footpath. There would be no direct conflict with the public footpath from the proposed access. There is potential that the layout would directly impact on the public footpath and this could be fully explored at reserved matters stage.

11.0 CONCLUSION

- 11.1 The application site lies beyond the established urban boundary of Meltham on an area of land currently allocated as Provisional Open Land (POL) on the UDP. In the emerging Local Plan the site is allocated as safeguarded land. It is clear that in the case of the emerging PLDP safeguarded land allocations; prevailing circumstances could permit the release of safeguarded sites but only in the event of a review of the Local Plan.
- 11.2 Whilst the PDLP safeguarded allocation carries significant weight, the current allocation of the site is POL. These allocations are predicated on the basis of a 5 year housing land supply. It is important to bear in mind emerging policy PLP3 emphasises the need to maintain a 5 year housing land supply in accordance with para 49 of the NPPF. There is a significant shortfall in housing land supply in Kirklees. The proposal would make a material contribution to addressing that shortfall. That carries substantial weight in favour of permission being granted. The tilted balance in favour of sustainable development as advocated by para14 of the NPPF is engaged in this case.
- 11.3 It is inevitable that development on any greenfield site would mean a loss of landscape quality because there would be buildings in place of open land on an attractive sloping site. The impact on local views from Huddersfield Road and local footpaths would be unavoidable and is exacerbated in this case due to the sloping nature of the site and its natural characteristics. It is sits in a position which is mainly isolated from existing residential development

However, the site lies on the lower slopes of the valley side which would limit longer distance views and the overall landscape character would be retained.

- 11.4 There would be no unacceptable harm in relation to highway safety, drainage/flood risk, living conditions and ecology, subject to the conditions proposed and subject to reserved matters submissions. Infrastructure provision would be dealt with at reserved matters stage or by S106 Agreement where the scheme is fully compliant with policy requirements.
- 11.5 In conclusion, there are no adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits. Conflict with UDP policy D5 and other impacts identified in terms of the impact on the character and appearance of the area are outweighed by other considerations and overall, on balance, the proposal constitutes a sustainable form of development. The limited, less than substantial impact on the setting of the grade II listed mill building is considered to be outweighed by the public benefits in providing additional housing.

Background Papers:

Application and history files.

Website link to be inserted here

Certificate of Ownership – Notice served on/ or Certificate A signed:

1. 3 years
2. Approved plans
3. Reserved matters to comprise natural stone and slate roofs
4. Full drainage details to be submitted with reserved matters including percolation tests
5. Foul water drainage details to be submitted with reserved matters.
6. Flood routing
7. Badger survey prior to commencement.
8. Ecological enhancement plan and implementation to be submitted with reserved matters
9. Dwellings to be no more than 2 storeys in height
10. Removal of permitted development rights
11. Construction method statement
12. Electric charging points with reserved matters.
13. Contaminated land conditions
14. Noise report to be submitted with reserved matters.
15. Provision of Affordable Housing
16. Provision of Public Open Space