



Hearing Statement

Kirklees Council Local Plan Examination

Site: MX 1924: Land east of Naomi Road, Newsome
Matter 32: Huddersfield Sub-Area

January 2018

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Sustainability Appraisal Report for MX1924.

1.0 Introduction

1.1 This Hearing Statement is submitted on behalf of Benjamin Bentley & Partners and is lodged in respect of Site MX1924 at Newsome Road/Hart Street, Newsome, Huddersfield HD4 6LS.

This Hearing Statement follows the submission of representations¹ lodged by planning consultants England & Lyle (in September 2013 in respect of the Draft Local Plan 2014) and the subsequent responses made in January 2016.

2.0 Test of Soundness

Under NPPF paragraph 182 a local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

¹ Appendix 1

3.0 Planning Inspectorate - Appeal Decision 17 August 2017

Appeal reference: APP/Z4718/W/17/3173711. The appeal was allowed.

The application was for outline approval, with all matters reserved, for the development of 22 residential units.

In making his decision the Planning Inspector, Mr GJ Fort, made a number of observations (shown below):

.... the appeal site is in an accessible location, close to local services and a regularly serviced bus route, which weighs in its favour in terms of its social sustainability.

Taken together, the delivery of market and affordable housing; the employment and other economic activity generated during its construction; the contribution to spending in the local economy more generally; and the accessible location of the appeal site comprise social and economic benefits that attract significant weight in the appeal scheme's favour. Whilst the harm the appeal scheme would cause to the character and appearance of the area is a matter of material weight, it clearly does not significantly and demonstrably outweigh these benefits. Moreover, for the reasons given above, no other objections advanced against the appeal scheme, taken individually or together, are of a weight sufficient to significantly and demonstrably outweigh its benefits. Accordingly, I conclude that the proposed development would therefore comprise sustainable development for the purposes of the Framework.

4.0 Conclusions

The rejection of MX 1924 on the grounds of the issue of open space when the site has simultaneously been rejected for that very use (UGS 1980) leaves the site without designation in the Local Plan, when all other evidence and opinion suggests it is a site more than capable of sustainable development.

As detailed above a planning inspector has subsequently granted outline approval for residential development.

The ethos is:

“The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making.

Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

It is highly desirable that local planning authorities should have an up-to-date plan in place.”

If this policy is followed the LPA should be examining conflicting “Rejected Options” as in the case of MX 1924 the only reason for rejection has been removed and the site has been left without a planning designation, which could lead to an application being refused on the grounds it does not comply with the subsequently adopted, up-to-date, Local Plan.

It raises the question as to the soundness of the Local Plan, as proposed, as there may be many more sites that have suffered from the same apparently flawed procedure and where sustainable development would be possible.

In the circumstances does the plan meet the test contained in para 182 of the NPPF of being consistent with national policy and will it enable the delivery of sufficient sustainable development in accordance with the policies in the Framework.

In the case of MX 1924 I respectfully suggest the Inspector proposes a modification to the LPA, which results in the designation for mixed use, of the whole of the subject site.

Martin Devey FRICS

24 January 2018

APPENDIX 1

Submissions made by England & Lyle Planning Consultants (in January 2016) are shown in this appendix:

DLP Rejected Site Options.

Comment by England & Lyle (Mr Gary Swarbrick)

Comment ID DLP_RSO475

Response Date 19/01/16 13:36

UGS1980

Please add your comment here:

We fully support the LPA's assessment that there is insufficient justification for the designation of the site as urban greenspace.

DLP Rejected Site Options.

Comment by England & Lyle (Mr Gary Swarbrick)

Comment ID DLP_RSO476

Response Date 19/01/16 13:36

MX1924

Please add your comment here:

We welcome the LPA's assessment that there are no insurmountable public health, transport, education, flood risk, environment protection, biodiversity or historic environment constraints to the redevelopment of the site. However, the site has ultimately been rejected as a potential housing allocation due to a perceived open space conflict. It is acknowledged that the southernmost part of the site was last used as allotments, although this use ceased a number of years ago. Notwithstanding this, pre-application advice received from the LPA on 23rd December 2015 (LPA Ref. 2015/20292) confirmed that there are vacant plots on existing allotment sites in the locality and, accordingly, the redevelopment of the site would not lead to an under provision of such open space in the locality and the allocation of the land for mixed use development would be entirely justified in this context.

Furthermore, our client's site comprises of part previously developed land within an established residential area that lies in close proximity of a wide range of shops, community facilities, jobs, key services and public transport infrastructure. Our client's site therefore represents an inherently sustainable location for new housing

development and a pre-application response received from the LPA on 23 rd December 2015 confirmed that the principle of housing development in this location is acceptable. The site is available for redevelopment in the short term and has been subject to previous developer interest and would support the objectives of the emerging Local Plan Strategy & Policies in terms of focusing the majority of new development within urban areas, meeting the objectively assessed need for new housing in the most sustainable locations and maximising opportunities for the development of previously developed land early in the plan period.

In addition, it is proposed that the southern part of the site will accommodate a convenience foodstore and 4 No. A1 / A2 / A3 / A5 units with a gross floorspace of approximately 743 sq.m with previous developer interest in delivering such a scheme. The site lies 70m to the east of the Church Lane Local Centre and is therefore classed as edge-of-centre in retail policy terms. It is considered that the anticipated level and format of the retail floorspace will enhance the range and quality of the retail offer in Newsome and will reduce the need for residents in the immediate locality to travel to more distant centres to meet their day-to-day needs thereby contributing to more sustainable shopping patterns.

It is therefore evident that the retail element of the suggested allocation would strengthen the role of the Church Lane Local Centre, with resultant benefits for existing retail and commercial outlets within the centre. Furthermore, the proposed scale and nature of the units will ensure that they serve a localised catchment area, which will ensure that any future retail development does not give rise to quantifiable trading impacts on higher order centres within the wider area. Our client's site is available now, offers a suitable location for new housing development and is achievable within a period of five years. Furthermore, the site provides an opportunity to strengthen the role of the Church Lane Local Centre through the delivery of retail and commercial units that will meet the day-to-day needs of local residents in the immediate vicinity. We would therefore strongly urge the LPA to reconsider the rejection of the site as a potential mixed use allocation.

DLP Strategies and Policies.

Comment by England & Lyle (Mr Gary Swarbrick)

Comment ID DLP_SP267

Response Date 19/01/16 13:37

Please add your comments here:

Our client is broadly in support of the overall vision of what Kirklees will look like in 2031 and, in particular, the aspect of the vision relating to the delivery of development in a sustainable way making efficient and effective use of land and buildings. In addition, our client would fully endorse the stated aim of providing a mix of high quality housing by 2031 which offers choice and meets the needs of all communities, as well as the objective of providing people with access to a range of local facilities. The mixed use allocation of our client's land east of Naomi Road, Newsome would support the stated vision for Kirklees through the redevelopment of previously developed land within the main urban area to deliver high quality housing and new retail and commercial units that will meet the day-to-day needs of local residents in the immediate vicinity.

DLP Strategies and Policies.

Comment by England & Lyle (Mr Gary Swarbrick)

Comment ID DLP_SP269

Response Date 19/01/16 13:37

Please add your comments here:

Our client is entirely supportive of focusing the majority of new development within urban areas in order to take advantage of existing high levels of accessibility, with the largest amount of new development located in Huddersfield and Dewsbury. Furthermore, our client would support a focus on new retail development within town centres and identified mixed use allocations where consistent with national policy. Our client also welcomes the commitment outlined within Policy DLP2 towards ensuring that opportunities for development on brownfield land are realised early in the plan period. It is evident that the mixed use allocation of our client's land east of Naomi Road, Newsome would support the locational strategy outlined within emerging Policy DLP2 through the redevelopment of previously developed land within the main urban area of Huddersfield to deliver high quality housing and new retail and commercial units that will meet the day-to-day needs of local residents in the immediate vicinity.

DLP Strategies and Policies.

Comment by England & Lyle (Mr Gary Swarbrick)

Comment ID DLP_SP270

Response Date 19/01/16 13:37

Policy DLP 6

Efficient and effective use of land and buildings ([View](#))

Our client welcomes the objectives of Policy DLP6, which seek to give priority to the efficient use of previously developed land and buildings in the most sustainable location, provided it is not of high environmental value, which is consistent with the approach outlined at Paragraph 111 of the NPPF.

APPENDIX 2

Kirklees Council Publication Stage Representation Form

A submission was made by Martin Devey FRICS and submitted on 16 December 2016 under the following heading:

1. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

As requested the contents of the submission have not been reproduced in this statement as the document will already be contained in the Local Plan Examination Library.

APPENDIX 3

The reasons given for the site options rejections:

Land at the junction of Newsome Road/Hart Street, Newsome.

UGS 1980 - Site includes two mill tanks and area of former allotments now unused. Insufficient justification for designation of the site as urban green space.

MX1924 - The LPA's assessment is that there are no insurmountable public health, transport, education, flood risk, environment protection, biodiversity or historic environment constraints to the redevelopment of the site. The site has been rejected as a potential housing allocation due to a perceived open space conflict.²

² England & Lyle - DLP Rejected Site Options - January 2016

APPENDIX 4

Publication Draft Kirklees Local Plan Sustainability Appraisal Report - Conclusions

MX1924: Residential and retail use (not allocated in the Publication Draft Local Plan)
Prepared by LUC - October 2016

SA Objectives	SA Score	Justification
1: Increase the number and range of employment opportunities available for local people, and ensure that they are accessible.	++	This is a mixed use site which would incorporate both employment (although it recognised that as the employment would be generated by retail uses, the number of jobs created may be relatively limited) and residential development; therefore a significant positive effect is likely.
2. Achieve an economy better capable of growth through increasing investment, innovation and Entrepreneurship.	+	This site would incorporate employment provision (although it recognised that as the employment would be generated by retail uses, the number of jobs created may be relatively limited); therefore a minor positive effect is likely.
3. Ensure education facilities are available to all.	++	This site would incorporate residential development. This site is within 6-10 minutes travel time of a primary school and 11–15 minutes travel time of a secondary school. It is also within 5 minutes travel time of a further education institute. Overall the site is therefore most likely to have a significant positive effect.
4. Improve the health of local people and ensure that they can access the health and social care they need.	++	This site would incorporate residential development. This site is within 5 minutes travel time of a GP and within 21-25 minutes travel time of a hospital; therefore a significant positive effect is likely. The site is not within or adjacent to an AQMA.
5. Protect local amenity including avoiding noise and light pollution.	-	The site is surrounded by existing residential properties in close proximity to the site, and these residents could experience noise and light pollution during construction of the site. Therefore a significant negative effect on this SA objective is considered likely.
6. Retain and enhance access to local services and facilities.	++	This site would incorporate retail development as well as financial and professional services, restaurants and cafés and hot food takeaways and therefore would result in the provision of new services and facilities so a significant positive effect is likely.
7. Make our communities safer by reducing crime, antisocial behaviour and the fear of crime.	0	Issues will not be influenced by the location of development (rather they will be determined through the detailed proposals for each site) and so the effects of all of the potential mixed use sites on this SA objective will be negligible.
8. Protect and enhance existing and support the	++/--?	This site includes an area of semi-natural and natural greenspace and an area of 'other' open space which could both be lost as a result of mixed use

<p>provision of new recreation facilities and areas of open space and encourage their usage.</p>		<p>development.</p> <p>However, there are a number of other facilities within close proximity that could be used by residents - within 280m north of the site are two areas of amenity greenspace, an area of school grounds and playing fields and an area of semi-natural natural greenspace. In addition, within 515m west of the site are six areas of semi-natural and natural greenspace, allotments, two areas of amenity greenspace, an area of amenity greenspace and a private bowling green. Within 440m south of the site are an area of school grounds and playing fields, a cricket ground and a park and gardens which contain two children's play areas.</p> <p>To the east of the site within 570m are allotments, a park and garden, an area of amenity greenspace which contains a children's play area and two areas of semi-natural and natural greenspace.</p> <p>There is also a number of PRow footpaths are within 600m surrounding the site.</p> <p>Therefore a mixed (significant positive and potential significant negative) effect is likely.</p>
<p>9. Ensure all people are able to live in a decent home which meets their needs.</p>	<p>+</p>	<p>This site is relatively small (0.66ha); therefore a minor positive effect is likely. However, this is uncertain depending on how much of the mixed use development is residential as opposed to employment development.</p>
<p>10. Secure an effective and safe transport network which encourages people to make use of sustainable and active modes of transport.</p>	<p>++/+</p>	<p>In the accessibility heat mapping work that was undertaken for Kirklees Council, this site was classed as entirely 'green' in terms of its access in all of the eight features assessed. Therefore, a significant positive effect is likely. In addition, the site would incorporate employment development (although it recognised that as the employment would be generated by retail uses, the number of jobs created may be relatively limited) and the heat mapping work also showed that 20,020 people (aged 16-64) would be able to access this site via sustainable transport within 20 minutes, meaning the significant positive effect previously identified is likely to be combined with a minor positive effect. As such an overall mixed effect is expected on this SA objective.</p> <p>Co-locating residential and retail development, within the site may also mean that there are good opportunities for people to live and work in close proximity and therefore to commute on foot.</p>
<p>11. Secure the efficient and prudent use of land.</p>	<p>-</p>	<p>This is a relatively small site (0.66ha) and is on greenfield land; therefore a minor negative effect on this SA objective is likely. The site is not within an area of high quality agricultural land (the land is classed as urban).</p>
<p>12. Protect and enhance the character of Kirklees and the quality of the landscape and townscape.</p>	<p>-?</p>	<p>The site lies in an area classed as 'urban' in the 2015 Landscape Character Assessment for Kirklees.</p>
<p>13. Conserve and enhance the historic environment, heritage assets and their settings.</p>	<p>0?</p>	<p>Historic England has rated this site as 'green' in terms of the potential for effects on the historic environment, meaning that it considers that the development of the site is unlikely to result in harm to any designated heritage asset. The effect on this SA objective is therefore likely to be negligible although this is uncertain as the potential for effects on cultural heritage assets will depend on the exact scale, design and layout of the new development and opportunities may exist to enhance the setting of heritage features.</p>
<p>14. Maximise opportunities to protect and enhance biodiversity and geodiversity.</p>	<p>-?</p>	<p>Given that there may be opportunities to promote habitat connectivity through the inclusion of green infrastructure with any development the effect is noted to be uncertain.</p>

15. Reduce air, water and soil pollution.	0	This site is not within an AQMA; therefore a negligible effect on this SA objective is likely.
16. Prevent inappropriate new development in flood risk areas and ensure development does not contribute to increased flood risk for existing property and people.	-	This site is on greenfield land and outside of flood zones 2 and 3; therefore a minor negative effect is likely.
17. Increase prevention, reuse, recovery and recycling of waste close to source.	-	Where mixed use development is proposed on brownfield land, there may be good opportunities for using existing buildings and materials although this is uncertain depending on the previous use of the site.
18. Increase efficiency in water, energy and raw material use.	0	All mixed development will result in the increased consumption of minerals for construction but this will not be influenced by the location of mixed use sites. Therefore, all sites will have a negligible effect on this SA objective.
19. Reduce the contribution that the district makes to climate change.	++/+	In the accessibility heat mapping work that was undertaken for Kirklees Council, this site was classed as entirely 'green' in terms of its access in all eight of the eight features assessed. Therefore, a significant positive effect is likely. In addition, this site would incorporate employment development (although it recognised that as the employment would be generated by retail uses, the number of jobs created may be relatively limited) and the heat mapping has also shown that 20,020 people (aged 16-64) would be able to access this site via sustainable transport within 20 minutes, meaning the significant positive effect previously identified is likely to be combined with a minor positive effect. As such an overall mixed effect is expected on this SA objective. The co-location of residential and retail development may have further positive effects for reducing the number of car journeys undertaken and the associated emissions.

Summary of SA findings: Potential significant positive effects were identified for this site in relation to SA objectives 1: employment, 3: education, 4: healthcare facilities, 6: local services and facilities, 8: leisure and recreation (part of a mixed effect), 10: sustainable transport (part of a mixed effect) and 19: climate change (part of a mixed effect). Potential significant negative effects were identified in relation to SA objectives 5: amenity and 8: leisure and recreation (part of a mixed effect).

These issues will need to be considered further in terms of mitigation and/or enhancement, which may be achieved through Local Plan policies.